



PUBLIC SERVICE ASSOCIATION
OF NEW SOUTH WALES

General Secretary Stewart Little
President Kylie McKelvie
ABN 83 717 214 309

In reply please quote: MW:mb

13 April 2018

Mr Lloyd Babb, SC
Director of Public Prosecutions
Office of the Director of Public Prosecutions
175 Liverpool Street
SYDNEY NSW 2000

Email: lbabb@odpp.nsw.gov.au

Dear Mr Babb,

Re: Early Appropriate Guilty Plea ODPP Restructure

The Association has received feedback from members in relation to the change management documents provided by the ODPP pursuant to the Early Appropriate Guilty Plea reforms. A summary of the issues is provided below.

Allocation of employees to offices

The ODPP has not indicated how it determined the number of positions required at each office. Particularly, the lawyers in Gosford office are already working over capacity and carrying a number of files significantly in excess of the Workload Agreement. The proposed restructure does not address these concerns. Currently, only one additional position (Level 3 Solicitor) will be given to the Gosford Office. This significantly falls short of what is needed.

In relation to the Lismore office, there is a proposed increase in the number of Lawyers and Crown Prosecutors and yet reduced the number of administration staff. Specifically, members would like know how workload weighting has been accounted for in relation to the allocation of the number of roles to offices.

Witness Assistance Officers

There is still no information on how the restructure will affect Witness Assistance Officers.

Role descriptions

Role descriptions have not been updated to reflect the impact of the EAGP changes. It is therefore not possible for members to prepare for interviews during the recruitment. Similarly, delegations should also be made clear to members in the role descriptions.

Lateral transfers

The lateral Transfer Policy has not been released despite the ODPP indicating it would be made available at our last Joint Consultative Committee.

Recruitment

As put to the ODP previously, the Association recommend that recruitment be undertaken in accordance with Government Sector Employment Rule 23. There are many temporary employees who are employed as Level 1 Solicitors who may lose their jobs and not receive a redundancy. Rule 23 should be followed in order to minimise the impact of the restructuring on temporary employees.

From the documents provided it appears that that Level 1 Court of Criminal Appeal and Advising Solicitors are to be forced out of their roles. The requirement of demonstrated advocacy precludes them from applying for Level 2 positions in any role because their roles in CCA do not require advocacy. That they were not required to do advocacy was the reason they applied for the CCA roles in the first place. How the ODP has considered these issues has not been made clear.

Voluntary redundancies

The ODP should also consider voluntary redundancies as part of the restructuring. There are a number of Level 1 Solicitors who have indicated to the Association that they would like a redundancy. The offer of a redundancy to these solicitors would allow temporary employees a better chance at securing a role.

Legal Development Program

With the reduction in Level 1 Solicitor positions, members employed in the Legal Development Program designed for recent law graduates have no clear career pathway.

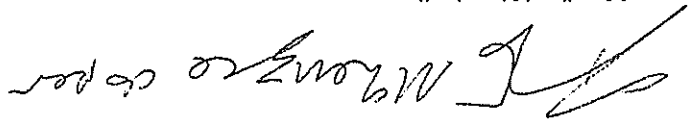
Part-time work and other flexible work working arrangements

The ODP have not detailed how the restructuring will affect part-time work and other flexible work working arrangements. Members have received conflicting advice from management about whether current flexible working practices will be extended under the new structure. Additionally, members would like to know how the ODP has accounted for the NSW Government's flexible working practices policy. As the ODP should be aware, the Government has a policy of making all public sector jobs flexible by 2019.

To deal with the above matters, the Association would like to meet with ODP management. Please refer to the email sent by Monika Wunderlin, Industrial Officer, to John Kemp, Manager HR Business Partners/Projects on 12 April 2018 which requests a meeting.

We look forward to your response.

Yours faithfully



Monika Wunderlin
for STEWART LITTLE
GENERAL SECRETARY