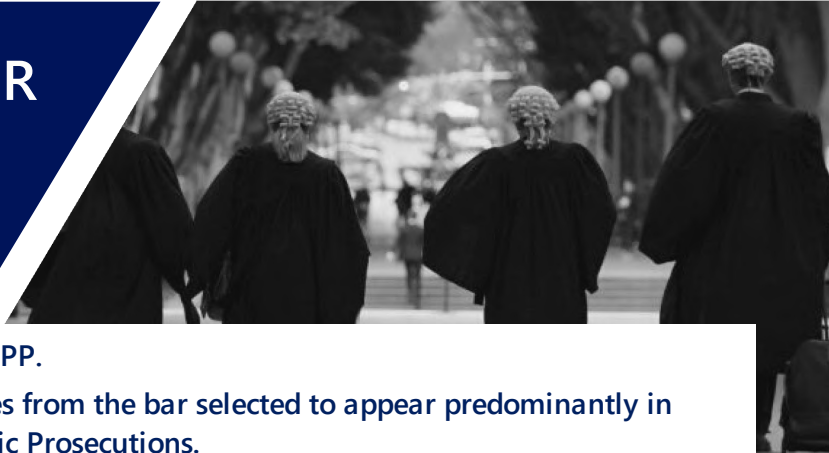


# INFORMATION SHEET FOR ODPP PRIVATE BRIEFING PANEL



Private barristers may apply to be briefed by the ODPP.

The ODPP private briefing panel is a list of advocates from the bar selected to appear predominantly in District Court trials on behalf of the Director of Public Prosecutions.

These advocates do not have the same legal delegation as Crown Prosecutors. They are, however, bound by the Prosecution Guidelines and are required to provide independent, efficient, fair and just prosecution services for the people of NSW.

## HOW TO APPLY

Applicants are invited to email a copy of their application to the Senior Crown Prosecutor at

[SCP@odpp.nsw.gov.au](mailto:SCP@odpp.nsw.gov.au)

Applications should include a copy of the following:

- Up-to-date Curriculum Vitae (maximum 2 pages)
- Letter of Application (maximum 3 pages)
- Completed Registration Form
- An example of written work which you have prepared and has been provided to the Court in criminal or other proceedings (redacted if necessary, due to confidentiality)
- Names and contact details of two nominated professional referees who can be contacted in relation to your skills and experience and your suitability to conduct work for the Office.

Applicants must address the following criteria in their Letter of Application:

- Your demonstrated experience in conducting advocacy in criminal matters, in particular your experience as a Counsel in criminal jury trials.
- At least three recent examples of your conduct in criminal trials which have proceeded to a defended hearing, either for the Defence or for the Crown, including:
  - The details of the nature of the matter
  - The name of your opposing Counsel
  - The Judge presiding
- Your knowledge of NSW criminal laws, the rules of evidence, and the [NSW ODPP Prosecution Guidelines](#).
- In addition/or alternatively, any non-criminal advocacy experience or other experience that may be relevant to your application.

## THE SELECTION PROCESS

Applicants will not be interviewed. They will be assessed on their application and experience.

The ODPP selection committee will consider all suitable applicants and consult referees. The selection committee may consult other people, internal and/or external to the ODPP, beyond the professional referees listed by the applicant.

Applicants will be notified whether or not they are successful in due course.

Successful inclusion on the panel does not guarantee work from the ODPP, and under unusual circumstances the ODPP may be required to brief private counsel who are not members of the panel.

Successful panel members will be engaged by way of formal briefing which will include a detailed letter of engagement that sets out matter details and relevant terms and conditions.

## MONITORING OF PERFORMANCE

Performance of the members of the panel is monitored by relevant ODPP staff.

Members of the panel will be required to complete an Induction session, and additional training may be required to ensure the ODPP is provided with a minimum level of performance.

Feedback will be available to panel members where required.



## FEE SCHEDULE

### *Junior Counsel*

Daily rates for junior counsel will range from \$1,600 to \$2,200 (excl GST) depending on the complexity of the matter. The assessment of case complexity will be determined by the ODPP's Briefing Unit in consultation with the Senior Crown Prosecutor.

Determination of the number of days for preparation will be made at the sole discretion of the ODPP. If Counsel is of the opinion that additional preparation time is required, an application for further funding will be considered.

Local Court appearances where required will be paid at an hourly rate; calculated at 1/8 of the daily rate.

### *Travel Allowance for Regional Sitings*

A daily travel allowance will be paid where there is overnight stay at commercial accommodation at the rate of \$300 per 24 hours (\$12.50 per hour including GST)

A travel diary must be kept recording daily travel expenses.

Airfares to and from sittings as well as taxi fares (and excess baggage if applicable) will be paid upon presentation of receipts.

Mileage is paid at the rate of \$0.66 per kilometre (excluding GST).

## WHAT IS COVERED BY YOUR RETAINER

If you are briefed to conduct a trial on behalf of the NSW DPP, it is expected as part of accepting this retainer that you will:

- Appear at the readiness hearing(s) (if required).
- Prepare the matter for trial, including conferencing the relevant complainants and witnesses.
- Conduct the trial, including any preliminary applications.
- Where you form the view during the preparation of the matter that there should be no further proceedings, prepare a written submission to the Director setting out the relevant evidence and the reasons why you have reached this opinion.
- Where the Defence have made an offer to plead guilty to a lesser charge, prepare a written submission to the Director concerning whether the plea should be accepted. If the plea is accepted you should draft a set of facts.
- Where you are of the view that the charges require amendment or further particulars, prepare and submit a written report to the Director about the proposed amendments to the indictment and the particulars.
- If there is a plea of guilty or a finding of guilt at the trial, you should be available, if required, to appear in the sentence proceedings.

## BOUND BY PROSECUTION GUIDELINES

All non-salaried Crown Prosecutors must conduct trials and hearings in accordance with the [Prosecution Guidelines](#) and the [Code of Conduct](#) of the Office of the Director of Public Prosecutions, NSW.

## FOR MORE INFORMATION

Should you have any enquiries or wish to make changes to your application, please email [SCP@odpp.nsw.gov.au](mailto:SCP@odpp.nsw.gov.au)