



## Briefs of Evidence – Commonwealth Nexus

**Last Updated: 19 September 2012**

Briefs are only to be accepted on behalf of the CDPP where there is both the necessary Commonwealth connection and the matter is one of Commonwealth concern.

Accordingly, case officers are required to carry out a critical, initial assessment of the brief as to whether the CDPP should accept the referral because it is a matter of Commonwealth concern. In doing so, the case officer should be mindful of Commonwealth law enforcement priorities.

For example, a brief may disclose potential Commonwealth and State charges but may be more appropriately dealt with by State authorities. This assessment will be made with joint trial arrangements in mind. The case officer should critically assess whether it is appropriate for the CDPP, rather than State or Territory authorities, should have the carriage of State or Territory offences. It may be more appropriate for State authorities to have carriage of Commonwealth matters until after the committal stage where the Joint Trial arrangements govern the issue.

That a Commonwealth offence might potentially be disclosed is not determinative that the CDPP should have carriage of the matter.

Where it is apparent at a later stage that a matter lacks the necessary Commonwealth concern the matter should be referred to the appropriate State or Territory authority.

Matters where the case officer proposes that the referral of the brief should not be accepted should be referred to Branch Heads for final decision. In finely balanced matters or matters which are potentially sensitive, the matter should be referred to the Deputy for decision.

If the brief has been referred by a State authority, the case officer should also consider the guideline on Referrals by State Police.