



CDPP

Australia's Federal Prosecution Service



CDPP Legal Writing Style Guide

April 2024

TABLE OF CONTENTS

A. INTRODUCTION	5
Key resources	5
Other internal resources	5
B. GENERAL PRINCIPLES	6
Use plain English	6
Write for the audience	6
Use inclusive language	7
Structure content	9
C. PLAIN ENGLISH	10
Words and phrases to avoid	10
“However”	11
Adjectives	12
D. LEGAL CITATION	13
Legislation	13
Cases	15
References to judicial officers	16
Secondary sources	16
E. REFERENCES TO PARTICULAR PEOPLE, ENTITIES AND CONCEPTS	18
The Director and the Office	18
Practice Groups, work groups and positions	18
Referring to yourself	19
Partner agencies and investigators	20
Defendants, accused and offender	20
Victims and complainants	21
Child abuse material	21
F. SPELLING AND PUNCTUATION	22
Australian English	22
Foreign words or phrases	22
Capitalisation	22
Specific words	23
Punctuation	23
Hyphens	24
Acronyms, abbreviations and defined terms	25

G. NUMBERS, DATES AND TIMES	26
Numbers	26
Dates	26
Time of day	26
H. FORMATTING	27
Templates and styles	27
Numbered paragraphs and lists	27
Footnotes	28
Keeping relevant text together	28
Cross-references and hyperlinks	29
I. DOCUMENT RELEASE INFORMATION	30
Approval for release	30
Version control	30
ANNEXURE A: APPLYING THIS GUIDE TO NON-LEGAL WRITING	31

FOREWORD

Our written communication is the expression of our legal work. Whether that is in the form of a submission to a court, or an email to an opponent or a witness.

As Hayne J has said about written communication:¹

Two basic considerations inform every piece of [writing]: What is the author trying to do? How is that to be presented? The second of these questions, “how”, is all too often ignored.

The CDPP Legal Writing Style Guide is a resource to assist the Office and its staff in how to present our work, in all its forms as we provide the independent prosecution service for the Commonwealth.

This guide is also designed to ensure consistency: consistency across practice areas, jurisdictions and, where appropriate, between our legal practice and enabling services.

Good written communication is clear, concise and accurate. It is more persuasive and effective. It is critical to the CDPP’s reputation as a specialist criminal litigation practice.

I trust this guide will support the Office in its important work.

Raelene Sharp KC

Director of Public Prosecutions

23 April 2024

¹ The Hon Justice Kenneth Hayne AC, [‘Written Advocacy’](#) (Speech, Victorian Bar, 5 and 26 March 2007) 3.

A. INTRODUCTION

1. This guide is a tool for legal staff and legal support staff of the Office of the Director of Public Prosecutions (Cth) (**CDPP**). External counsel briefed by the CDPP may also be assisted by this guide and are encouraged to apply it as appropriate.
2. It aims to ensure professionalism and consistency in CDPP written communication, whether internal or external, by establishing a style for writing, punctuation and referencing.² It applies to any written internal or external communication prepared in the course of the CDPP's legal practice, as well as legal policies and guides.
3. [Annexure A: Applying this guide to non-legal writing](#) sets out how this guide applies to non-legal written communication.

Key resources

4. The [Australian Guide to Legal Citation \(4th edition\)](#) (**AGLC4**) provides a uniform system of legal citation in Australia.
5. The [Australian Government Style Manual](#) is for anyone who writes, edits or approves Australian Government content.
6. The CDPP Legal Writing Style Guide generally follows the conventions of each of these sources, giving primacy to the AGLC4, with some variations specific to the needs of the CDPP. Where there is a conflict between this guide and those sources, this guide should prevail. Where there is an unresolved conflict between the AGLC4 and the Australian Government Style Manual, for the purpose of any document to which this guide relates, the AGLC4 should prevail.
7. Where there are rules or practice notes regarding legal writing for court documents, they must be given primacy over all other sources.
8. The [Macquarie Dictionary](#) is the primary source for Australian spelling and words.
9. The [CDPP Branding Style Guide](#) provides guidance in relation to ensuring the CDPP presents uniform communication where the logo, colour palette and corporate style is applied.

Other internal resources

10. Other relevant internal resources include:
 - 10.1. [Guide: Drafting Statements of Facts for Sentence](#);
 - 10.2. [CDPP Library Guide to Case Citations](#); and
 - 10.3. [Victims of Crimes Manual](#).

² The CDPP acknowledges the assistance of the style guides provided or published by the Australian Government Solicitor and the Office of the Director of Public Prosecutions (NSW) in developing this resource.

B. GENERAL PRINCIPLES

11. The primary principle of this guide is that all written communication should be professional, concise, unambiguous and in plain English.
12. Consistency within documents is paramount. Consistency in formatting and expression is critical to ensure the reader can focus on content and not be distracted by inconsistencies that might detract from the meaning or importance of the content.
13. In this guide, the term “templates” refers to internal CDPP templates, as distinct from prescribed court or statutory forms.

Use plain English

14. Regardless of the audience and the nature of the document, all text should be in plain English.³
15. [Part C](#) contains specific guidance about using plain English.

Write for the audience

16. Write with your audience in mind, adjusting tone, assumed knowledge and complexity as appropriate to the particular reader.
17. In its legal work, the CDPP has four key audiences:
 - 17.1. a court;
 - 17.2. other practitioners;
 - 17.3. defendants (when unrepresented); and
 - 17.4. victims, witnesses or other members of the community.
18. When writing to an external audience, the style should be direct but respectful, setting out the CDPP’s position with sufficient detail to avoid ambiguity or confusion, consistent with the impartiality of the prosecution. You should assume that any document may become annexed to an affidavit or otherwise provided to the court at some future point.
19. Avoid external communication that is overly familiar or casual.
20. When commencing external correspondence, the opening greeting should use a person’s formal title. Only use the person’s full name where the recipient is not personally known to you, where a mailing list is used or where the gender of the recipient is not clear from their name. Avoid “To whom it may concern” where possible:

Dear Mr Doe or Dear John Doe
21. Do not use archaic greetings such as:

Dear Sirs

Dear Sir/Madam

Messrs

³ For further information in relation to general principles of writing in plain language, see the Australian Government Style Manual, [Clear language and writing style](#).

Legal audiences

22. Communication with a court, whether in the form of submissions or contact with registry or chambers, should be clear, concise and impartial. In particular, r 29 of the [Australian Solicitors Conduct Rules 2021](#) prescribes:

A prosecutor must fairly assist the court to arrive at the truth, must seek impartially to have the whole of the relevant evidence placed intelligibly before the court, and must seek to assist the court with adequate submissions of law to enable the law properly to be applied to the facts.

23. When communicating with defence representatives the expression must always be in a form that could be understood by a court when reading the document in retrospect.
24. When writing for internal audiences (including decision makers or counsel), it may be appropriate to assume a certain level of knowledge about legal concepts and/or internal CDPP procedure.

Non-legal audiences

25. When writing to a non-legal audience (such as unrepresented defendants, victims, witnesses or other members of the community not regularly involved in the criminal justice system), keep in mind the different levels of English literacy or comprehension within the wider community and make content as accessible as possible.
26. The Australian Government Style Manual provides guidance in relation to [accessible content](#).
27. Consider the templates and resources available to assist in communicating with people unfamiliar with the criminal justice system, including the [Victims of Crime Manual](#) and the CDPP's [Victims and Witnesses website](#).
28. On occasion, you will need to send external correspondence in a language other than English (for example to prosecution witnesses). Where appropriate, such as where a letter serves a subpoena, you should engage an appropriately qualified translator. You should draft the English version in plain English to limit the risk of any loss of meaning through translation.
29. The [Victims and Witnesses website](#) contains a Google translation function which may assist at the outset or for simple translations.

Use inclusive language

30. The Australian Government Style Manual provides guidance in relation to [inclusive language](#).

Non-discriminatory language

31. Inclusive language conveys gender equality and is gender-neutral. It respects peoples' preferences about gender and sexual identity.
32. Avoid gender-specific terms, unless a term is specified in legislation or the individual concerned has expressed a preference for a gender-specific title:

Use this	Not this
chair <u>or</u> chairperson	chairman <u>or</u> chairwoman
police officer	policeman <u>or</u> policewoman

Use this	Not this
foreperson	foreman or forewoman
ordinary person	ordinary man

33. Where a judgment or legislation uses outdated or gendered language, you should make clear when you are quoting from that source, and use gender-neutral language in your own drafting.
34. Do not qualify words or phrases by adding gender unless it is relevant:
- Julia Gillard became the first female prime minister of Australia. [Relevant]
- Julia Gillard was sworn in by the Governor-General. [It is not relevant to establish gender in this instance.]
35. If a person has identified a preferred pronoun, or if the preferred pronoun is clear from available material, use that pronoun.
36. Use the terms “they”, “their” or “themselves” in the singular form when referring to:
- 36.1. a person by their formal position;
- 36.2. a person who identifies as non-binary or gender-fluid; or
- 36.3. a non-specified person or a person whose gender is not specified.

First Nations peoples

37. The Australian Government Style Manual provides important [guidance on how to refer to First Nations peoples](#), emphasising the importance of using culturally appropriate and respectful language when writing with, for or about First Nations peoples.
38. The following provides a brief summary of the guidance contained in the Manual (as at April 2024):
- 38.1. Naming protocols are complicated, specificity is often more respectful. If possible and appropriate, ask for people’s preferences about what they want to be called or how they want to identify.
- 38.2. While the term “Indigenous Australians” is in common use, many First Australians may not be comfortable with it. Due to its common use, there may be times when you cannot avoid the term. It can be found in court judgments,⁴ discussions with government organisations, or in the names of some organisations. If you are quoting from those sources, use the term that is used in the original source.
- 38.3. Use the following hierarchy based on who or what you are referring to:
- (a) For a specific group, use their nation, island or community name.
- (b) For more than one Aboriginal nation, there may be a regional term that is appropriate, such as Murris or Kooris.

⁴ For example, *Bugmy v The Queen* (2013) 249 CLR 571 and *Love v Commonwealth of Australia; Thoms v Commonwealth of Australia* [2020] 270 CLR 152 use the term “Aboriginal Australians”.

- (c) For more than one Torres Strait Islander peoples or islands, there may be a regional term that is appropriate, such as Kulkalgal.
- (d) For both Aboriginal and Torres Strait Islander peoples, use terms such as “First Nations people”, “First Australians” or “Aboriginal and/or Torres Strait Islander peoples”.

38.4. Use capitals when using such terms:

First Nations peoples, Aboriginal and Torres Strait Islander peoples.

38.5. Use plurals when referring to collectives, which should not be capitalised:

peoples, nations, cultures, languages.

Structure content

- 39. Consider the best way to structure your written communication. A well-structured document is clear to the reader and can make the substantive content more persuasive. It assists a reader both navigate and understand the content.
- 40. The structure of any document or communication should have a logical flow and include headings.
- 41. Headings signal a topic change to the reader and help define the scope of the section of the document.
- 42. When using headings, ensure that each heading:
 - 42.1. relates to the paragraphs immediately following the heading; and
 - 42.2. reveals something meaningful about the content of those paragraphs.
- 43. Keep headings short, in active voice and consistent in language style. Do not end a heading with a full stop, exclamation mark or colon. Capitalise the first word and any proper nouns in a heading.
- 44. Use the applicable heading styles. You should familiarise yourself with [how to use the Microsoft styles function](#).
- 45. The heading (and paragraph) styles are in the [CDPP Legal Styles Reference Document](#) (available alongside this guide on its library catalogue record). For letters and formal emails, use Heading 2 and below. For other documents (such as written submissions and internal minutes), use all heading levels:

<p>A. HEADING 1</p> <hr/> <p>Heading 2</p> <p>1. Paragraph Level 1.</p> <p style="padding-left: 20px;">1.1. Paragraph level 2.</p> <p style="padding-left: 40px;">(a) Paragraph level 3.</p> <p style="padding-left: 60px;">(i) Paragraph level 4.</p> <p>Heading 3</p> <p>2. ...</p> <p>Heading 4</p> <p>3. ...</p>
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C. PLAIN ENGLISH

46. Best practice guidelines for writing in plain English include the following:
- 46.1. Use everyday words.
- 46.2. Avoid using legalese. Where you need to use a word with a specific legal meaning, depending on the audience, you may need to explain that meaning, and any of the concepts referred to.
- 46.3. Use the active voice where possible:
- “The defendant collected the parcel.”
- Not
- “The parcel was collected by the defendant.”
- 46.4. Use short, simple sentences, focusing on maintaining clarity. Effective sentences will generally only contain one or two ideas. Sentences of more than about 25 – 30 words can often be divided into two sentences that will be more readily understood by the reader.
- 46.5. Structure sentences to assist readers to understand critical information. For example, use “because” rather than “as” to avoid the reader needing to get to the end of the sentence to fully understand the content.
- 46.6. Identify the date and time of an event at the beginning of a sentence:
- “On 1 March 2024, the defendant sent a text message to the complainant.”
- Not
- “The defendant sent a text message to the complainant on 1 March 2024.”

Words and phrases to avoid

47. Some words and phrases – in particular adverbs or “qualifiers” and compound prepositions – can add length to sentences without improving clarity or affecting the meaning. They are often unnecessary and you should generally avoid them.
48. Typical qualifiers to be used sparingly are words like “very” and “rather”.
49. Many compound prepositions and other groups of words can be simplified. For example:

Use this	Not this
to	in order to
for	for the purpose of
now	at this point in time
by	by means of
more than	in excess of
however <u>or</u> but	having said that

Use this	Not this
are <u>or</u> we are	we are in the process of
for	from the point of view of
in	with respect to

50. Many common phrases are also redundant, for example:

50.1. “the fact that ...” is not needed if it is a fact, and

50.2. “It should be noted that ...” is also usually not needed.

51. The word “that” is also often redundant in a sentence. For example, compare the following (each with the same meaning):

The respondent submitted that the appropriate disposition was...

The respondent submitted the appropriate disposition was...

52. Avoid overly embellished phrases or idioms such as “the search revealed” or “the defendant decamped”.

53. Avoid using “former” and “latter”.

54. Use simple, clear words that will be more readily understood by the reader:

use not utilise

while not whilst

55. Unless required in court forms or in quoting legislation, for clarity and simplicity, do not use archaic terms such as:

aforementioned, aforesaid, chattels, even date, forthwith, henceforth, hereafter, herein, hereinafter, heretofore, herewith, hitherto, howsoever, in lieu of, per

56. Do not use the word “said” to refer to something mentioned in an earlier sentence:

I refer to said letter.

“However”

57. In order to maintain shorter sentences and clear structure, consider using “however” at the start of a sentence in contrast with the meaning of the previous sentence, rather than using “however” as a conjunction joining two contrasting clauses:

I am not sure of the outcome. However, I will let you know as soon as I am advised.

rather than

I am not sure of the outcome, however, I will let you know as a soon as I am advised.

Adjectives

58. Adjectives and adjectival phrases should serve a clear purpose and be used sparingly. Their purpose is simply to either describe, define or evaluate the noun:

descriptive: a short adjournment

defining: a state court

evaluative: a serious act

59. Where possible, avoid using two or more adjectives when one will do:

Don't use adjectives to add unnecessary, pointless, meaningless, unhelpful and repetitive qualifications to your noun.

D. LEGAL CITATION

60. You should apply the [AGLC4](#) as appropriate. Where there are rules or practice notes regarding citation for court documents, you must comply with them.
61. The [CDPP Library Guide to Case Citations](#) provides summaries of specific guidance from courts in the different jurisdictions (for example, relating to pinpoint references and parallel citations).

LegislationTitles

62. At its first reference, the short title of an Act including its year should be in italics, with the jurisdiction in parentheses and not italicised. This should be immediately followed by the shortened form you will use in later references (bolded, in parentheses and italicised):

Director of Public Prosecutions Act 1983 (Cth) not *Director of Public Prosecutions Act 1983* (Cth)

The *Crimes Act 1914* (Cth) (the ***Crimes Act***)

The *Crimes Act* prescribes...

63. To avoid confusion or ambiguity, in its first reference always refer to the jurisdiction:

“Crimes Act 1914 (Cth)” not *“Crimes Act 1914”*

64. Use the following for the relevant jurisdiction:

(Cth) (ACT) (NSW) (NT) (Qld) (SA) (Tas) (Vic) (WA)

65. If the document unambiguously refers to only one Act, the Act may be shortened to “the Act” after the first reference (unitalicised):

The *Crimes Act 1914* (Cth) (the **Act**)

66. Consider whether an abbreviation of the legislation short title is either in common usage or appropriate, and what form it should take:

The *Anti-Money Laundering and Counter-Terrorism Financing Act 2006* (Cth) (the **AML/CTF Act**).

67. For references to multiple Acts, an abbreviation may be appropriate to avoid confusion, so keep it simple, distinguishable and meaningful:

Section 19AA of the *Crimes Act 1914* (Cth) (the **Crimes Act**) was inserted by s 9 of the *Crimes Legislation Amendment Act (No 2) 1989* (Cth) (the **Amendment Act**).

68. The titles of regulations and other subordinate legislation such as orders are also italicised:

The *Crimes Regulations 2019* (Cth)

69. The titles of Bills are not italicised:

The Crimes Legislation Amendment (Combatting Foreign Bribery) Bill 2023 (Cth)

The Criminal Code (Cth) and other codes

70. References to provisions within the *Criminal Code* (Cth) should be to the “*Criminal Code* (Cth)”, and not to the “*Criminal Code Act 1995* (Cth)”:⁵

Section 135.2(1) of the *Criminal Code* (Cth) not Section 135.2(1) of the *Criminal Code Act 1995* (Cth)

71. This may be the case with other codes or substantive components of legislation located in a schedule to an Act (for example the *National Credit Code* (Cth)). Refer to the relevant Act for guidance.

Pinpoint references

72. When referring to sections, subsections and paragraphs within a sentence, put a non-separating space (see paragraph 182 below) between the abbreviation and the number.⁶ Use the abbreviation that corresponds to the highest “level”:

When referring to	Use this	Not this
The specific section	s 6	s6 <u>or</u> s.6
The specific subsection	s 6(1)	sub-s 6(1) <u>or</u> subsection 6(1)
The specific subsection if the relevant section has been identified	sub-s (1)	sub-s 6(1) <u>or</u> subsection 6(1)
The specific paragraph	s 6(1)(a)	para 6(1)(a) <u>or</u> paragraph 6(1)(a)
The specific paragraph if the relevant section and subsection has been identified	para (a)	para 6(1)(a) <u>or</u> paragraph 6(1)(a)
Multiple sections	ss 6-8 <u>or</u> ss 6, 7, 9 <u>or</u> ss 6(1), 7(2), 8(3)	ss6, 7 and 8 <u>or</u> sub-ss 6(1), 7(2) and 8(3)

73. When starting a sentence with a pinpoint reference, use the word “Section” capitalised and in full for sections, subsections and paragraph references:

Section 5 ... or Section 5(1) ... or Section 5(1)(a)

74. These practices also apply to Regulations and other subordinate legislation and Bills.
75. For further information, including other abbreviations for pinpoint references, see 3.1.4 of the [AGLC4](#).

⁵ The “Criminal Code” is the Schedule to the *Criminal Code Act 1995* (Cth). Section 3(1) prescribes the Schedule has effect as a law of the Commonwealth and s 3(2) provides the Schedule may be cited as the “*Criminal Code*”.

⁶ To assist search functionality, many online resources (including The Desk) do not use this convention, instead they do not put a space (for example, “s6”). For online legal research, refer to [CDPP Research Training and Support](#).

Legislative definitions

76. Unnumbered definitions should be cited as follows:

Criminal Code (Cth) Dictionary (definition of “harm”).

77. If providing substantive analysis of a term defined in legislation, consider bolding the term and referring to the relevant provision, to assist the reader to identify the term:

The term ***import*** includes two limbs (see s 300.2 of the *Criminal Code* (Cth)).

Explanatory Memoranda

78. The singular form is memorandum, and the plural form is memoranda.

79. These sources should be cited as follows:

Explanatory Memorandum, Crimes Legislation Amendment (Combatting Foreign Bribery) Bill 2023 (Cth), 10 [101].

Addendum to the Explanatory Memorandum, Crimes Legislation Amendment (Combatting Foreign Bribery) Bill 2023 (Cth), 3 [4].

80. In some jurisdictions, this document may be called an “Explanatory Statement”, or “Explanatory Note”. Identify the document as it is described in the relevant jurisdiction.

Hansard

81. Hansard should be cited as follows:

Commonwealth, *Parliamentary Debates*, House of Representatives, 22 June 2023, 5015 (Mark Dreyfus KC, Attorney-General).

Cases

82. For documents used in court proceedings, refer to the most authorised version of the case. Where a case is not reported in an authorised law report, using the unauthorised law report is acceptable.

83. At its first reference in the text, set out the full citation of the case. The parties’ names are in italics, with the date and the remainder of the citation unitalicised. This should be immediately followed by the shortened form you will use in later references (bolded, in parentheses and italicised). For pinpoint references within cases, use both page numbers and paragraph numbers where the case is reported. When the case is not reported use only the paragraph number. Place the pinpoint after a comma, and do not use the word “at”:

Ansari v The Queen (2010) 241 CLR 299, 312 [35].

Ibrahim v The Queen [2020] NSWCCA 241, [3].

R v Leach [2019] 1 Qd R 459.

R v Nerbas [2014] QCA 259, [41] (***Nerbas***).

not

Ansari v The Queen (2010) 241 CLR 299 at [35].

84. For pinpoint references in text:

84.1. When referring to a page number, use the full word “page”.

84.2. When referring to a paragraph, use either the word paragraph or use square brackets, but not both.

When referring to	Use this	Not this
Page	page 4	p 4
Paragraph	paragraph 16 <u>or</u> [16]	paragraph [16]

85. For more detailed guidance (including citations, specific jurisdictional requirements and common abbreviations), refer to the [CDPP Library Guide to Case Citations](#).

References to judicial officers

86. When referring to a judicial officer, use the relevant post nominal (J, JJ, CJ, etc) if the reference occurs within the sentence. If the reference occurs at the beginning of a sentence, use their full title. When referring to the officer in a footnote, place their name in brackets at the end of the citation:

[In text] The judgment of Kirby J ...

[Start of sentence] Justices Gummow and Heydon referred to ...

[Citation] *R v Tang* (2008) 237 CLR 1, 24 [46] (Gleeson CJ), 55 [134] (Hayne J).

87. For subsequent references, use “her/his Honour” or “their Honours”, without capitalising her/his/their (unless at the start of the sentence):

Her Honour then stated ...

In considering their Honours’ reasoning ...

Secondary sources

88. The general rules for citing secondary sources are set out in Part III of the [AGLC4](#).⁷

89. Capitalise each word in titles of secondary sources, excluding articles (the, a, an), conjunctions (and, but) and prepositions (on, with, before, within, in):

Troy Anderson, *Commonwealth Criminal Law* (The Federation Press, 3rd ed, 2022) 1 [1.1.1].

Matthew Goode, ‘Sentencing with Mandatory Minima and Element Analysis’ (2024) 47 *Criminal Law Journal* 199, 201.

⁷ While the CDPP Legal Writing Style Guide adopts using double quotation marks as a general rule, the AGLC4 prescribes using single quotation marks for journal articles, which has been adopted in this guide.

CDPP policies and guidelines

90. As with secondary sources, capitalise each word in titles of policies and guidelines, excluding articles (the, a, an), conjunctions (and, but) and prepositions (on, with, before, within, in). CDPP policies should not be in italics:

NLD: The Duties/Role of the Prosecutor at a Sentence Hearing.

NOG: Section 135.2, *Criminal Code* (Cth).

The Prosecution Policy of the Commonwealth

91. The full title of this document is the *Prosecution Policy of the Commonwealth: Guidelines for the Making of Decisions in the Prosecution Process*. When writing to an external audience, at its first reference, refer to the *Prosecution Policy of the Commonwealth* (italicised and capitalised), and define the term “the Prosecution Policy”. When writing to an internal audience, you may refer to “the Prosecution Policy” without needing to define it:

Audience	Use this
External	The <i>Prosecution Policy of the Commonwealth</i> (the Prosecution Policy) underpins all decisions made by the CDPP throughout the prosecution process and promotes consistency in decision making.
Internal	The Prosecution Policy underpins all decisions made by the CDPP throughout the prosecution process and promotes consistency in decision making.

E. REFERENCES TO PARTICULAR PEOPLE, ENTITIES AND CONCEPTS

The Director and the Office

92. In accordance with s 5 of the *Director of Public Prosecutions Act 1983* (Cth), there is a critical distinction between the Office and the Director personally. In external communication, when referring to the Office for the first time, refer to the name of the Office in full and then refer to the acronym “CDPP” and make it a defined term:

The Office of the Director of Public Prosecutions (Cth) (**CDPP**).

93. In the alternative, the CDPP may also be referred to as “this Office” (capitalised). When referring to a specific location, use “office” (not capitalised) or “jurisdictions”, and not “regions” or “regional offices”. Depending on local jurisdictional practices for proceedings on indictment, it may also be appropriate to refer to “the Crown”:

This Office’s position in relation to ... [refers to the CDPP]

The Perth office is located at ... [refers to a location]

The Crown submits ... [refers to the CDPP in proceedings on indictment]

Each jurisdiction must consider ... or each state/territory office ... or each office not each regional office.

94. The CDPP (ie the entire Office) is a singular entity, therefore:

The CDPP has ... not CDPP have ...

95. Refer to the Director as the “Director of Public Prosecutions (Cth)”. For subsequent references or where there is no ambiguity in context, you may refer to “the Director”. Only refer to the Director’s position if they have personally made a decision in relation to the matter in issue:

The Director of Public Prosecutions (Cth) has given consent in this matter. The Director has...

The Director has declined to commence an appeal in this matter.

96. The Director’s Chambers is comprised of the Director and her immediate support staff. Do not refer to the Director’s Office.

Practice Groups, work groups and positions

97. For internal audiences, you can assume the reader will understand our Practice Group or position-based acronyms without needing to write them in full. For external communication (written submissions, letters, etc), assume the reader will not be familiar with internal acronyms.

98. Capitalise the titles of Practice Groups, and other work groups:

Human Exploitation and Border Protection, Enabling Services Group, Director’s Chambers, etc

99. Capitalise the names of teams, but not the word “team”:

Library and Research Services team

100. When identifying a person, state their position first followed by their name (but not separated by a comma):

Commonwealth Solicitor of Public Prosecutions Jane Doe

Deputy Director John Doe

101. When referring to a Deputy Director/Practice Group Leader to an external audience, refer to them as a Deputy Director.

102. Capitalise formal position titles, such as:

Director, Prosecution Team Leader, Branch Head, National Manager, Legal Support Officer, etc

103. Do not capitalise descriptive or collective job names, such as:

prosecutors, clerk, registrars, project officers, etc

104. When writing to an internal audience, use acronyms if they will clearly be understood:

SFP, PTLs, AD, CSPP, LSO

Referring to yourself

Correspondence

105. In external correspondence, you should speak in the first person (I/me). Do not use “we” or “our” or refer to yourself in the third person. When addressing the reader (defence representative, investigator, witness, defendant), directly use “you” and “your”:

I refer to your letter of 1 March 2024 ... not We refer to your letter of 1 March 2024...

Please contact me ... not Please contact the writer.


106. It is not generally appropriate for you refer to “my view”. If referring to a position of the CDPP, refer to the CDPP or the Office:

This Office’s position to the application is... not Our position to the application is...

The CDPP filed an application... not We filed an application...

107. However, it may be appropriate for senior prosecutors with formal decision making delegations to refer to their own position or opinions.

108. Close letters with:

Format	Example
Yours faithfully, [e-signature] [Name] [Position]	Yours faithfully,  John Doe Federal Prosecutor

109. In email correspondence, close with your name, followed by your [email signature block](#), without inserting an e-signature.

110. Do not sign correspondence on behalf of the Director, for example:

John Doe
for Director

Court submissions

111. Subject to any local jurisdictional practices, in written submissions, do not refer to yourself in submissions, but refer to “the Prosecution” or “the Crown”:

The Crown accepts ... not I accept ...

The Prosecution concedes ... not I concede ...

112. This guidance does not apply to oral submissions. You must follow the current practice notes or guidelines for the jurisdiction in which you appear.

Internal communication

113. In internal communication, refer to yourself in the first person (I/me), not “myself”. Where a document is jointly written (for example a minute prepared by a prosecution team), it may be appropriate to use “we” etc. Use “you” and “your” to address the reader, not “yourself”.

Partner agencies and investigators

114. For the first reference, refer to the full title of the agency (capitalising each word), followed by an appropriate acronym:

The Australian Federal Police (**AFP**) ...

The Great Barrier Reef Marine Park Authority (**GBRMPA**) ...

115. Depending on local jurisdictional practices, it may be appropriate to refer to the “investigator”, “informant” or “officer in charge”. Avoid referring to investigators as the “case officer” because this may be confused with the CDPP case officer.

116. Capitalise formal positions, titles or ranks:

Captain, Senior Constable, Inspector etc.

117. Capitalise the titles of work groups:

Crime Command, Fraud Prevention and Internal Investigations, etc.

Defendants, accused and offender

118. Each jurisdiction has its own practice for referring to persons charged with criminal offences, and that term may change depending on the stage of the proceeding. In all situations, confirm the practice in the relevant jurisdiction. Otherwise, in general:

118.1. A person charged with an offence in the Magistrates or Local Court is a “defendant”.

118.2. Once a person has been committed to a superior court for trial (or is subject to an ex officio indictment), the person becomes an “accused”. The plural of “accused” is “accused”, without adding an “s”.

118.3. At any stage of criminal proceedings, once a person pleads guilty or has been found guilty, the person becomes an “offender”.

118.4. In proceedings on appeal or relating to an appeal, a party may be referred to as the “applicant” or “appellant” depending on whether they need to apply for leave to appeal or can appeal by right.

119. These terms should not be capitalised unless defined in accordance with paragraph 155 below (acronyms, abbreviations and defined terms).

120. For internal communication use:

120.1. the local jurisdiction’s terminology;

120.2. the term “defendant” for any stage of proceedings; or

120.3. the term “accused” in superior courts.

Victims and complainants

121. Avoid referring to individuals as “victims” prior to a finding of guilt in the relevant proceedings. Use the term “complainants”.

122. This practice may be something you should explain to complainants.

Child abuse material

123. Avoid using the acronym “CAM” in external communication to refer to child abuse material. It detracts from the gravity of the material.

124. Avoid using the term “child pornography material” or “child exploitation material” unless quoting directly from repealed legislation or a case. In 2019, the *Criminal Code* (Cth) was amended to replace each of these terms, instead incorporating them within the definition of “child abuse material”. As the Explanatory Memorandum for the *Combating Child Sexual Exploitation Legislation Amendment Act 2019* (Cth) explained:⁸

... the term ‘child pornography material’ is no longer considered appropriate or accepted terminology. Attaching the term ‘pornography’ to this material is a barrier to conveying the seriousness and gravity of the offences, the inherently abusive nature of the material, and the harm faced by the children. Further, labelling content as ‘child pornography material’ may inadvertently legitimise that material by associating it with legal forms of (adult) pornography. The inference that ‘pornography’ is associated with consenting subjects participating in legal behaviour is entirely inappropriate where the behaviour depicted involves the abuse of children.

⁸ Explanatory Memorandum, *Combating Child Sexual Exploitation Legislation Amendment Bill 2019* (Cth), 7 [40].

F. SPELLING AND PUNCTUATION

125. The Australian Government Style Manual provides a useful overview of basic principles of [spelling, grammar and sentence construction](#). The following Part provides specific guidance for legal writing at the CDPP.

Australian English

126. Use Australian English from the [Macquarie Dictionary](#), using modern spelling of words. However, where terms are used in legislation, use the legislative spelling, for example:

recognizance not recognisance (see Part IB of the *Crimes Act 1914* (Cth))

The *Criminal Code Regulations 2019* (Cth) sch 2 item 157 uses “Methamphetamine”, but the *Drug Misuse and Trafficking Act 1985* (NSW) sch 1 uses “Methylamphetamine” to refer to the same controlled drug. (emphasis added)

Foreign words or phrases

127. Foreign words included in the *Macquarie Dictionary* are considered to be Australian English and are not italicised. All other foreign words, including Latin legal terms, not listed in the *Macquarie Dictionary* are italicised:

prima facie not *prima facie*

pro forma not proforma or pro-forma

ad hoc not *ad hoc* or *ad-hoc*

The *Police Nationale* and the *Gendarmerie* (being the French police forces)

128. Avoid using foreign words or phrases, including Latin legal expressions, when an English equivalent is available and appropriate to the audience. For example, while terms such as *prima facie*, *ex officio*, *ratio decidendi*, *obiter dictum* and *ex parte* will be readily understood by judges and lawyers, use those phrases carefully with non-legal audiences.

Capitalisation

129. As a general rule, use capitalisation for proper nouns, defined terms or titles of secondary sources (such as books and journals), as well as policies or other guidelines.

130. The following words are treated as proper nouns and therefore capitalised when used to refer to the specific Australian entity:

Commonwealth of Australia, Australian Government and Opposition, Cabinet, Parliament, the Constitution, Budget (as in federal Budget)

131. Capitalise the terms “State” and “Territory” when referring to a specific state or territory, or when referring to all eight jurisdictions collectively:

The State of South Australia ...

The laws of the States and Territories ...

132. Do not use capitals when using the terms generally (including as an adjective):

state and territory courts ...

state legislation ...

133. Capitalise specific events and documents:

Second Reading Speech, Explanatory Memorandum, Commonwealth Procurement Rules,
APS Code of Conduct

134. Capitalise the full title or reference to a specific entity or person. Do not capitalise the generic or non-specific use of any such term, for example:

The County Court of Victoria

A Victorian court

Victorian courts

court, judge, minister, department, secretary, committee, agency

135. See paragraph 102 above for references to internal positions and titles.

Specific words

Gaol or jail

136. The *Macquarie Dictionary* says, “[i]n general the spelling of this word has shifted in Australian English from *gaol* to *jail*. However, *gaol* remains fossilised in the names of jails, such as Parramatta Gaol, and in some government usage.” The term “*gaol*” is also used in the *Crimes Act 1914* (Cth) (see ss 15, 16 and 23W) and various pieces of state and territory legislation. You may use either term, but be consistent within the same piece of written communication.

Judgement or judgment

137. A decision of a court does not include an additional **e**:

The judgment of the High Court.

Each staff member is expected to exercise appropriate judgement.

Pleaded

138. The past tense of “plead” in standard Australian English is “pleaded”. Do not use the American English variation, “pled”.

Subpoena and subpoenas

139. The plural of “subpoena” is “subpoenas”, not “subpoenae”.

Punctuation

Apostrophes

140. Apostrophes are used to signal possession and the contraction of words (eg can’t), not plurality.

141. Where a noun ends in the letter **s**, include a further **s** after the apostrophe:

James's car not James' car.

142. When using an acronym, only use an apostrophe when denoting possession and not a plural:

ADs and PTLs not AD's and PTL's

The CDPP's practice group model not the CDPPs practice group model

143. When referring to periods of time, use an apostrophe, "of" or "for":

10 years' imprisonment not 10 years imprisonment

10 years of imprisonment or imprisonment for 10 years not 10 years' of imprisonment

4 weeks' notice not 4 weeks notice

4 weeks of notice not 4 weeks' of notice

144. When referring to the possession of a person with post nominals, place the apostrophe and **s** after the post nominal letters:

Jane Doe SC's opinion ...

The reasoning in King J's judgment ...

145. When referring to the Magistrates Court or Children's Court in your jurisdiction, use an apostrophe if it forms part of the court's formal name, for example:

Victoria: Magistrates' Court

South Australia: Magistrates Court

New South Wales: Children's Court

Queensland: Childrens Court

146. See the Australian Government Style Manual section on [apostrophes](#) for further guidance.

Full stops

147. Do not use full stops in addresses or headings.

148. Use only one space after a full stop.

149. The position of full stops varies when text is in brackets:

When bracketed text appears within a sentence, the punctuation falls outside the brackets (unless the bracketed text is a complete sentence).

(When a complete sentence is in brackets, the punctuation falls inside the brackets.)

Hyphens

150. Use hyphens to create compound words (especially adjectives) and to attach some prefixes to qualify a word. Hyphens are used inconsistently in different contexts. Where you use a hyphen, be consistent within the document. Inconsistent use of hyphens may cause confusion to the reader.

Parenthetic clauses

151. Parenthetic clauses are additional clauses within a sentence, set between commas, parentheses (brackets) or dashes, and are generally used to add modifying or additional information to the central idea of a sentence. Use them sparingly and correctly. If your sentence is long-winded, recast it or break it into two or more sentences. For example:

Parenthetic clauses (set between commas, brackets or dashes) are often used to add modifying or additional information to the central idea of a sentence. If overused, they can make a sentence too long to comprehend and distract or confuse the reader.

not

Parenthetic clauses, which are often used to add modifying or additional information to the central idea of a sentence – and are most often punctuated by commas or dashes but can also appear in brackets – can be overused and make a sentence too long (for easy comprehension) and this can often distract or confuse the reader.

Quotation marks

152. Use double quotation marks for quotations within text or dialogue. Only use single quotation marks for quotations within quotations.
153. Do not italicise quoted text.
154. If a quotation is longer than one sentence (about 20-25 words), set it separately as a block quotation, using the “long quote” style (size 10, indented and not in italics). Do not include paragraph numbers in the quoted text. Instead, put the pinpoint reference in either the lead-in to the quote or in the relevant citation. Identify any emphasis appropriately by either inserting “(emphasis in original)” or “(emphasis added)” at the end of the quote:

The Prosecution Policy states (at [2.1]):

It has long been recognised that not all criminal offences must automatically result in a criminal prosecution. **The resources available for prosecution action are finite and should not be wasted pursuing inappropriate cases ...** (emphasis added)

Acronyms, abbreviations and defined terms

155. Put acronyms, abbreviations and defined terms in parentheses (capitalised and bolded) so the reader can easily identify a word as abbreviated or defined, refer back to it, and confirm its meaning. Do not use double quotation marks to define the term:
- Jane Doe (**Offender**) pleaded guilty to ...
- John Doe (**Complainant**) stated ...
156. Do not introduce an acronym or define a term if it is not used again later within the document. Once an acronym or defined term has been introduced, use it for all future references to the term.
157. Do not use full stops in acronyms, abbreviations or contractions:
- eg ie ACT NSW ACCC FWA Qld Anzac Qantas
158. A list of [commonly used acronyms and abbreviations](#) used at the CDPP is published on The Desk.

G. NUMBERS, DATES AND TIMES

Numbers

159. In general, write the numbers zero to nine in words and use numerals for 10 and above.
160. When using ordinal numbers (such as first, second, third, etc), spell out the numbers from “first” to “ninth”, and use numerals from 10th onwards.
161. Do not write the numeral in brackets after writing the word (ie “four (4)”).
162. If a number starts a sentence, write it out in full.

One hundred and seventeen people responded ...

not

117 people responded ...

Dates

163. For external publications, the format for dates in correspondence and text is:

26 August 2020 not 26th August 2020 or August 26, 2020

164. In internal communication, references to dates can be shortened:

6 Oct 2020 [DD Mmm YYYY] not 6.10.2020 or 6-10-2020 or 06/10/20

Time of day

165. Express time in numerals followed by a non-separating space and then am or pm. Use a colon between the hours and minutes:

9 am or 9:00 am not 9.00 am or 09:00 or 9am

H. FORMATTING

Templates and styles

166. Use the most recent, applicable CDPP template when creating documents.
167. Do not use old templates (including those using the CDPP's previous gold branding theme).
168. Exercise caution when cutting and pasting from old templates or documents because they may not have used the same font colour or spacing:

Some of the text from this paragraph has been cut and paste from an earlier precedent that used a different font colour and spacing.
169. Update the formatting of text that has been copied from previous documents to ensure consistency within the new document. Consider using the [format painter function](#).
170. CDPP templates have a defined set of styles for all text types, including paragraphs and headings. Those styles contain the applicable spacing, margins and font. (See [how to use the Microsoft styles function](#).)
171. The standard paragraph (and heading) styles to be used in legal writing are set out in the [CDPP Legal Styles Reference Document](#) (available alongside this guide on its library catalogue record).
172. If you are preparing material for court, and a relevant CDPP template is not available, ensure that your document complies with any court rules and/or practice notes relating to font, spacing and margins.
173. If you need to create your own document (subject to any court rules and/or practice notes), use the following formatting (reflected and adopted in this guide):
 - 173.1. Normal font: 11 point Calibri (pure black).
 - 173.2. Margins: 2 cm (top, bottom, left, right).
 - 173.3. Alignment: Left.
 - 173.4. Indentation: Left, 1 cm.
 - 173.5. Spacing: Before – 8 pt, After – 6 pt.
 - 173.6. Line spacing: Multiple, at 1.15 cm.

Numbered paragraphs and lists

174. Use numbered paragraphs in all minutes, submissions, statements of facts and letters, and any formal emails longer than a few paragraphs. Numbered paragraphs make it easy for users to scan and understand longer documents.
175. Within a document, structure and style lists with the reader in mind. Set up a consistent grammatical structure for list items with a lead-in sentence (sometimes called a chapeaux). End the lead-in sentence with a colon (:). Use “para keep with next” for all lead-in sentences (see paragraph 182 below).
176. Consistent with the CDPP template paragraph level styles, use numbered or lettered lists within a paragraph, not bullet points. This assists with pinpoint references, particularly when making oral submissions referring to written submissions, or in subsequent correspondence.

177. If using a sentence list (being a list of related complete sentences), start each item with a capital letter and end each item with a full stop:
1. In the record of interview, the Offender made the following admissions:
 - 1.1 On 19 April 2023, she applied to open a PO Box at the Brisbane GPO.
 - 1.2 On 30 April 2023, she visited the Brisbane GPO, and accessed PO Box 123.
178. If using a fragmented list (being a list of words, phrases or incomplete sentences), start each item without a capital letter and end each item with a semi-colon (;). Include “and” or “or” after the second-last item as appropriate:
1. Section 16A of the *Crimes Act 1914* (Cth) requires the court to consider a number of factors on sentence, including:
 - 1.1 the nature and circumstances of the offence;
 - 1.2 the personal circumstances of any victim of the offence; and
 - 1.3 the prospect of rehabilitation of the person.

Footnotes

179. For ease of reference to the citation information, use footnotes and not endnotes.

180. Place the footnote reference after any punctuation:

The maximum penalty for the offence is imprisonment for 10 years.¹

not

The maximum penalty for the offence is imprisonment for 10 years¹.

181. Footnotes should be in the appropriate style as set out in the CDPP template. If no template is available, use size 10 Calibri font (hanging at 1.2 cm).

Keeping relevant text together

182. To ensure related information does not split across lines, use non-separating spaces and hyphens, also known as non-breaking spaces/hyphens (hotkey: ctrl+shift+space and ctrl+shift+hyphen):

A court may make a reparation order in relation to an offence taken into account under **s 16BA** of the *Crimes Act 1914* (Cth).

not

A court may make a reparation order in relation to an offence taken into account under **s 16BA** of the *Crimes Act 1914* (Cth).

The Defendant agreed to give evidence for the Crown relating to the conduct of his **co-accused**.

not

The Defendant agreed to give evidence for the Crown relating to the conduct of his **co-accused**.

183. Do not use a “soft return” (hotkey: shift+return) to force text onto the next line. This only creates formatting issues if the text is later amended.
184. To ensure key related information does not split across a page, use the [“keep with next” function](#) for headings and the lead-in sentence of any list, before a block quote or table. If you format lead-in sentences at the time of writing this will reduce the amount of formatting required to finalise a document.

Cross-references and hyperlinks

185. Insert [cross-references](#) to other paragraphs or sections within the document.⁹
186. Where appropriate,¹⁰ insert [hyperlinks](#) (at first reference) to:
 - 186.1. the primary source page of key authorities and legislation;
 - 186.2. policies (such as NLDs and NOGs); and
 - 186.3. relevant attachments (such as indictments, statements of facts and other annexures).
187. External audiences will not be able to access hyperlinks to material on internal pages or systems. Consider using hyperlinks to primary source pages for external audiences.

⁹ Before finalising a document, update all cross-references (including those within a table of contents) by pressing CTRL+A then F9, and follow any prompt to resolve any error messages.

¹⁰ In internal communications this will generally assist the reader, but hyperlinks might not be appropriate in documents filed in court proceedings.

I. DOCUMENT RELEASE INFORMATION

Approval for release

Position	Raelene Sharp KC, Director
Date	23 April 2024

Version control

Version	Date	Author	Description	Next review
1.1	23 April 2024	LCP	First Release	October 2024

ANNEXURE A: APPLYING THIS GUIDE TO NON-LEGAL WRITING

1. The CDPP Legal Writing Style Guide applies to written communication prepared in the course of the CDPP's legal practice, as well as legal policies and guides. It contains general principles applicable across the CDPP and some technical aspects that apply specifically to legal writing.
2. All CDPP staff (including those who do not ordinarily prepare legal written work) should be familiar with this guide and apply its general principles by ensuring:
 - 2.1. their writing is professional, concise, unambiguous and in plain English;
 - 2.2. formatting and expression within a written piece of work is consistent; and
 - 2.3. they write with the intended audience in mind, adjusting tone, assumed knowledge and complexity as appropriate.
3. When preparing non-legal written communication, all CDPP staff should have regard to at least the following aspects of this guide:
 - 3.1. [Part B: General Principles](#);
 - 3.2. [Part C: Plain English](#);
 - 3.3. [Part E: References to particular people, entities and concepts](#);
 - 3.4. [Part F: Spelling and punctuation](#); and
 - 3.5. In Part H: Formatting
 - (a) [Numbered paragraphs and lists](#);
 - (b) [Keeping relevant text together](#); and
 - (c) [Cross-references and hyperlinks](#).
4. Where written communication is Australian Government content in the context of the CDPP's role as an agency in the Australian Public Service (as distinct from communications prepared in the context of its legal practice), the communication should conform with the Australian Government Style Manual as appropriate. Relevant examples include the annual report, online content, and other similar publications. Where you are uncertain about which conventions apply, consider the context of the writing, the audience, and the specific role of the CDPP.