



Legal
Aid For
Tasmanians

Stage of Matter Consultation Summary Report

Tasmania Legal Aid is modernising grants of aid for summary criminal cases. The current process is time consuming and administrative heavy. TLA proposes to move to a stage of matter system which will be easier to use.

TLA consulted with stakeholders who might be affected by such a change. These consultations occurred between November 2021 and January 2022. These initial consultations occurred prior to the new fee schedule being developed and was designed to gather feedback about the current grants system and stage of matter systems generally.

Who we spoke with

We met with members of TLA's staff; including Grants Officers, the Grants Support Officer, Criminal Practitioners, and support staff. We also met with private practitioners in each region of the State, The Criminal Law Committee of the Law Society, and the Tasmanian Aboriginal Legal Service. We convened an expert reference group made up of delegates from the Law Society, Tasmanian Bar and Tasmanian Police. We also got feedback from the Magistrates' Court of Tasmania.

What we heard about the current system

Key themes in the feedback we received were that:

- the system was slow, particularly in the last six months;
- it created unnecessary administrative burden for practitioners and their staff. The requirement to apply for aid regularly throughout a matter caused significant administrative work, particularly if TLA needed to be contacted about a problem with an application. One practitioner noted that "coming back to grants for every remand appearance takes a long time."

Practitioners also observed that the current system was complex, and it was not always obvious what work would attract a grant of aid. This led to a perception amongst some practitioners that those who know the system well would receive more funding than those who don't. Practitioners liked that the current system allowed for flexibility to handle complex matters or matters with new complaints added during the life of the original grant.

Support for a Stage of Matter structure

There was strong support for the adoption of a stage of matter system. The most common benefit identified was a reduction in administration, for practitioners and TLA, and a reduction in approval time. One senior practitioner said they "very strongly support a move to a stage of matter system, it is the obvious next evolution of the grants system".

Similarly, positive feedback was received about having funding certainty – with practitioners knowing how much they will receive for each stage in the proceedings without having to apply for aid numerous times. There were no major objections to TLA adopting a stage of matter system. Understandably, some practitioners wanted to see a draft fee schedule before commenting further. Others wanted more detail about what might happen when a client with a current grant is charged with new offences.

A concern was raised as to whether the move would result in a delay in payments if practitioners were required to wait until the end of a stage before submitting an invoice.

Next steps

The feedback indicated overwhelming support for the move to a stage of matter system. It also provided valuable information to help guide the development of the system. This includes the need for it to be simple to understand, easy to use, reduce the administrative burden and be consistent.

We will now start to develop a state of matter system that will be circulated for comment.