

OUR REFERENCE  
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**DIRECTOR'S CHAMBERS**



**ODPP**  
New South Wales

YOUR REFERENCE

DATE  
7 May, 2018

Mr Stewart Little  
General Secretary  
Public Service Association of NSW  
GPO Box 3365  
SYDNEY NSW 2001

*Email: MWunderlin@psa.asn.au*

Dear Mr Little

**Re: Early Appropriate Guilty Plea ODPP Restructure**

I refer to your letter dated 13 April 2018 and subsequent discussions at the ODPP/PSA Joint Consultative Committee (JCC) meeting on 24 April 2018 regarding proposed changes to the staffing structure of my Office as a consequence of the Early Appropriate Guilty Plea (EAGP) reforms.

Thank you for your feedback and collaborative consultation during this period of change. I'm pleased to advise that following a series of adjustments based on the valuable feedback provided by the PSA and by staff from across the Office I have now approved a new structure for the ODPP. Please find attached a copy of the finalised new structure.

Further to the issues discussed at the JCC meeting please find below a summary of responses to the issues as raised.

1 Allocation of employees to offices

The determination of the numbers of positions in each office was based on a number of factors including:

- Quantitative evaluation of a variety of data sets (eg volume and types of matters, matter complexity, volume of court sitting days, existing staffing ratios)
- Circuits and travel obligations
- Efficiencies to be created by incorporation of EAGP processes
- Impact of changes to Table Offences

Gosford - In response to your feedback and that provided directly by the staff of the Gosford Office changes have been made to the initial proposed structure, with the addition of a Crown Prosecutor and a Level 2 Lawyer. You will see these additional resources reflected in the attached structure.

Lismore - In response to your feedback and that provided directly by the staff of the Lismore Office changes have been made to the initial proposed structure, with the addition of another Level 2 Administrative Officer position which is expected to provide Lismore with the

additional capability required. I would also like to point out that 2 LDP officers have been added to provide support within the Lismore Office.

## 2 Witness Assistance Officers

I refer you to the information provided by John Kemp, A/Director Human Resources on 16 April 2018 with respect of the proposed changes for the Witness Assistance Service. As advised at the JCC, the consultation period in respect of the WAS structure has been extended until 4 May 2018 and I reiterate my invitation for feedback from the PSA in this regard.

## 3 Role descriptions

Role descriptions have been updated prior to each individual recruitment activity. The capabilities for each role/level remain unchanged and the work to be undertaken under the EAGP reforms is already within the contemplation of the existing role descriptions.

As advised previously, overall the changes are negligible although some practices may differ. Detailed operating procedures are being developed and training will be provided. Improved processes will result in efficiencies and the 'team' based model will further enhance the support and guidance available to staff at all levels.

## 4 Lateral transfers

I refer you to the information provided in the attachment to my letter of 6 March 2018 which outlined the procedures to be applied for the filling of roles following the finalisation of the new structure. Further to this, individual emails have been sent to staff at the time of roles being advertised inviting expressions of interest for lateral transfer and outlining the manner in which these expressions will be dealt with. In summary the following considerations are to be applied:

- Location preferences
- Tenure in current position
- Names of 2 referees. One should be your current Managing Lawyer
- Up to date Performance Development Plan which shows you are meeting all agreed performance goals.
- Any further details related to reasons for transfer request (eg compassionate reasons)

The above will be taken into account when assessing requests for lateral transfer. It should be remembered that there is no guarantee that any application for lateral transfer can be accommodated and that any lateral transfer must be considered operationally viable to ensure appropriate staffing levels are able to be maintained at all offices.

## 5 Recruitment

As advised in my letter of 6 March 2018 I have considered the provisions of GSE Rule 23 and have determined that it does not apply on the basis that the proposed restructure does not result in a significant number of employees as likely to be determined to be excess employees. In fact no employees will be determined as excess as a consequence of the proposed restructure. The use of internal talent to fill any new roles that arise out of the changes will be prioritised with external appointments utilised as the final method of filling roles.

It has been difficult for Level 1 lawyers in the CCA unit to compete for Level 2 positions. For this reason it is of greater benefit to the ODPP and to the individual, for Level 1 Lawyers to be provided with an opportunity to gain a spectrum of operational experience that facilitates the development of the core capabilities before being promoted to a Level 2 Lawyer position.

Those who are Level 1 Lawyers in CCA will move to another Level 1 Lawyer role in Sydney.

#### 6 Voluntary redundancies

As advised previously, and further to discussion at the JCC meeting, the ODPP has carefully designed the proposed structure to maximise the use of the additional resources available, best utilise the existing talent available and have the least possible deleterious impact on the existing staff of the Office. The payment of voluntary redundancies does not fit within the budget nor NSW Treasury funding arrangements in this regard.

#### 7 Legal Development Program

As advised previously, the proposed structure does not change the current 12-month temporary contract period for Legal Development Program (LDP) participants, but vastly expands the number of roles and locations where LDP opportunities will be available. Current LDPs will continue to serve at their current locations until their date of program completion. The expansion of the program is expected to enhance the benefits in terms of development and experience for all participants and reinforce the value placed on this important program in terms of the development of future talent for the Office. The overall number of substantive ongoing Level 1 roles in the new structure is minimally effected and this is not anticipated to significantly impact the career pathway available to participants in the Legal Development Program.

#### 8 Part-time work and other flexible working arrangements

The Offices approach to requests for flexible working arrangements, including part time work, is not changing. Individual requests are considered on their merits and the Office is fully supportive of the NSW Government's *Making Flexibility Count* framework (the Office is represented on the Public Service Commission's *Embedding Flexible Working Committee*).

Existing part time working arrangements will be considered as part of the process of assigning staff to new roles and it is anticipated that the new 'team based' structure will provide the Office with improved opportunities to support flexible working arrangements.

I look forward to a continuing to work closely with the PSA on future initiatives to ensure the best decisions are made for any issues which may affect staff of the ODPP.

If you have any questions please contact Nigel Richardson, Director HR on 9285 2549 or at [NRichardson@odpp.nsw.gov.au](mailto:NRichardson@odpp.nsw.gov.au)

Yours faithfully



**Lloyd Babb SC**  
**Director of Public Prosecutions**