

Dear Colleagues

I am writing to you as a fellow duty lawyer.

For the past 2-3 years, I have been advocating for an inflation-adjusted pay rate. Apart from the 17% increase we have received from the Legal Services Commissioner (not from the Government), which equated to less than 1% pa, we are still on the rate of \$103 ph + GST.

I'm sure you will agree that this is inadequate, given the nature of our work, our value to the Courts, and what other legal aid counsel are receiving.

Up until now, negotiations with the Government have proved fruitless. Duty lawyers' pay rates have never been included in any Government budget, unlike other legal aid providers.

Currently there is a review of the duty lawyer scheme being conducted with Tracey Baguley, Legal Services Commissioner. Industrial action is anticipated depending on the outcome of that review. Such action needs to be organised now, so that pressure is put on the review committee to come up with a reasonable increase in our hourly rate.

On 4 March this year, I put a remit to the AGM of the CBA, which read:

"That the CBA will support and assist duty lawyers in their quest for an inflation-adjusted pay rate, including the taking of industrial action if necessary to achieve this goal."

The remit was passed with a large majority.

The CBA commissioned two reports from Rodney Harrison KC to look at duty lawyer contracts and to advise on what industrial action we can safely take without being in breach of our contracts. The conclusion, inter alia, is that we can make ourselves unavailable for duty prior to a roster being finalised without compromising our contracts.

This is the "industrial action" I am proposing and, with your support, I believe this would put real pressure on the Government to take our quest for a reasonable pay rate seriously.

However, for this to be effective, we will need widespread support from you all. Taking this action will always be voluntary, but the more of us who take it, the more effective it will be.

The proposal is that we make ourselves unavailable for one week of the roster later this year, either in October or November, depending on when the roster period starts/ends.

In the meantime, I intend to gather support from others, including the Judiciary, NZLS, The Law Association, etc. It is hoped that the planned action will not be necessary but, without the threat of such action, the Government will continue to overlook us and expect us to continue with our inadequate pay rate.

I would welcome feedback from you to let me know if you support my proposal of industrial action and any views you may have on the issue of our pay rate?

You can email me on dansleynz@gmail.com.

I look forward to hearing from you.

Warm regards

Dennis Ansley
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