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VICTORIA

# •OPP & VICTORIAN BAR•

## SERVICE LEVEL CHARTER 2012

### **Timely Delivery of Briefs**

In the ordinary course of events, the OPP agrees to deliver briefs as follows:

- Plea hearing: a minimum 1-week out from plea date
- Committal hearing: a minimum 2 weeks out from Committal Date
- Trial Hearing: a minimum 5 weeks out from the Opening due date
- Briefs originating from the Serious Sexual Offences and Confiscations Unit: the OPP agrees to deliver in a timely manner subject to the type of hearing and relevant time lines for the filing of necessary documents.

### **Timely delivery of contract to Counsel's Clerk**

In the ordinary course of events, the OPP agrees to prepare and forward contracts for all plea, committal and trial hearings as well as circuits, to the clerk within 48 hours of counsel having been contracted. In all other cases, the contract will be provided contemporaneous to the hearing. All OPP contracts will be in an electronic form and will be e-mailed by OPP Briefings Services to an e-mail address nominated by each clerk. The clerk agrees to print a hard copy of the contract for the purposes of counsel or counsel's representatives later completing the "Payment Claim for Services Delivered" section of the said contract.

### **Acceptance of Service Agreement**

An agreement to service a brief will be deemed to have been accepted by the nominated counsel unless OPP Briefings Services staff are advised otherwise, within one working day of receipt of the contract, via e mail, that nominated counsel cannot service the contract.

### **Prosecution Openings Due Date**

Counsel when accepting a contract to prosecute a trial agrees to draft and forward the prosecution opening to enable the OPP to file by the due date as ordered by the court.

### **Contracted Remuneration Figure**

The total financial remuneration indicated in the contract includes payment for the following services:

- Preparing to prosecute the matter (including legal research and the drafting or settlement of documents required by the court or by legislation).
- Necessary witness conferences
- Discussions with defence including settlement negotiations



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- Appearances at the nominated daily rate and
- Any other service required to prosecute the matter in an efficient, economical and effective manner.

Payment for preparation additional to that nominated in the contract will only be paid by the OPP when the amount has been sanctioned by the Solicitor for Public Prosecutions or his delegate, a member of Briefing Services Staff and it is included as a term of the contract.

Invoices not sanctioned as above will be refused for payment. It will be the responsibility of counsel or counsel's representatives to ensure all such approvals are requested in writing and obtained prior to the commencement of the work that is the subject of the additional claim.

**OPP Briefing Services E-mail Address :**        **opp.briefings@opp.vic.gov.au**

### **Engagement with stakeholders**

Counsel agrees to engage with and confer as necessary with the victim(s), witnesses and Informant prior to the hearing for which they have been contracted.

### **Notification to OPP - re Change to Contracted Hearing Duration**

Counsel or their representatives agree to notify OPP Briefings Services staff by telephone, when a matter is going to run longer than the original contracted period.

This notification must be communicated immediately the hearing over-run is known.

**OPP Briefings Services Telephone: 9603 2523**

Counsel or their representatives agree to notify the OPP Briefings Section, via telephone, should a matter not proceed and advise if counsel is available to accept another OPP brief should one become available. This notification is to be made within 2 hours of the matter being recorded as not proceeding.

**OPP Briefings Services Telephone: 9603 2523**

The Period of Brief on an OPP contract is an estimate. Should the duration result in a period shorter than that stated, on receipt of a request by counsel to opp.briefings@opp.vic.gov.au endeavors will be made by the OPP to re-engage counsel on other matters for the days that remain. Where this has not been possible, Counsel will not be remunerated for days where there has been no appearance.

**OPP Briefings Services Telephone: 9603 2523**

### **Centralised Briefing**

Invoices will only be honored for payment for contracts created by OPP Briefings Services staff.



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## **Requisite Knowledge**

By accepting a brief to prosecute, counsel undertakes to have relevant knowledge of the criminal law including The Evidence Act 2008 and the Criminal Procedure Act 2009 as well as relevant DPP policies. DPP policies on specific subjects arising from a brief are available from the OPP solicitor with carriage of the matter. Prosecution policies and Guidelines are also available on the OPP website at [www.opp.vic.gov.au](http://www.opp.vic.gov.au). In addition Counsel undertakes to have knowledge concerning all relevant legislative policies including the Victims' Charter and Charter for Human Rights and Responsibilities. Counsel agrees to comply with these policies.

## **Service Level Charter Expectations**

The OPP agrees to develop and maintain mechanisms to provide and receive feedback concerning the delivery of the expectations contained in this charter.

## **Contract figure may include appearing on a mention or sentence**

Counsel agrees to appear on behalf of the Director on any mention or sentence as requested which is listed in the court for which they were originally contracted and agrees to so appear as part of the original contracted daily fee for that court.

## **Inability to deliver on Contract**

Counsel or their representatives agree to immediately communicate, via telephone, with the OPP Briefings Unit when counsel cannot deliver services in a matter for which they have been contracted.

**OPP Briefing Services Telephone: (03) 9603 2523**

Counsel or their representatives in addition to the above, agree to communicate in writing to the Briefings Unit notice confirming that a particular contract cannot be serviced, stating the reason.

**OPP Briefing Services E Mail Address: [opp.briefings@opp.vic.gov.au](mailto:opp.briefings@opp.vic.gov.au)**

## **Prosecutor's Committal Report**

In the case of a contract to prosecute a committal, counsel agrees to address the Prosecutor's Report and return this completed documentation with the brief.

## **Counsel Back Sheet**

Counsel agrees to complete the details and result of a hearing using the Counsel Back Sheet, which is attached to the OPP brief.

## **Return of materials to OPP**

On completion of a contract and in the absence of the brief and materials being required by counsel for an adjourned hearing, Counsel or their representative agrees to return by hand



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the brief and associated materials to the Concierge on the ground floor of 565 Lonsdale Street.

All briefs and materials (unless otherwise notified) will be returned within 7 working days of the completion of the contract (subject to the above paragraph).

For briefs originating from the OPP Serious Sexual Offences unit, the brief and materials will be returned to the OPP at 565 Lonsdale Street within 2 working days of the completion of the contract (subject to the first paragraph).

### **Accommodation Fees - Circuit**

For one-day hearings at Geelong accommodation fees will not be paid.

### **Prompt Payment of Invoices**

The OPP agrees to maintain internal processes that will make for the prompt settlement and payment of counsel invoices.

All invoices forwarded for payment to the OPP are to be hand delivered and addressed to the OPP Counsel Invoice Box located with the Concierge at 565 Lonsdale Street. The original contract is to be attached.

Invoices without the original OPP contract attached will not be processed and will be returned to counsel or their representatives. Should counsel not have a contract at the time of sending the invoice, immediate contact should be made with OPP Briefings Services.

**OPP Briefing Services Telephone: 9603 2523.**

At the completion of a matter and prior to forwarding the OPP contract and invoice for payment, counsel or their representatives agree to enter and sign the following details on the OPP contract in the area marked "Payment Claim for Services Delivered":

- the dates of the appearances
- appearance cost breakdown (including daily fee and accommodation and circuit fee if relevant)
- the Tax Invoice number
- the date of the Invoice.

Should there be any dispute by the OPP with the fee amount being claimed on an invoice, counsel or their representatives will be notified and the invoice will be referred to the Directorate Manager of Advocacy & Briefing for resolution.