

# An interview with Sally Dowling SC, Director of Public Prosecutions, NSW

Interviewed by Ann Bonnor and Elizabeth Nicholson



Sally Dowling SC was appointed as the NSW Director of Public Prosecutions on 16 August 2021. One year on, Dowling SC spoke with Elizabeth Nicholson and Ann Bonnor about her vision for the Office of the DPP, its people, and its contribution to the criminal justice system – as well as a few personal angles on the experience and knowledge that she brings to the appointment.

**Bar News (BN):** *During your career you have been in a number of leadership positions in the NSW ODPP. What do you see as the strengths of this Office?*

**Sally Dowling SC (SD):** A key strength of the ODPP is that our lawyers are truly passionate about our work and have a strong sense of service, fairness and justice. Their dedication has a real and daily impact in the justice system. I regularly receive feedback from victims whose experience during a difficult court process was alleviated by our legal team's patience, respect and objectivity, and the contribution of our witness assistance service officers.

A prosecution team with these qualities is enabling of witnesses and complainants to give cogent evidence and to improve the criminal justice process as a whole.

Another great aspect of the ODPP is the professional opportunities it offers for talented legal minds. Many legal profession leaders, including judges and magistrates, have their professional origins in the Office.

There is strength also in the diversity in the ODPP. Because we serve the community, it is important for our social legitimacy that our makeup reflects the diversity of the community. Diversity in origins means diversity in ideas and experience; it contributes to personal and organisational resilience and a more grounded and holistic workplace. I am heartened by the inclusivity of the ODPP across ethnicities, sexualities, abilities and genders. I keep a close eye on our progress – currently about 60% of our solicitors and 37% of Crown prosecutors are female. Our lawyers come from a very wide range of backgrounds and we are an inclusive workplace.

**BN:** *What are your key priorities as Director?*

**SC:** I have recently worked with staff to formulate our strategy for the next five years, and as a group we brainstormed goals for the Office. We think it is important to build on the uniqueness of the ODPP in the criminal justice system, and that there is scope to benefit the system as a whole by strengthening relationships and fostering collaboration between participating agencies.

As Director, I want to improve the experience of victims and witnesses while maintaining respect for and preserving the rights of accused persons. We are exploring initiatives to improve support for First Nations victims and witnesses, which involves improving understanding of cultural factors that might affect evidence they give or their interaction with courts.

I also see digital transformation as key in future practise. I think it is well recognised that an outcome of the pandemic is demonstrable benefits in moving away from paper-heavy litigation. I am closely involved in the current pace of technological change in the ODPP, including by drawing upon advances in overseas prosecution systems. I hope that our progress assists to facilitate electronic based processes in courts that hear criminal matters.

Finally, I want to invest in our people, who are the ODPP's greatest asset and critical to our important work. I am committed to providing successful and rewarding career opportunities with high calibre training, opportunities for leadership, secondments and acting roles, and investment in wellbeing. A safe, happy and healthy work environment is a top priority. To be accessible I have recently met with all our 970 staff throughout our 11 offices, a practice which I will try to do every six months.

**BN:** *Are there differences in practice and stress between the private Bar and the public service – and how do you feel about the transition this time?*

**SC:** Both the private Bar and public service can involve heavy workloads and high pressure, but are quite different to each other. A private barrister's role is a complex juggle of acting for different clients across diverse matters, while operating as a sole trader.

At the ODPP, the subject matter is more focussed but there are different stakeholder interests to understand and manage. A contributor to stress is our important role in the overall administration of justice with its competing interests.

Transitioning to the directorship has involved a steep learning curve, with simultaneous responsibilities as client, counsel, and leader of an organisation with more than 950 staff. The leadership aspect means understanding how to influence workplace culture to unite staff and maintain their motivation. It's an enjoyable challenge and I feel very fortunate to draw on my experience to date and to learn new leadership skills. It is very much a process of flying the plane and tuning it while also building a new one.

A rewarding aspect, and key to the ODPP's success, is that the outcome rests on the value of the effort by the whole team – every administrative officer, legal clerk, solicitor, Crown prosecutor, and witness assistance service officer.

**BN:** *Having been the Director for a year, what challenges and successes has the experience brought to date?*

**SC:** One of my biggest challenges is one I'm sure everyone relates to – (lack of) time! As Director I appear in court, make numerous time-critical decisions, meet with stakeholders, and am involved in steering internal and external reforms. Everything is urgent. Meeting multiple competing deadlines is a real juggle. I try to time-manage and delegate. Things ultimately get over the line, thanks to my committed staff.

Another challenge is that our most senior and experienced Crown prosecutors and deputy directors are often appointed to the bench, which we celebrate but which can leave internal gaps. But aligned with my priority to build talent and depth, these appointments create opportunities for others and the versatility of our staff is testament to the ODPP's continued success and stability.

**BN:** *You have introduced a number of dynamic initiatives in the Office. What are they, and how are they going?*

**SC:** A clinical supervision pilot was introduced earlier in 2022, in which Crown prosecutors and senior solicitors meet confidentially with a senior psychologist every quarter. There is opportunity to debrief, gain psychoeducation, and provide intervention and support if needed. The clinician has specialised understanding of the ODPP's work and can provide continuity in monitoring of individual staff if needed and the organisation more broadly. Some staff initially were sceptical, but feedback indicates that the chances to speak openly and have challenges in our work understood have been extremely positive.

I introduced the pilot because mental health is critically important, particularly in criminal law with its daily traumatising material and traumatised people.

Over the past year I am proud that we have introduced several internal First Nations initiatives. We do important work with and for First Nations communities and I consider it to be vital that we have meaningful First Nations representation in our Office.

The Aboriginal and Torres Strait Islander Legal Internship Program is for First Nations university law students. We presently have four interns. We have a peer support network for First Nations staff. We are working towards a formal mentoring program for First Nations lawyers and we have a growing representation of First Nations communities among our staff. We have also introduced mandatory Aboriginal cultural awareness training for all staff to provide knowledge and skills to better meet the needs of people and community with whom we work and serve.

**BN:** *As the first woman to hold the office of NSW Director, is there anything you might say to women in the profession about advancing their career while staying balanced?*

**SC:** One thing I would say is that you can definitely do both. Having personal commitments and competing priorities does not have to impact your career trajectory. Between 2002 and 2016 I worked part-time as a Crown prosecutor in order to spend time with my three children. I was the first Crown in NSW to work part-time, working two weeks on / one week off, and later, in appeals, three days a week. During that period I took silk and was appointed as deputy senior Crown prosecutor.

I encourage lawyers who have family and caring responsibilities to pursue flexible working arrangements, which are all the more accessible after the pandemic.

I also cannot overstate the value of a strong support network, be it family, friends or colleagues – positive people who can help share the load.

**BN:** *Was there anything in your early career that left a lasting impression, that you would pass on to talented lawyers who are now making education or career choices?*

**SC:** I would love to pass on: do not be afraid to try. During my first few years at the Bar I practised in commercial law and intellectual property, then, entirely serendipitously, in 2002 I applied to be a Crown when a friend told me that Nicholas Cowdery QC, the then Director, was recruiting. I read the entire criminal law loose-leaf in the weekend before my interview and crammed 10 years of High Court criminal decisions. The panel took a chance on me and the professional journey since has been incredibly stimulating and rewarding.

I hope this encourages readers to be courageous and aim high. Don't be discouraged from an opportunity just because it may be outside your comfort zone. There is no single route in a legal career, so don't be afraid to explore. **BN**