

ANNEX: EXAMPLES OF ABUSES OF CRIMINAL LEGAL AID IN OTHER JURISDICTIONS

1. This annex provides an overview of cases of abuse of criminal legal aid in the United Kingdom (UK) and New Zealand. Examples are drawn from previous speeches delivered by the Minister of Law.

United Kingdom

Escalating Costs

2. Since 2012, the UK government had to cut back on their criminal legal aid funding, and implement drastic cuts to legal aid budgets as costs had ballooned to more than half of its annual £2 billion legal aid bill. These changes were opposed by the legal industry.

Steep Legal Aid Fees

3. Large legal aid fees have also caused public unhappiness, especially in cases where legal aid was spent on lengthy trials for defendants who were ultimately convicted.

4. Three men were accused of the murder of policeman Andrew Harper when they tried to evade arrest. Their trial cost the UK taxpayer S\$817,000 in legal aid fees in 2008. The men were convicted of manslaughter.¹

¹ 28 August 2020, BBC News, "PC Harper widow horrified at killers' reported GBP465K legal aid costs".

5. Another case was that of Ben Butler and his partner Jennie Gray, who were convicted of murdering Butler's six-year-old daughter. Both were granted nearly S\$2.64 million in legal aid expenses over 15 years.²

Rich Defendants who Received Aid

6. In the UK, there are also examples of abuse involving rich defendants who received legal aid as their assets were frozen. They could have funded their own defence as the state did not manage to seize all their assets.

7. Around 50 defendants with more than S\$1.76 million in illegally obtained assets were found to have received legal aid in 2012. One of these was Virendra Rastogi, a London metals trading tycoon, who owned a S\$10.55 million home and arrived in court every day in a chauffeur-driven car – he received S\$8.79 million worth of criminal legal aid.³

New Zealand

Escalating Costs

8. Legal aid expenditure in New Zealand rose from about NZ\$111 million in 2006/7 to NZ\$173 million by 2009/10, an increase of nearly 56%.⁴

9. The Government had to tighten the scheme by proposing to adopt numerous measures⁵:

- a. Paying lawyers a fixed fee rather than an hourly rate for criminal legal aid cases;

² 6 August 2016, The Guardian, "Anger over legal aid bill for Ellie Butler's parents".

³ 26 November 2012, BBC News, "Rich crooks net vast legal aid sums".

⁴ 9 October 2012, Stuff New Zealand, "Collins softens legal aid reforms".

⁵ 13 April 2011, Official Website of New Zealand Government, "Proposals to tackle unaffordable growth in legal aid".

- b. Not allowing defendants to choose their lawyers; and
- c. Introducing user charges for family and civil cases.

10. There was pushback against these proposals, and some had to be watered down. New Zealand's legal aid expenditure remained at about NZ\$150 million, for payments made to lawyers, law firms and the Public Defence Service.

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