

OUR REFERENCE

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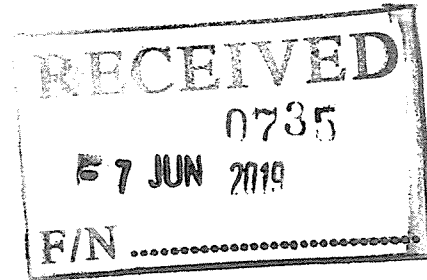
DIRECTOR'S CHAMBERS



Justice
ODPP
New South Wales

YOUR REFERENCE

DATE 30 May 2019



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

Attention: Monika Wunderlin

Dear Ms Wunderlin

I refer to ongoing discussions through the ODPP/PSA Joint Consultative Committee (JCC) regarding the draft new ODPP Code of Conduct (the Code) and provide the following responses to the issues raised in your email to Mr Richardson of 3 April 2019.

Personal Conduct

- The relevant section refers to 'offensive' language. If conversational swearing occurs within the Office environment and is not considered as offensive by those present it would not be considered in breach of the Code.

Clothing

- The draft has been adjusted to incorporate dress that is 'appropriate to your role' to better qualify the distinction. It is not intended that administrative staff would be required to wear suits.
- The reference to the example of 'singlet tops, spaghetti straps' is related to the restriction on 'revealing clothing'. If the top/dress worn by female solicitors under their jackets are not revealing, then they would not be considered in breach of the code.
- The reference to 'meeting with a child' is accepted and an insertion has been added to clarify 'appropriate to the circumstances'.
- The 'heat' reference is accepted, and in the exceptional circumstances that air conditioning is not working practical considerations would of course apply.
- The casual sandals reference is noted, for clarification any footwear that does not meet acceptable WHS standards would be excluded by the Code.
- The reference to 'sketcher' type shoes is noted, for clarification it should be noted that on page 10 the Code reference to 'runners' being acceptable on some occasions, including when your manager otherwise agrees. The circumstances noted would fall within this provision, and this would be at the discretion of the local manager allowing for practical considerations.

WAS Clothing/Hospitality

- With respect to clothing, I refer to the above reference and the inclusion of 'appropriate to your role' to qualify the distinction.
- With respect to hospitality, I refer to the Code which includes the provision of 'light refreshments'. It is not understood what other forms of hospitality would be envisaged, but it must be clear that WAS Officers, and all ODPP staff must not be seen to be providing any form of Gift, Benefit or Hospitality which would be seen to offer an actual, potential or perceived conflict of interest. It is possible that a 'gift' offered by an ODPP officer may be viewed as an inducement regarding the provision of evidence and could jeopardise a prosecution and for this reason extreme caution must be exercised.

Tattoo's and Piercings

- References to tattoos and piercings are noted and adjustments have been included to allow for cultural sensitivity as requested. With respect of the more general issue, it is expected discretion will be used, however it remains that piercings be removed, and tattoos covered where possible if they are deemed to impact on the professional presentation of the individual in their capacity as an employee/representative of the ODPP.

Social Media

- The Office has no intention of monitoring the private emails and texts of staff members and will not breach any privacy laws. However as noted in the draft, the references to 'emails/texts' only relate to circumstances where they 'harm in any way: the integrity and reputation of the ODPP, the discharge of any ODPP function, your professional standing, the professional standing or personal lives of your colleagues, the reputation or the operations of the ODPP's stakeholders, including judicial officers, other individuals, courts and other agencies'. In the circumstances as described, texts and emails of employee's may be considered as breaching the Code if the 'harm' as described was to occur.

Gifts

- The \$50 limit is to be retained. It is not expected that the quantum of the amount will materially impact this issue, and if staff receive the types of gifts described a simple declaration will address the issue.

Bankruptcy

- The rules around the declaration of bankruptcy are included in the Government Sector Employment Regulation 2014 and are applicable to all GSE Act employee's.

Other Drugs

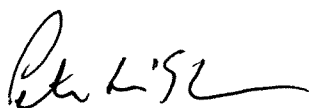
- It is not envisaged that the appropriate use of prescription drugs taken in accordance with a doctor's advice would be a breach of the Code. A staff member who is 'under the influence' as described, as a consequence of abusing prescription drugs may be subject to action under the Code.

It is also noted that you provided additional information in relation to the responsibility of managers with respect to their accountability for the behaviour of their staff. In the interest of clarification this does not mean that managers will be held responsible for every minor fault of staff, but rather that managers will be called to account for unsatisfactory acts or omissions of their staff if these are so serious, repeated or widespread that managers should know of them and address them, if they are exercising the level of leadership, management and supervision appropriate to their managerial position. I note that this aspect of accountability is included in the current ODPP Code of Conduct and the new Code does not alter the existing responsibility.

It is my intention to incorporate the amendments and adjustments noted above and then finalise and approve the draft Code of Conduct and communicate the new document to all staff. I would like to take this opportunity to thank you for your valuable input into this important policy for the organisation and I look forward to our continued collaborative and consultative approach to address issues related to the staff of the ODPP.

If you require further information regarding this matter, please contact Nigel Richardson, Director Human Resources.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Peter McGrath', with a stylized flourish at the end.

Peter McGrath SC

A/Director of Public Prosecutions