Public Service Association of New South Wales
General Secretary: Anne Gardiner ♦ President: Sue Walsh
160 Clarence Street, Sydney
GPO Box 3365, Sydney NSW 2001

Telephone: 1300 772 679
Facsimile: 02 9262 1623
Internet: www.psa.asn.au
ABN: 83 717 214 309

In reply please quote: ***JAB:ljm: A16/0420***

26 April 2016

Amber Williams
Executive Director, Strategic Human Resources
Department of Justice
Level 9 Justice Precinct Offices, 160 Marsden Street
Locked Bag 5111
PARRAMATTA NSW 2124

Via email: Amber_Williams@agd.nsw.gov.au

Dear Ms Williams,

Re: Misconduct Procedure

The Public Service Association of NSW (PSA) writes in reply to your correspondence dated 23 March 2016, Misconduct Procedure.

Within your correspondence you advise that this Procedure now *applies across all Divisions of the Department and as such seeks to ensure matters across the Department are managed in a consistent and timely manner.*

The primary concern for the PSA is the failing of the Department of Justice on any form of consultation including at the recent Peak Justice JCC relating to this Procedure.

Given that this issue was raised as far back as the Peak Justice JCC in November 2014, specifically how the Department manages misconduct we are unable to understand why the PSA has been excluded from consultation. We would also like to draw your attention to item 4.3 of the Misconduct Procedure which states:

> *All matters of misconduct are conducted in a timely and expeditious manner. Clear timeframes are established at the start of a misconduct process and adhered to. Excessive and unreasonable delays may contribute to procedural flaws and can impact on the wellbeing of those involved.*

We note there is no indicator as to what constitutes a timely and expeditious manner.

Further to this issue being raised at Peak Justice JCC it was also the subject of two letters addressed to you. We have attached copies for your information.

These letters related specifically to CSNSW and its failings to manage timely responses to those who are under investigation.

The PSA is unable to comprehend as to how the Misconduct Procedure will improve both timeliness, but equally as important, the wellbeing of those under investigation.

The PSA seeks that the Department of Justice halt any further implementation of the Misconduct Procedure and adhere to Clause 65.1 of the *Crown Employees (Public Service Conditions of Employment) Award 2009* which states:

> *There shall be effective means of consultation, as set out in the Consultation Arrangements Policy and Guidelines document, on matters of mutual interest and concern, both formal and informal, between management and the Association.*

Your urgent attention is appreciated. I can be contacted on 0408 410 744 or alternately email jbond@psa.asn.au.

Yours sincerely,

Julie-Ann Bond
Senior Industrial Advocate

Encl. (2)

Public Service Association of New South Wales
General Secretary: Anne Gardiner ♦ President: Sue Walsh
160 Clarence Street, Sydney
GPO Box 3365, Sydney NSW 2001

Telephone: 1300 772 679
Facsimile: 02 9262 1623
Internet: www.psa.asn.au
ABN: 83 717 214 309

In reply please quote: ***JAB:ljm: A15/0692***

4 March 2016

Amber Williams
Executive Director, Strategic Human Resources
Department of Justice
Level 9 Justice Precinct Offices, 160 Marsden Street
Locked Bag 5111
PARRAMATTA NSW 2124

Via email: Amber_Williams@agd.nsw.gov.au

Dear Ms Williams,

Re: Corrective Service NSW

The Public Service Association of NSW (PSA) wrote to you on the 18 January 2016 in regards IRC Matter Number 2016/00011375 as heard before Commissioner Newall on 14 January 2016.

As stated within our correspondence we raised concerns in relation to the process as used by Corrective Services NSW in the management of misconduct investigations.

It is imperative that the Department acknowledge the concerns as raised before Commissioner Newall and as stated within the Peak Justice JCC.

We again seek that as a matter of urgency that meeting is convened to address the failings of CSNSW as identified within our earlier correspondence which includes:

- CSNSW not providing timely communication to those under investigation
- CNSW not providing support to staff in some situations that are left isolated for months whilst under investigation
- that the PSA is not able to see any development in the streamlining of the management of misconduct investigations as discussed by the Department during the November 2014 Peak Justice JCC.

Your urgent attention is appreciated and I can be contacted on 0408 410 744 or alternatively email jbond@psa.asn.au.

Yours sincerely,

Julie-Ann Bond
Senior Industrial Advocate

Public Service Association of New South Wales
General Secretary: Anne Gardiner ♦ President: Sue Walsh
160 Clarence Street, Sydney
GPO Box 3365, Sydney NSW 2001

Telephone: 1300 772 679
Facsimile: 02 9262 1623
Internet: www.psa.asn.au
ABN: 83 717 214 309

In reply please quote: ***JAB:ljm: A15/0692***

18 January 2016

Ms Amber Williams
Executive Director, Strategic Human Resources
Department of Justice
Level 9 Justice Precinct Offices, 160 Marsden Street
Locked Bag 5111
PARRAMATTA NSW 2124

Dear Ms Williams,

Re: Corrective Service NSW

The Public Service Association of NSW (PSA) writes to you in regards to IRC Matter Number 2016/00011375 as heard before Commissioner Newall on 14 January 2016.

The actions as taken by our members at John Moroney Correctional Centre are not isolated nor are they unique to this Centre, they are issues which currently effect some 400 members solely within CSNSW who are under investigation for allegations of misconduct.

The PSA had raised this issue during the Peak Justice JCC in November 2014 and as stated within the minutes:

> *"A review of the Corrective Services Division Professional Standards processes has resulted in; management of local matters being more appropriately deal with as performance management, the central management of bullying and harassment and the streamlining of misconduct investigations with elimination of the preliminary investigations."*

Unfortunately, this statement has not expedited matters for members within CSNSW in either managing issues at the local level, managing matters which relate to performance management nor those matters which relate to bullying and harassment.

Our members have only seen an increase in the length of time in investigating these matters.

The actions from the members at John Moroney Correctional Centre are borne from frustration and the failings of CSNSW in not providing timely communication to those

under investigation, not providing support to staff in some situations that are left isolated for months whilst under investigation and again not seeing any streamlining of the management of misconduct investigations.

The PSA therefore requests that a meeting is arranged between both the Department of Justice and CSNSW in relation to the management of misconduct investigations.

I can be contacted on 0408 410 744 or alternately email jbond@psa.asn.au.

Yours sincerely,

Julie-Ann Bond
Senior Industrial Advocate