

Struggling to Make Ends Meet:

Minimum Wages for Articled Clerks



By Eleni Tsotsos, Legal Practice Board, Rebecca Ansemi, Middletons and Felicity Cara-Carson, Meerkin & Apel

The wider public's notion that all lawyers are well remunerated is a far cry from reality. Although articled clerks in a top or second tier firm can earn between \$40,000 - \$55,000 p.a.¹, not all law graduates are able to secure articles in medium or large sized firms. With the number of articles positions offered in decline, the number of law graduates who will be undertaking articles with smaller firms may well increase². Unfortunately, many smaller law firms or sole practitioners can only afford to pay an articled clerk the minimum legal requirement.

In Victoria, the minimum wage for articled clerks is prescribed by the Property and Business Services Industry Sector Award³. The wage increased as of 1 August 2003 from \$431.30 to \$448.40 per week⁴. This effectively translates to a gross annual salary of \$23,316.80.

Research conducted by members of the Young Lawyers' Professional Development Committee reveals that not only are articled clerks in Victoria paid less than some of their counter-

parts in other industries within Victoria, but they are also on the lower end of the scale in comparison with their colleagues in other States.

Table 1 (see below) illustrates the rates of pay for various professions covered by the same award, effective August 2003.⁵

The award wage for articled clerks is low, particularly when one considers that a straight law degree at undergraduate level is of four years duration on a full-time basis⁶.

In comparison, under the Health and Community Services Industry Sector Award⁷, dentistry graduates can expect to earn a minimum of \$780.90 per week (\$40,606.80 gross p.a.) after studying full time for five years⁸, whilst dieticians and pharmacists of comparable experience and qualifications can expect to earn \$636.88 per week (\$33,117.76 p.a.)⁹.

How, then, do Victorian articled clerks compare with their interstate colleagues?¹⁰ Current

minimum rates of pay for articled clerks are illustrated in Table 2 (see below).

The Queensland Young Lawyers recently lobbied successfully for an increase in minimum wages for articled clerks¹¹.

The Victorian Young Lawyers' Section is not considering lobbying for any changes, as it is possible that fewer clerkships would be offered as a result of an increase in wages, particularly in light of the current economic market. Further, in May this year the Victorian State Government passed the *Federal Awards (Uniform System) Act 2003* (Vic). This legislation allows for 'common rule' awards to be made whereby existing applicable Federal Awards can be applied to non-Award employees and employers in a particular industry. It is anticipated that the entitlements of articled clerks, such as their base wages, are likely to be increased as a result of this legislation. However, the overall effect of this legislation remains to be seen. ■

TABLE 1

Profession	Minimum Weekly Wage	Minimum Annual Salary
Architecture graduate (performing relevant work towards registration as an architect)	\$547.58	\$28,474.16
Clerical assistant, filing and deeds clerk, law and account clerks, pest controller, graduate accountant	\$497.04	\$25,846.08
Security guard, mobile patrol person, cleaner, building attendant, forklift driver.	\$487.54	\$25,352.08
Articled clerk	\$448.40	\$23,316.80

TABLE 2

State	Duration of Articles	Minimum Weekly Wage	Minimum Annual Salary
Northern Territory	12 months		Negotiated with employer on an individual basis
Queensland	2 years	Year 1 \$473.10	\$24,601.20 \$27,102.20*
		Year 2 \$506.50	\$26,338.00 \$28,838.00*
Victoria	12 months	\$448.40	\$23,316.80
Western Australia	12 months	\$448.40	\$23,316.80

* Includes a graduate loading of \$2,500.00 for holders of accredited law degrees.

1 See www.linkrecruitment.com.au, and www.michaelpage.com.au.

2 Josh Massoud, "Articled clerks told to get out of town", *Lawyers Weekly* (Sydney), Issue 148, 20 June 2003, 1.

3 AW793164 - Property and Business Services Industry Sector - Minimum Wage Order - Victoria 1997. This award also covers industries such as property operators and/or developers, real estate agents, computer services and marketing.

4 For details on how award increases are determined, see www.airc.gov.au/fullbench/statement_2003.htm.

5 All calculations are based on a 7.6 hour days and a 5-day week.

6 See www.unimelb.edu.au/HB/facs/LAW-S11525.html, www.law.monash.edu.au/undergraduate/lib.html, www.law.deakin.edu.au, www.latrobe.edu.au/law/ugrad.html.

7 AW784047 - Health and Community Services Industry Sector - Minimum Wage Order - Victoria 1997, as of 1 August 2003.

8 Details of requirements for becoming a dentist can be found at www.adavb.com.au.

9 Based on a four year degree or recognised equivalent whose qualification is a pre-requisite for the performance of their duties, as per Health and Community Services Industry Sector Award AW784047, above.

10 Other than Victoria, articles of clerkship are compulsory in Western Australia and the Northern Territory and optional in Queensland, where the alternative is a course of practical training. New South Wales, South Australia, Tasmania and the ACT also have practical training courses, some as short as 6 months' duration.

11 "Vic article clerk wage rise mooted", *Lawyers Weekly* (Sydney), Issue 143, 16 May 2003, 1.

For an article on the difficulties of finding articled clerkships, go to: www.liv.ans.au/sections/younglawyers/miscdocs/articledclerk.pdf