



## Referrals by State or Territory Police

**Last Updated: 19 September 2012**

There should be a critical initial assessment by the case officer of briefs of evidence referred by State or Territory police as to whether a brief should be accepted, whether or not Commonwealth offences are potentially disclosed.

Ordinarily, the prosecution of matters investigated by State or Territory authorities should be the responsibility of State or Territory authorities rather than the CDPP whether State or Commonwealth offences are potentially involved.

There may, however, be instances where the matter is of sufficient Commonwealth nexus and concern that the CDPP should accept the referral. Factors which may be useful to consider in determining whether the matter is of sufficient Commonwealth nexus and concern for the CDPP to accept the referral include:

- The seriousness of the offending and whether that demonstrates a stronger Commonwealth concern;
- The availability of State offences which cover the conduct;
- Whether the Commonwealth has covered the field in relation to that offending (for example, the Commonwealth has explicitly not covered the field in relation to the telecommunication offences in Part 10.6 of the Code, see section 475.1);
- The availability of other State mechanisms to deal with the conduct, such as restraining orders.

Matters proposed to be accepted should be referred to Branch Heads for decision. In finely balanced matters or matters which are potentially sensitive, the matter should be referred to the Deputy for decision.