



# Inquiry into Annual and Financial Reports 2023–2024

## Answer to question on notice

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Asked by: Mr Peter Cain MLA

Addressed to: Ms Victoria Engel SC, Director of Public Prosecutions

Reference: Office of Director of Public Prosecutions

Hearing: 13 February 2025

In relation to: Director of Public Prosecutions and Witness Assistance Services

Question received: 17 February 2025

Answer Due: 24 February 2025

- (1) Provide a breakdown on how the additional funding of \$404,346 provided for the Witness Assistance Service (WAS) was used in 2023-24?
- (2) How many new positions within the WAS did this additional funding provide for?
- (3) Where there any issues with recruitment for these new roles?
- (4) Are there any plans to provide this additional funding and resourcing for the WAS on a longer-term basis?
- (5) What are the primary functions of the WAS within the DPP?
- (6) What is the capacity of WAS in terms of the number of cases it can handle at any given time?
- (7) How does WAS collaborate with other agencies, such as the Victims of Crime Commission, to provide comprehensive support to victims and witnesses?
- (8) What training and qualifications do WAS staff members have to support victims and witnesses effectively?

Ms Victoria Engel SC: The answer to the Member's question is as follows:

Adopting the question numbering:

- (1) This funding was to cover three ASO 5 staff members. Three ASO 5 WAS officers were recruited, the first started on 30 September 2024.
- (2) Three.
- (3) No, these positions were filled following competitive recruitment action which received 18 applications.

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- (4) The ODPP continues to lobby government for more funding to continue these WAS roles and to expand the WAS to a level consistent with the service in other Australian jurisdictions.
- (5) The primary function of WAS is to ensure witnesses and victims are given the support they need, from within the DPP, to navigate the criminal justice system. This includes access to information on how their matter is proceeding and what to expect through the Court process. They are also able to ensure a victim, witnesses or complainant's views are brought to the attention of the prosecutor or relevant decision maker, such as where a witness or victim does not want a prosecution to proceed. In addition, they can explain alternatives to traditional prosecution avenues, such as the benefits of Restorative Justice to a complainant or victim.

A properly resourced WAS can bridge the gap between the prosecution lawyers and witnesses, proactively keep a witness informed, help to prepare a witness for the Court process, and can act as a support person during the Court hearing where no other support exists. They often fill the gap, where other support services are not engaged, or where, the witness, victim or complainant has experienced barriers in receiving support from another service.

In addition, a robust WAS has the added benefit of upskilling prosecutors in trauma informed practice, and acts as a protective mechanism from the impacts of vicarious trauma for all staff. WAS also refer witnesses to external support services where appropriate and work closely with external support agencies to ensure a best-practice approach.

- (6) In the last reporting period, the three permanent WAS officers supported victims and witnesses in 379 matters. This workload is not sustainable and presents a risk to the staff. Due to resourcing limitations within the ACT DPP office, historically the WAS officers only supported a limited number of overall matters handled by the office each year (over 5,000), and support offered was limited in its nature due to the significant case load each WAS officer had (over 100 files each).

With the additional three positions, WAS has been able to provide better support to vulnerable witnesses, victims and complainants, and in more matters. The three additional short-term staff have already support more than 80 victims, complainants and witnesses. The office has already received exceptionally positive feedback from members of the ACT community who have been supported by the three new WAS officers, including thanking the WAS officers for their "kindness, compassion, and genuine care," for listening with understanding, for finding ways to help them and to indicate that their support had "given us hope and comfort during a very difficult time."

In the 6-month period between 1 July 2024 and 31 December 2024, the WAS team supported 352 victims, witnesses and complainants – a significant increase when compared with the 12-month reporting period before.

The current staffing levels in the team mean however that there is limited capacity to expand into the family violence space, meaning most victims, vulnerable witnesses and complainants, including children, in the family violence space, cannot access this service.

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Given the number of family violence matters that come into the office (814 completed in the last financial year), this is a significant gap in the office's ability to ensure family violence victims, witnesses and complainants are properly supported through the prosecution process.

- (7) The WAS collaborate closely with other agencies through referral pathways, including the Victims of Crime Commissioner and her staff at Victims Services ACT (VSACT). Presently, there are many victims, complainants and vulnerable witnesses who come into the criminal justice system through the prosecution process, who are not supported by any other agency during the criminal justice process, such as VSACT, as this is an opt in service.

Where VSACT are involved, the WAS team work closely with VSACT to ensure that the victim or complainant are properly supported at each step of the process, such as ensuring Court supports are in place, and working to ensure that communication is done in a manner that is tailored to the communication needs of a particular victim or complainant. The benefit of having a WAS involved is that they can provide clear updates as to what is happening with the matter, as they are part of the DPP, which is not able to be done where a victim, witness or complainant is only supported by an external service. The WAS staff also take this aspect of the prosecution service off the busy prosecutors, who do not often have capacity to communicate this information in a timely or trauma informed way, as they have full Court loads. When VSACT and WAS are involved, this allows a victim, witness or complainant to be supported both within the DPP and externally – including the excellent services such as therapeutic care that VSACT have access to.

Where VSACT are not involved, the WAS team play an even more important role in supporting a victim or complainant through the system and can be pivotal to ensuring a victim or complainant is not alienated from the process. The DPP is not funded to provide WAS support in every matter where a victim or complainant is not otherwise supported, in particular in the family violence space – this is a gap the DPP has been agitating to plug since her commencement in May 2024.

The ODPP also works with other relevant support agencies such as DVCS and CRCC, including as part of weekly Family Violence Case Tracking meetings, through FVIP (Family Violence Intervention Program), and the Wraparound Sexual Assault Program.

- (8) There are no mandated qualifications, which is comparable to other Australian DPPs, although qualifications in relevant disciplines are highly desirable. The DPP has intentionally recruited WAS officers with relevant working backgrounds to bring that experience to the service. Our current cohort hold experience working in sectors such as:
- a. Counselling and family support,
  - b. Out of home care for young people,
  - c. Disability care,
  - d. Social housing and assisting the homeless, and
  - e. Alcohol and drug rehabilitation.

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Continuous on the job training is provided. In addition, in the last 12-months the following training has been provided:

- a. Conferencing with vulnerable victims and witnesses
- b. LGBTQI+ Training
- c. Cultural Awareness on Country Tour
- d. Core Inclusion Learning program focussing on diversity, inclusion and unconscious bias
- e. Training on managing perfectionism in the legal sector and the strategies to manage and avoid the related risks of burnout.
- f. Vicarious Trauma Training, specific to the legal field and delivered by a psychologist who specialises in the impact of these precise traumas
- g. Best Practice Recruitment training
- h. Working Smart with Outlook

In addition, the WAS officers now receive formal clinical supervision which provides them with a further opportunity for learning and development.

Approved for circulation to the Standing Committee on Legal Affairs

Signature:



Date: 28/02/2025

By the Director of Public Prosecutions, Ms Victoria Engel SC