



The Office of the Director of Public Prosecutions (Cth) (CDPP) applies a two-stage process when first setting a daily fee for counsel:

1. Determine counsel's applicable level by reference to both the indicia of experience and expected capabilities set out for each level below.
2. Determine counsel's fee by using the base of the applicable fee range as a starting point (where a range is provided) and having regard to counsel's demonstrated expertise (experience, capability and proficiency) in advocacy and Commonwealth criminal law.

Where a fee is set (either where counsel becomes eligible for automatic progression on a certain date or as a result of the biennial counsel fee review process), any new fee will only apply to new briefings.

Junior Counsel Level	Indicia of experience	Expected capability	Fee range (incl GST)
JC1 (Less experienced)	<ul style="list-style-type: none"> • Less than two years' experience at the private Bar. • Limited or no experience as a trial advocate prior to joining the private Bar. 	Ability to: <ul style="list-style-type: none"> • appear in more complex summary matters; • appear in more complex sentence and bail application proceedings; • provide advice in prosecutions; and/or • appear or assist as junior counsel (led) in a trial or appeal where additional counsel is required for more routine analysis of the law or evidence. 	\$1,100
<i>Counsel will automatically progress to Level JC2 at the end of their second year at the private Bar. A new fee of \$1,400 will apply to any new briefings.</i>			
JC2 (Experienced)	Two to four years' experience at the private Bar. Alternatively, counsel may have: <ul style="list-style-type: none"> • significant prior relevant advocacy experience (comparable to the private Bar) including: <ul style="list-style-type: none"> ○ in an equivalent role overseas; ○ as a specialist solicitor advocate / in-house counsel conducting oral advocacy in jury trials at a DPP, Legal Aid or criminal defence firm; or ○ as counsel assisting a judicial or commission body (where their work involved regular substantive appearance work); or • extensive and demonstrated criminal law experience as a solicitor (at least 10 – 15 years) with directly transferable skills applicable to the role of counsel appearing for the CDPP. 	Demonstrated ability (in addition to the above) to: <ul style="list-style-type: none"> • appear as junior counsel (led) in a more complex trial or appeal where a second counsel may be required for contributing to evidence analysis and other aspects of preparing the trial; • appear unled in straightforward trials; • appear unled on superior court appeals against sentence; and/or • provide advice in complex prosecutions. 	\$1,400
<i>Counsel will automatically progress to Level JC3 at the end of their fourth year at the private Bar. A new fee of \$1,600 will apply to any new briefings and will remain counsel's fee until the next biennial counsel fee review.</i>			
JC3 (More experienced)	Four to eight years' experience at the private Bar. Alternatively, counsel may have: <ul style="list-style-type: none"> • significant prior relevant advocacy experience (comparable to the private Bar – see JC2 above); or • extensive and demonstrated criminal law experience as a solicitor (at least 15 – 20 years) with directly transferable skills applicable to the role of counsel appearing for the CDPP. 	Demonstrated ability (in addition to the above) to: <ul style="list-style-type: none"> • appear unled in complex higher court trials; and/or • appear unled on complex superior court appeals against sentence or more straightforward appeals against conviction. 	\$1,600 – \$1,900
<i>There is no automatic progression from Level JC3 to JC4. Counsel's fee will be reviewed as part of the biennial counsel fee review.</i>			
JC4 (Highly experienced - "senior junior")	Eight or more years' experience at the private Bar. Alternatively, counsel may have significant prior relevant advocacy experience (comparable to the private Bar – see JC2 above).	Demonstrated ability (in addition to the above) to: <ul style="list-style-type: none"> • appear unled in more complex higher court trials and superior court appeals; and • appear as junior counsel to senior counsel in very complex trials or appeals where a second highly experienced counsel is required. 	\$2,000 – \$3,000

Senior Counsel Level	Indicia of experience	Expected capability	Fee range (incl GST)
SC1	Less than three years' experience as senior counsel	Demonstrated ability (in addition to the above) to lead, appear in, and provide advice in relation to highly complex trials and superior court and High Court appeals.	\$3,500 – \$3,800
SC2	Between three and six years' experience as senior counsel		\$3,900 – \$4,400
SC3	Six or more years' experience as senior counsel		\$4,500 – \$5,000

The CDPP may, in exceptional circumstances, engage counsel on the basis that non-criminal law expertise is required in a particular prosecution or prosecution-related proceeding.

Where the CDPP proposes to brief an individual counsel on this basis, the CDPP may also consider that counsel's non-criminal law expertise in determining their appropriate level and fee. Examples of such expertise may include specialist fields within administrative law, commercial law, constitutional law, immunities and privileges, national security, trade practices, and work health and safety.