



Director of Public Prosecutions – Todd Fuller KC
Deputy Director of Public Prosecutions – Philip McCarthy KC
Acting Deputy Director of Public Prosecutions – Caroline Marco

Office of the
Director of Public Prosecutions

Name: Todd Fuller KC
Telephone:

Department of
Justice and Attorney-General

14 March 2024

Senator Paul Scarr
The Senate
Legal and Constitutional Affairs References Committee
PO Box 6100
Parliament House
Canberra ACT 2600

Via email: FirstNationswomenchildren.sen@aph.gov.au

Dear Senator Scarr,

Inquiry into missing and murdered First Nations women and children

Thank you for the opportunity to provide further information regarding our submission to the Senate Inquiry.

Our office took two questions on notice at the Brisbane hearing on 20 February 2024. Firstly, we were asked to compile a list of current recommendations made to our office by inquiries. At present, we are implementing recommendations made by the Women's Safety and Justice Taskforce and by the Queensland Sentence Advisory Council. Please find **enclosed** a table listing these recommendations and their status. (attachment 1)

Secondly, we were asked to address the initiatives our office has taken to recruit First Nations peoples. Please find **enclosed** our response. (attachment 2)

If we can be of any further assistance to the Senate Inquiry, please do not hesitate to contact our Project Executive Lawyer, Ms Sarah Kay by email on _____ or by telephone

Yours sincerely,

T A FULLER KC
DIRECTOR OF PUBLIC PROSECUTIONS

Atts (2)

Level 5 State Law Building
50 Ann Street Brisbane
GPO Box 2403 Brisbane
Queensland 4001 Australia
DX 40170
Telephone +61 7 3239 6840
Website www.justice.qld.gov.au
ABN 13 846 673 994

Women's Safety and Justice Taskforce (WSJT)				
Hear her voice Report One				
REPORT	TASKFORCE RECOMMENDATION		GOVERNMENT RESPONSE	FINAL DUE DATE
1	41	The Office of the Director of Public Prosecutions and Queensland Police Service in relation to police prosecutors, Legal Aid Queensland, and community legal centres, including the Aboriginal and Torres Strait Islander Legal Service, require all legal staff to participate in regular training on the nature and impact of domestic and family violence, as well as on the relevant law. Training will include an understanding of local support services for both victims and perpetrators and how to refer people to them.	Work is already underway to ensure legal staff participate in regular domestic and family violence training. In implementing this Recommendation, the Queensland Government will also consider longer term solutions to ensure legal staff undertake regular tailored domestic and family violence training to support knowledge and understanding of domestic and family violence and its impact on relevant law.	30/06/2023
	69	The Director of Public Prosecutions review and finalise the draft domestic and family violence guidelines to ensure they recognise and respond to all forms of domestic and family violence as a pattern of behaviour over time and within the context of a relationship as a whole and align with the legislative reforms progressed as a result of this report.	The Queensland Government will review and finalise the draft Domestic and Family Violence Guidelines and also develop a training program that is aligned with the existing Understanding Sexual Offences Training. This further training will be developed in consultation with major stakeholders with expertise in domestic and family violence. The aim of the training will be to develop the professional capability of the Office of the Director of Public Prosecutions staff to better understand all forms of domestic and family violence as a pattern of behaviour over time and within the context of a relationship, to ensure better prosecution outcomes for victims of this type of offending.	30/06/2025

2	45	The Office of the Director of Public Prosecutions and Queensland Police Service review, update and publish the memorandum of understanding relating to the investigation and prosecution of sexual violence cases. The revised memorandum of understanding will include a requirement for each agency to annually publish information about the operation of the memorandum and its impacts and outcomes for victim-survivors of sexual violence.	The Queensland Government will continue collaboration between the Queensland Police Service and the Office of the Director of Public Prosecutions to review, update and publish the memorandum of understanding relating to the investigation and prosecution of sexual violence matters.	June 2024
	47	The Director of Public Prosecutions review the Queensland Director's Guidelines and include additional guidance about the prosecution of sexual violence related cases and the treatment of victim-survivors in these cases. The review will include incorporating legislative and systemic reforms progressed in response to this report. The ODPP should work with the QPS to implement the revised Director's Guidelines to ensure staff and police are aware and understand how to use them.	The Queensland Director's Guidelines will be reviewed to include additional guidance in relation to the prosecution of sexual violence matters and the treatment of victim-survivors in these matters. The review will include consideration of any legislative reforms progressed in response to this Report.	December 2025
	49	The Director of Public Prosecutions independently review the role and operation of the Victim Liaison Officer program within the Office of the Director of Public Prosecutions to assess impacts and outcomes achieved including for victim-survivors of sexual violence and ensure the program is able to provide timely and up to date information to victim-survivors across Queensland at critical points in the criminal justice process.	The Queensland Government will review the prosecution of matters referred to the ODPP involving victim-survivors of sexual violence, and in particular, the role and operation of the ODPP's Victim Liaison Officers to ensure that timely and correct information is provided at critical points in the criminal justice process.	July 2025
	50	The Queensland Police Service and the Office of the Director of Public Prosecutions establish a clear, robust, transparent and easily accessible internal 'right to review' process of police and prosecutorial decisions for victim-survivors of sexual violence. The internal right of review will include an ability for a victim-survivor to request that a police decision to discontinue charges, and a prosecution decision made on behalf of the Director of Public Prosecution, be reviewed by another more senior officer. The outcome of the review could be for the decision to be changed, affirmed or an alternative decision made. The outcome of an internal review process including the reasons for the decision will be clearly communicated, using plain English to the victim-survivor.	The Queensland Government will explore opportunities to establish appropriate mechanisms to facilitate reviews of police and prosecutorial decisions requested by victim-survivors. Implementation of this recommendation will be considered further as part of Government's response to the Independent Commission of Inquiry into Queensland Police Service responses to domestic and family violence, so that findings can be appropriately incorporated.	December 2024

51	The Director of Public Prosecutions, in partnership with First Nations peoples, develop and implement a cultural capability plan that includes strategies to improve the cultural capability of all staff within the Office of the Director of Prosecutions.	The Queensland Government will work in partnership with First Nations peoples to develop and implement a cultural capability plan with a focus on improving cultural capability of all staff within the Office of the Director of Public Prosecutions.	June 2025
67	The Office of the Director of Public Prosecutions and Police Prosecution Corps, Legal Aid Queensland including preferred suppliers who do legally aided work, and community legal centres, including the Aboriginal and Torres Strait Islander Legal Service, require all legal staff to participate in training on working with victim-survivors of sexual violence, including best-practice in communicating with First Nations women and girls, and responding to evidence of trauma and abuse histories	The Queensland Government will work in partnership with the Office of the Director of Public Prosecutions, Police Prosecution Corps, and legal assistance services to ensure that training programs focused on the nature and impact of sexual violence and working with victim-survivors are available and will explore options to make the training a requirement for all relevant staff.	30/06/2025
74	The Director of Public Prosecutions, in consultation with the Queensland Government, consider designing and implementing a new operating model for the prosecution of sexual violence cases within the Office of the Director of Public Prosecutions. The model should include governance and leadership arrangements, the development and implementation of ongoing competency based training and professional development for all staff and lawyers, and support for staff and lawyers to avoid vicarious trauma. The model should ensure all staff and lawyers are able to provide trauma-informed responses to victims of sexual violence and recognise the specialist expertise required in the prosecution of sexual violence cases. The model will support the Office of the Director of Public Prosecutions to implement recommendations in this report within the Office and to actively participate in the implementation of recommendations across the broader criminal justice system.	The Queensland Government supports the intent of this recommendation and will provide adequate resources and assistance to the ODPP to design, implement and evaluate the operating model for the prosecution of sexual violence cases. The model will include governance and leadership arrangements, the development and implementation of ongoing competency based training and professional development for all staff and lawyers and will ensure all staff are trained to provide trauma-informed responses to victims of sexual violence while being supported to avoid vicarious trauma and maintain the independence of the Director of Public Prosecutions	June 2027

	<p>118 The Women's Safety and Justice Taskforce reaffirms recommendations 39–47 of Hear her voice – Report One – Addressing coercive control and domestic and family violence in Queensland in relation to improving how lawyers respond to victims of coercive control and domestic and family violence, and recommends that in implementing these recommendations:</p> <ul style="list-style-type: none"> • the Queensland Government, Queensland Law Society and the Bar Association of Queensland expand the scope to include gendered issues for women and girls who are accused persons and offenders, including best practice in communicating with First Nations women and girls, and understanding the nature and impact of trauma and abuse and how this may contribute to women's offending behaviour. • the Office of the Director of Public Prosecutions and Police Prosecution Corps, Legal Aid Queensland, and community legal centres, including the Aboriginal and Torres Strait Islander Legal Service, require all legal staff to participate in training about gendered issues for women and girls who are accused persons and offenders, including best-practice in communicating with First Nations women and girls, and understanding the nature and impact of trauma and abuse and how this may contribute to women's offending behaviour. 	<p>The Queensland Government will expand implementation of recommendations 39–47 of Report One to take into account women and girls who are accused persons and offenders.</p>	<p>June 2025</p>
--	--	--	------------------

Queensland Sentencing Advisory Council (QSAC)

Sentencing for criminal offences arising from the death of a child

REPORT	RECOMMENDATION		DUE DATE
1 (Final Report)	5	The section of the ODPP's Director's Guidelines (as at 30 June 2017) dealing with 'Information for Victims' should be amended to reflect the wording of the Charter of Victims' Rights to provide that victims (including family members of victims of child homicide) are to be informed of each major decision (including the reasons for the decision) made about the prosecution of a person accused of committing an offence (unless they have asked not to be kept informed), rather than this information only being provided on request.	30 December 2023

The Office of the Director of Public Prosecutions ('ODPP') operates under the recruitment policies and procedures set up by the Department of Justice and Attorney-General ('DJAG') which stem from initiatives of the Queensland Government.

The Queensland Government has invested \$1.4 million over four years to implement a new First Nations Economic Strategy in partnership with Aboriginal and Torres Strait Islander peoples. The previous First Nations Economic Strategy from 2016-2022 identified that Aboriginal and Torres Strait Islander Queenslanders are significantly less likely to be employed compared to non-Indigenous Queenslanders. The Australian Bureau of Statistics 2011 Census of Population and Housing provided that around one in every two Aboriginal and Torres Strait Islander Queenslanders are employed compared to three out of every four non-Indigenous Queenslanders. As a result, the First Nations Economic Strategy recommended a whole-of-government approach to ensure Aboriginal and Torres Strait Islander people can better participate in Queensland's economy. As part of this interagency approach, DJAG has implemented the 'DJAG Inclusion, Diversity and Equity Action Plan 2023-27' and the 'DJAG Cultural Capability Action Plan 2019-23'. We discuss each of these initiatives below:

The DJAG Cultural Capability Action Plan 2019-23

DJAG recruitment is underpinned by 'The Queensland Government Aboriginal and Torres Strait Islander Cultural Capability Framework'. This framework informs the way organisations under the Queensland public service sector create a culturally capable workforce.

DJAG has established a First Nations working group to build and encourage cultural capability within the DJAG taskforce. All DJAG staff are eligible to join the working group. The working group's first priority was to establish the 'DJAG Cultural Capability Action Plan 2019-23'. Ultimately, the Action Plan included reviewing the DJAG recruitment and selection framework to improve attraction, recruitment and retention. It also included encouraging current Aboriginal and Torres Strait Islander staff to participate in capability development opportunities and programs. As at March 2023, 'DJAG's Inclusion, Diversity and Equity Strategy 2023-27' reported that 2.0% of DJAG staff elected to identify as Aboriginal or Torres Strait Islander. DJAG aims to increase this to 4% between 2023 and 2026.

DJAG Inclusion, Diversity and Equity Action Plan 2023-27

The DJAG Inclusion, Diversity and Equity Action Plan 2023-27 is a roadmap for implementing DJAG's 'Inclusion, Diversity and Equity Strategy 2023-27'. Overall, this strategy aims to increase the representation of underrepresented groups, foster an inclusive culture, and address biases and inequities within DJAG.

Additionally, DJAG focuses on building the skills of First Nations peoples and assisting them into work, providing scholarship opportunities for Aboriginal and Torres Strait Islander employees to access further education opportunities, and supporting employment opportunities and skills development through initiatives like apprenticeship and traineeship opportunities.

ODPP Initiatives

In addition to the initiatives taken by DJAG, the ODPP is in the early stages of engaging with the Oodgeroo Unit at the Queensland University of Technology. This is aimed to connect First Nations students to the profession and increase awareness of recruitment opportunities at the ODPP, such as the Work Experience Placement Program ('WEPP'). The WEPP runs for 4 weeks and gives law students insight into the profession and its operation within the criminal justice system. As part of our collaboration with the Oodgeroo Unit, we have been invited to a First Nations Breakfast in May. We aim to foster these relationships with all universities across Queensland, especially with those in the northern regions.