



The Commonwealth Director of Public Prosecutions (CDPP) has a national External Junior Counsel Panel and invites counsel from the junior bar to apply to join the Panel.

The CDPP receives briefs of evidence from 40 Commonwealth investigative agencies and 20 state and territory agencies. The CDPP manages its legal matters through its national practice group model and has six National Practice Groups dedicated to prosecuting categories of crime and supporting partner agencies in their investigations.

					
<b>Commercial, Financial and Corruption</b>	<b>Revenue and Benefits Fraud</b>	<b>International Assistance and Specialist Agencies</b>	<b>Organised Crime and Counter-Terrorism</b>	<b>Illegal Imports and Exports</b>	<b>Human Exploitation and Border Protection</b>

## Working with external counsel

The CDPP often engages counsel to support some of the litigation work conducted by the Office.

An External Junior Counsel Panel was established in 2016. This approach allows the CDPP to increase the number of junior counsel briefed, improve gender equity in our briefing practices and create a quick and easy application process for members seeking to work with the CDPP.

## About the Panel

The Panel is a list of advocates from the junior bar available for briefing by the Office, having been selected through an application process. Successful applicants will join the existing panel. Readers may apply, provided that they are eligible under the conditions of their readership (with or without supervision) to accept briefs. The Panel does not apply to Senior Counsel and the engagement of Senior Counsel will not be by way of a Panel.

## Counsel levels

There are two levels within the Panel depending on the period that counsel have been at the bar. For readers, the operative date will be the date from which they are eligible to accept briefs.

<b>LEVEL 1</b>	Barristers who have been at the bar for up to 3 years
<b>LEVEL 2</b>	Barristers who have been at the bar for 3 years or more

Counsel will transition from Level 1 to Level 2 after 3 years at the bar, which will also mean an automatic fee increase to the lowest fee payable for a Level 2 barrister. The process will be that the new fee of \$1,100 will be set at the time of the next brief from the CDPP following counsel's 3rd anniversary at the bar.

The fee range guide for both levels is set out on page three of this document. This is a general guide only, and it is within the CDPP's discretion to set appropriate fees based on experience and performance.

The CDPP will review counsel's fees on a biennial basis, with the first review commencing 2 years from the commencement of the Panel. The biennial review will apply to counsel who have been briefed by the CDPP in the preceding two years.

## How to apply

There is one application form for both levels, however applicants must address different selection criteria depending on the level applied for. Applicants will also need to nominate two professional referees (not CDPP staff). Applicants will not be interviewed, rather they will be assessed on their written application and experience.

Existing Panel members can update their experience, highlight recent achievements and update any other details by completing the Existing Counsel member update details form.

## The selection process

A CDPP selection committee of senior lawyers consider applications and may consult referees.

The selection committee may consult other people, internal and/or external to the CDPP, beyond the professional referees listed by the applicant.

Inclusion on the Panel does not guarantee work from the CDPP. In some circumstances, the CDPP may brief counsel who is not a member of the Panel.

## Monitoring performance

Performance of Panel members engaged by the CDPP will be reviewed internally by relevant CDPP staff.

## For more information

For more information, please email [counselpanel@cdpp.gov.au](mailto:counselpanel@cdpp.gov.au).

## Fee Range Guide

Classification	Indicia of experience	Fee Range Guide (Incl. GST) Maximum daily rate <sup>[1]</sup>
Level 1	<ul style="list-style-type: none"> <li>&gt; 0 - 3 years at the Bar.</li> <li>&gt; Limited or no experience as an advocate prior to joining the Bar.</li> <li>&gt; Unlikely to have run a jury trial alone as counsel in the District or County Court.</li> <li>&gt; Suitable for more complex summary work, less complicated jury trials or as junior counsel to a leader in a trial or appeal where a second counsel is required for analysis of the law or evidence.</li> </ul>	\$800 – \$1,100
Level 2	<ul style="list-style-type: none"> <li>&gt; 3 years or more at the Bar.</li> <li>&gt; In some circumstances, although counsel may have less than 3 years' experience, s/he may have come to the Bar with prior relevant advocacy experience overseas or as an in-house advocate with CDPP, Legal Aid, defence law firm or State or Territory DPP.</li> <li>&gt; Similarly counsel may lack years at the bar but possess specialist technical expertise in a non-criminal area which makes them more valuable for a particular class of work – e.g. specialist qualifications in forensic accounting.</li> <li>&gt; The less experienced counsel within this level would normally have run jury trials alone as counsel or may have a growing reputation as a hard-working and effective junior counsel in appeals. They would be able to conduct less complex District or County Court trials or less complex appeals – perhaps more against sentence than conviction.</li> <li>&gt; More experienced counsel within this level would be able to conduct more complex District or County Court trials or more complex appeals.</li> <li>&gt; The most experienced counsel within this level would be capable of appearing as lead counsel in the most complex jury trials and appeals.</li> </ul>	\$1,100 – \$2,200

Short appearances in the nature of mentions, directions, taking sentence, taking judgment, which typically take an hour or less, will be paid on a flat fee basis of \$250 for junior counsel.

The hourly fee for preparation is calculated as one-seventh of the daily fee, which is capped at the daily appearance fee rate.

[1] Preparation is paid at the applicable daily rate and is determined in advance by the Office.

# Selection Criteria for CDPP External Junior Counsel Panel 2018–2020



Your application relates to the remaining two years of the current four year counsel term, concluding December 2020.

## Level 1

1. Level 1 is open to appropriately qualified barristers who have been at the bar for 0-3 years.

### Advocacy experience >>>

2. The ability to conduct advocacy in all Local/Magistrates' Court prosecutions, District/County Court sentences, committals for sentence, and less complicated District/County Court trials. For the purposes of the application form, prior advocacy experience in relation to this level can include court work, pro bono work, mooting, debating or public speaking.
3. Understanding of evidential and criminal procedure rules.
4. Understanding of substantive Commonwealth criminal law.

### Advisory/written work >>>

5. Ability to present clear and succinct written arguments, citing relevant authorities.
6. Ability to undertake advisory work in less complicated Commonwealth matters in a timely manner.
7. Knowledge of law and procedure relevant to Commonwealth prosecution work.

### Appreciation of the role of a CDPP external advocate >>>

8. Familiarity with the *Prosecution Policy of the Commonwealth*.
9. An understanding of the role and ethical standards required of a prosecutor, including, but not limited to, familiarity with the Barristers Rules for the relevant States or Territories in which an application is made.
10. An understanding of the professional relationship between the advocate, CDPP and informant (e.g. Australian Federal Police, Australian Securities and Investments Commission, etc.) and proven capacity to work effectively with other members of a litigation team with each member of that team having a distinct role.
11. Familiarity with the *CDPP Victims of Crime Policy*.

### Other relevant knowledge, skills and experience >>>

12. Applicants should outline any prior experience they have working on e-trials or with e-briefs, and their interest and/or ability to work with e-briefs.
13. Applicants should outline any other knowledge, skills or experience regarded by them as relevant to their suitability to be briefed by the CDPP. This could include, among other things:
  - a. Relevant defence work
  - b. Relevant voluntary / pro bono work
  - c. Knowledge and experience gained prior to becoming a barrister.

### Professional referees >>>

14. Applicants are requested to nominate two professional referees who can be contacted in relation to their skills and experience, and their suitability to conduct prosecution work. This may be a tutor, head of chambers, or other relevant person who can comment on the applicant's advocacy ability. Applicants may not include a CDPP employee as a referee.

# Selection Criteria for CDPP External Junior Counsel Panel 2018–2020



Your application relates to the remaining two years of the current four year counsel term, concluding December 2020.

## Level 2

1. Level 2 is open to appropriately qualified barristers who have been at the bar for at least three years.

### Advocacy experience

2. Trial advocacy skills to conduct jury trials (including opening, closing, taking witnesses and legal argument), and appeals.
3. Ability to deal with complicating factors as they arise, such as presenting complex expert evidence, or difficult questions of law and fact.
4. Ability to undertake prosecutions in more complex matters, including trials with multiple defendants, and numerous witnesses.

### Advisory/written work

5. Ability to present proficient written submissions to a high standard.
6. Ability to assimilate the relevance of evidence quickly, including when working with voluminous and complex briefs of evidence.
7. Ability to undertake advisory work in more complicated Commonwealth matters in a timely manner.
8. Knowledge of law and procedure relevant to Commonwealth prosecution work.

### Appreciation of the role of a CDPP external advocate

9. Familiarity with, and understanding of, the *Prosecution Policy of the Commonwealth*.
10. Sound understanding of the role and ethical standards required of a prosecutor, including, but not limited to, familiarity with the Barristers Rules for the relevant States or Territories in which an application is made.
11. Demonstrated understanding of the professional relationship between the advocate, CDPP and informant (e.g. Australian Federal Police, Australian Securities and Investments Commission, etc.) and proven capacity to work effectively with other members of a prosecution team with each member of that team having a distinct role.
12. Understanding of the *CDPP Victims of Crime Policy*, and appreciation of the requirements when speaking with victims and witnesses.

### Other relevant knowledge, skills and experience

13. Applicants should outline any prior experience they have working on e-trials or with e-briefs, and their interest and/or ability to work with e-briefs.
14. Applicants should outline any other knowledge, skills or experience that they think is relevant to their suitability to be briefed by the CDPP. This could include, among other things:
  - a. Relevant defence work
  - b. Relevant voluntary / pro bono work
  - c. Knowledge and experience gained prior to becoming a barrister.

### Professional referees

15. Applicants are requested to nominate two professional referees who can be contacted in relation to their skills and experience and their suitability to conduct prosecution work. Applicants may not include a CDPP employee as a referee.