

Legal Affairs and Safety Committee

Inquiry into Support for Victims of Crime

Responses to submissions

The Office of the Director of Public Prosecutions (ODPP) provide the following responses to key issues or matters raised in public submissions about the Inquiry into Support for Victims of Crime.

The ODPP considered the following submissions:

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| 1. The Public Advocate | 21. Name Withheld | 38. Queensland Human Rights Commission |
| 2. Name Withheld | 22. Dr Robyn Holder | 39. Brisbane Rape and Incest Survivors Support Centre |
| 3. Gwennyth English | 23. Name Withheld | 40. Queensland Indigenous Family Violence Legal Service |
| 4. Name Withheld | 24. Celina Batchelor | 41. Queensland Law Society |
| 5. Darren O'Brien | 25. Tara Evans | 42. Bridge of Hope Innocence Initiative |
| 6. <i>*confidential</i> | 26. Paige Mackie | 43. Russell Field |
| 7. David Harris | 27. <i>*confidential</i> | 44. Lili Greer |
| 8. Loretta George | 28. Knowmore Legal Service | 45. Sabrina Collins |
| 9. Tanya Smith | 29. Name Withheld | 46. Leanne Pullen |
| 10. Queensland Health Victim Support Service | 30. Voice of Victims – Toowoomba Advocacy | 47. Queer & Trans Worker Against Violence |
| 11. <i>*confidential</i> | 31. <i>*confidential</i> | 48. Cassandra Cross |
| 12. Susan and John Sanderman | 32. Women's Legal Service Queensland (WLS Qld) | 49. Shane Bouel |
| 13. <i>*confidential</i> | 33. Office of the Information Commissioner | 50. Crime and Justice Action Group |
| 14. Kevin Richards | 34. LawRight | 51. Full Stop Australia |
| 15. Glenn Robert Watson | 35. Gold Coast Centre Against Sexual Violence | 52. Tim Class-Auliff |
| 16. Patricia Pendrey | 36. Name Withheld | 53. Queensland Homicide Victims Support Group |
| 17. <i>*confidential</i> | 37. DVConnect | 54. Shane Cuthbert |
| 18. <i>*confidential</i> | | |
| 19. <i>*confidential</i> | | |
| 20. Queensland Sexual Assault Network (QSAN) | | |

* Submission 6, 11, 13, 17, 18, 19 27 and 31 were confidential. 54 submissions were received in total.

Due to the short timeframe within which to consider the submissions and respond, a fulsome response to all submissions was not possible.

Domestic and Sexual Violence Advocacy Stakeholders		
Submitter	Issues raised	ODPP Response
Full Stop Australia (51)	<p><i>Support for victims</i></p> <p>The criminal justice process is very defendant focussed. Victims receive inconsistent responses across the system and in some circumstances very little information.</p> <p>The ODPP engagement can be inconsistent, including the timing of the preparation interview for trial, the time that is provided to victims before the trial or court proceeding and the extent of the information that is provided, which is critical to victims understanding the trial process.</p>	<p>The ODPP is an independent prosecuting agency established by statute. We operate within the established legal framework for the criminal justice system in Queensland.</p> <p>The ODPP primarily works in the higher courts in Queensland: the District and Supreme Courts; the Mental Health Court; and the Court of Appeal. The ODPP also handles some matters at the Magistrates Court level in Brisbane, Ipswich, and Southport. All other criminal matters in Queensland before Magistrates Courts – including indictable charges prior to their committal to a higher court – and handled by the Police Prosecution Corps. We recognise that the complexity in the criminal justice system in Queensland means that victims may have contact with different prosecuting agencies at different stages of a matter.</p> <p>In relation to the timing of contact prior to trials in particular, it may be of assistance to highlight the manner in which the Courts in Queensland list trials.</p> <p>The Courts operate a running list for trials, in which there is usually a list of trials that may start in any given sittings. A sittings may run for one (1) week, a fortnight, or longer. There are usually trials number one (1) to three (3), and there may be up to seven (7) or more trials listed before a court sittings in regional areas. The expectation is that the trial number 1 will be able to start on the first day of a week. However, we are not able to predict if or when the trials numbered later in the list will start. It is possible that trials in the list may not be reached, in which case they will be relisted again for a later sittings.</p> <p>Some trials may start later in that week or fortnight, and the ODPP may only have confirmation of that 24 – 48 hours prior to the starting date. One of the</p>

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Domestic and Sexual Violence Advocacy Stakeholders		
Submitter	Issues raised	ODPP Response
		<p>consequences of this system is that the Prosecutor may only be able to conference a complainant a short time before a trial starts.</p> <p>Staff from the ODPP offices are also required to travel to circuit courts throughout the State. If a Prosecutor is travelling to a circuit court location the weekend prior to Court starting on a Monday, they may well have phone or video contact with a victim the week prior and then meet them in person after they have arrived at the circuit location.</p> <p>We note that all victims are provided with the direct phone number and email address for their assigned Victim Liaison Officer. Many victims are in touch with their Victim Liaison Officer, the assigned Legal Officer and/or Prosecutor, and/or their support person (if any) prior to a trial listing.</p> <p>We note Recommendation 69 of Women’s Safety and Justice Taskforce (WSJT) Report 2, which recommends the consideration of the establishment of a special list for sexual violence cases in the District Court of Queensland. Recommendations 70 to 72 expand further on recommendations for case management.</p> <p>Standardisation in service delivery will be a key focus area of an independent review of the ODPP Victim Liaison Service (VLS), to be completed by the Women’s Safety and Justice Taskforce (WSJT) Project team (recommendation 49). This standardisation may include the identification of minimum requirements for engagement with victim-survivors, recommended timeframes for delivery of information and preparation for a court event, delivered within a trauma informed framework. Learning and development in relation to trauma informed practice for ODPP will be central to the VLS review and will inform all other practice improvements to be delivered within the scope of the WSJT.</p>

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Victim Support Stakeholders		
Submitter	Issues raised	ODPP Response
QSAN (20)	<p>There is a lack of consistency across the State about how much or how little the ODPP communicate with victims, with some members reporting victims often do not have an interview with ODPP until an hour before or the day before a court event.</p> <p>Services across the sector should engage in trauma-informed training from an external and accredited provider. A QSAN service recently said ODPP lawyers have not been trained in a trauma informed approach.</p>	Refer above

Issue	Details in submissions:	ODPP Response
ODPP	<p>(1) Better communication is needed for victims where defendants are referred to the Mental Health Court. Victims would benefit from the court process providing a more detailed explanation during the hearing about its decision. (10)</p> <p>(2) Victims experienced poor, limited communication from ODPP. (4, 8, 12, 14, 23, 25, 36)</p>	<p>(1) We acknowledge the submissions made by the Queensland Health Victim Support Service (QHVSS) in relation to the Mental Health Act 2016 and its current provisions regarding the conduct of the Mental Health Court and patient (defendant) confidentiality.</p> <p>The ODPP is part of a working group, with the Office of the Chief Psychiatrist and QHVSS, looking at ways in which the experience of victims can be bettered within the current legislative framework. Further changes to legislation or regulation are a matter of policy for the Queensland government.</p> <p>Each Mental Health Court reference for a victim liaison matter is allocated to a Mental Health Court Victim Liaison Officer. ODPP Legal Officers and</p>

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Issue	Details in submissions:	ODPP Response
	<p>Engagement from DPP decreased over time particularly after case commenced in court; frequent changes to the Prosecutor appears to have contributed to delays in progressing the matter. (23)</p> <p>Submission noted mixed experiences with DPP prosecutors praised support from victim liaison officer. Submission also noted final prosecutor was extremely professional, empathetic and treated us so respectfully and included our whole family in all decision making. Victims should be informed throughout the legal process. (46)</p> <p>(3) There should be increased accountability for prosecution decisions through a Victims' right of review as in the UK and scope for judicial review of DPP decisions. (22)</p>	<p>Prosecutors are available to provide a more informative analysis of the process of referral to the Mental Health Court to victim-survivors within the limits of the current legislation.</p> <p>(2) Refer above – response to QSAN.</p> <p>Victim Liaison Officers at the ODPP provide an information and liaison service. Updates are provided after all significant or milestone court events and approximately every three (3) to four (4) months, or if the next court date is more than three (3) to four (4) months away. It is possible, and frequently does occur, for victims to request updates after every court event.</p> <p>We note that there can often be a lengthy period of time (e.g., three (3) to nine (9) months) between a matter receiving a trial listing and the date of the trial listing.</p> <p>In addition, we note that the victim-survivor and their family members are often witnesses in the criminal proceedings. The ODPP is an independent prosecuting agency and its staff have regard to their duties to the Courts, the need to maintain confidentiality, and the need not to take any action which may prejudice the criminal proceedings at all times.</p> <p>Where possible the ODPP maintains consistency of prosecution staff allocated to progress matters. The ODPP will explore options for continuity of engagement with Victim Liaison Officers.</p> <p>The forthcoming independent review of the VLS, the investment in trauma informed practice development and learning programs is anticipated to increase positive engagement and support between victims and the ODPP.</p> <p>(3) A right of review process will be established by the ODPP as recommended by the WSJT, <u>recommendation 50</u>.</p>

