



DOC20/250853

Mr Michael Sinclair  
Public Service Association NSW  
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Dear Mr Sinclair

Please find enclosed responses to the specific feedback your members have raised regarding the EPA realignment. More detailed structures will be released to the Public Service Association (PSA) and EPA staff on Monday 30 March 2020. These structures have been adjusted following consideration of the feedback I have received since 9 March 2020.

The EPA is continuing to develop, test and plan the transition to our new operating model, this means incoming work flows and practices will remain largely unchanged for the time being.

**Administration:**

**Q:** Administration staff have concerns they have not been incorporated in EPA future plans, in sufficient details, where are they and where will they be based? To who will they be reporting?

**A:** The EPA values the significant contribution our administrative staff make to the smooth operation of the agency. As previously advised, administration staff were reappointed to Executive Directors in the notional structure. Each division has structured their administrative teams based on operational need. Details of reporting lines and administration team structures will be release on 30 March 2020.

**Vacant roles:**

**Q:** Are there plans for vacant roles to be filled? This equates to a loss of jobs. How will this be managed in areas like Gas, where there are 9 temporary roles? What is the number of roles in Metro Operations, including temporary ones? These roles should be filled in order to ensure the smooth functioning and broad skills base of the EPA.

**A:** Noted. Vacant roles will be filled according to business need. The number of positions has not been altered during the realignment process.

**Best use of Skills:**

**Q:** Members believe they should have an opportunity to nominate where their skills lie and for this to be incorporated into the feedback. This has lead to an ineffective allocation of resources, operations staff have been moved to policy and vice versa.

**A:** Reappointing of roles to the newly formed divisions was based on an agreed set of principles. Roles were reappointed to divisions based on their function, i.e. operations roles reappointed to the Regulatory Operations division and policy roles pointed to the Regulatory Policy, Practice and Advice Division. Your members' skills were taken into account in the allocation of staff to teams.

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**Specialists and Generalists:**

**Q:** The incorporation of specialists into generalist teams, in itself, does not dilute the specialist skills. However, the EPA has repeatedly stated the Specialists will be required to undertake other Operational Work and General Operations Officers will have to be upskilled to undertake the specialist work. There is no plan for changes to role descriptions that are required for this to occur. These role description changes are needed in instances where, for example, Forestry Officers are moving to Operations.

Members are concerned that the move to generalist positions will lead to them regulating areas which they are unfamiliar and unable to do. Simultaneously, there is a considerable degree of excitement over this new structure as some workers will be able to learn beyond a certain area, for example, Gas, and apply for more positions than they would under the current structure.

Ultimately, workers want this change to be managed in the following way, so that everyone can get the most out of the new structure.

Members are of the belief a comprehensive and targeted retraining plan. The current change management plan has deficiencies in the following areas:

- 1) Specialist to Generalist training;
- 2) Generalists taking on specialist fields;
- 3) Unit heads responsible for all facets of EPA work when previously all specialised or restricted generalists.

There should be a gradual increase in the diversity of work, rather than immediate reallocation of all work which could lead to performance problems and inefficiencies due to lack of initial understanding.

**A:** Noted. The opportunity to further consider these issues will arise as part of the transition plan to the new operating model.

**Mentoring:**

**Q:** How will training or mentoring occur with others work? EO5 to E10 Officers training staff is not included in their role description. Their salaries do not reflect that responsibility. The current structure does not reflect this in practice. For example, the proposed structure has EO5 Forestry as the specialist on a team and in theory the teacher for everyone up to the Director of that area. This situation will lead to the dilution of the EPAs specialist skill levels, with limited prospects for upskilling workers.

**A:** Adjustments have been made to the proposed structure to ensure (where possible) there are 2-3 officers with specialist thematic expertise e.g. forestry grouped in teams, to support capacity building and sharing of experience within the teams and across the branches.

**Corporate Knowledge:**

**Q:** There is no plan for the retention of specialist skills in areas that are the key to a functioning EPA. An example of this being a problem in the past comes from the former Specialist Pesticide Officers, who were incorporated into generalist operations officers. As a result, today little work is undertaken in the Pesticide Space, its regulation is insufficient and the ability to complete this work is mostly lost. In this realignment, the Contaminated Lands team is split so that peer review, mentoring and team-based work is limited or in some cases impossible. This will diminish the EPA's ability to regulate Contaminated Lands in the long term as it did the Specialist Pesticides unit.

**A:** Noted. The EPA is committed to ensuring we maintain our expertise. As part of the transition planning process consideration will be given to how the EPA best maintains and shares this expertise across the Agency.

**Risk Management:**

**Q:** Risk management is not identified in this document. The CMP must identify how risks have been identified, considered and mitigated in the design of the 'enabling organisational structure'.

**A:** Noted

**Budgeting:**

**Q:** The current budgeting system only allows branch co-ordinators to access information. This has meant that managers at a regional level are budgeting in the dark. This has caused indecision and trepidation among managers.

*Solution:* Provide budget access for managers dealing with specific programs where they need it.

**A:** Noted.

**Forestry:**

**Q:** The Forestry Biodiversity Group is a significantly different branch of the EPA than many others. Inspectors in Forestry have different JSAs, a different act, different PPE and different vehicles than other parts of the EPA. Training for their roles takes a long time and specialised knowledge. The following is a list of issues that have come as a result of the differences between Forestry and other parts of the EPA.

Member feel 6-month to 12-month transition period be allowed for Forestry Officers to adapt to the new structure.

**A:** On 30 March 2020 a transitional structure will be released. This structure will be provide the foundation for administrative reporting lines and teams. There will continue to be a period of transition to enable staff to settle into the new ways of working and the EPA will continue to test and evolve the operating model.

**PPE:**

**Q:** Forestry has different operating equipment than other branches. For example, they cannot wear steel capped boots when conducting inspections whereas other inspectors must wear steel capped boots. How will this problem be handled if inspectors are required to inspect forestry and non-forestry sites?

**A:** There is no expectation that specialist officers will become generalist officers.

**Forestry Reports:**

**Q:** Forestry Officers must make inspections in pairs. Under the proposed structure, many forestry officers are reporting to different unit heads despite being co-located. This means that two unit heads will have to sign off on every single inspection. This doesn't make sense, is counter-productive and has not been well thought out.

Forestry Officers who are located in the same area be placed in pairs within units. This will mean that there will only be a one-unit head signing off on one visit, rather than constantly negotiating between each other. It will also be reducing driving, fatigue and costs.

**A:** Adjustments have been made to the proposed structure to ensure (where possible) there are 2-3 officers with specialist thematic expertise e.g. forestry, to support capacity building and experience within the team and across the branch.

**EEP Division:**

**Q:** EEP Division is insufficiently resourced for its scope. Of the 81 roles (14 vacant, 3 in AELERT due to leave shortly), 30 are in public affairs and engagement, 16 are in Regulatory and Compliance Support, 7 additional admin officers and 3 are AELERT support officers. This leaves less than 30% of the branch (24 roles, 6 of which are vacant) to undertake all project work, which currently includes 13 major projects. Based on estimates from members, there needs to be an additional 30-40 experienced project officers across a variety of grades.

Members are of the view unless the resourcing for priority projects is adequate, it is difficult to see the Division being maintained in its current form. While all of the tasks currently being undertaken are a necessary part of the EPA's work, they could be reallocated to other Divisions if necessary with Public Affairs and Engagement, reporting to the CEO.

**A:** Noted.

**Vehicle Pooling:**

**Q:** The EPA has different vehicles for different situations. For example, 4 wheel drives are required for driving around certain areas and terrains, but are not always needed. The areas with different vehicles are Air, Radiation and Forestry. How will cars be distributed in the new system? How will the right vehicle be given to the right person in a convenient way? How will vehicles be allocated to Directors?

**A:** This will be considered as part of transition planning.

**Vehicle Marking:**

**Q:** Will all vehicles be marked as government vehicles? There is a great deal of concern in various areas, particularly remote ones, that government branded vehicles will make people targets.

*Solution:* A mix of branded and non-branded vehicles. If it is a high-risk area, workers can use non-branded vehicles as a safety precaution.

**A:** There is no proposed change to the current arrangement.

**Unit Heads:**

**Q:** Some unit heads have 8 reports, and some only having 2, members feel this will create an imbalance in workload. Members also feel this will create backlogs in some units, where unit heads are overburdened. The Co-ordination unit will slow this workflow even further.

Members feel unit heads work should be shared equally with 5-7 reports, as recommended in the GSE. Further, that these allocations take into consideration part-time workloads. Some unit heads work on part-time arrangements yet they have been given a full load, this must be rectified to avoid burnout, to avoid resignations, to avoid internal conflicts over workloads. There was a review conducted by EPA that attempted to quantify the workload, this would be a good basis to quantify workloads when distributing allocations, rather than simply using site numbers, which are an imperfect measurement.

**A:** Noted

**Work Health and Safety:**

**Q:** Having staff drive longer hours in order to meet each other when they are working in different units will cause WHS risks and concerns. How will this be managed?

**A:** Adjustments have been made to the proposed structure to minimise remote reporting lines, where possible. There are several ways to work with dispersed teams that do not require significant travel, including the use of technology.

**On Call Phone Allowance, Unit Heads:**

**Q:** There is currently a system where some unit heads staff are issued with call phone in case of emergencies. They are not paid for this service. Not all unit heads are expected to be on call, leading to unfair work distribution.

The PSA is of the view a Unit Head roster system with appropriate on-call allowance. The model can be based on similar on-call systems that other EPA workers use. This realignment is an opportunity to create a good system, that is more accountable, rational and fair for all.

**A:** Noted

**KPIs:**

**Q:** There is a great deal of concern about meeting KPIs within the new structure as workers will be doing work they have never done before and, as discussed, do not yet have the requisite training or ability to perform all activities that this new structure will require. As such, members' unreasonable expectations will lead to work performance issues.

Members of the view they would need up to 6 to 12 months, where KPIs are not so rigid but instead reflect the evolving skills and abilities of workers and managers. Once they have been trained and gained experience in a new field, they should meet said KPIs but not before then. This smooth transition would allow people to grow and prosper as their skills and the standard they are expected to meet increases.

**A:** Noted. The Strategic Plan is due to be updated in 2021 and new KPIs will be considered at this time.

**Honest Communication:**

**Q:** In communications and briefings, members have been told that "No jobs will change in this realignment" and then told "You must be prepared to do new things". This is causing confusion, and concern of inconsistent information being disseminated.

Members acknowledge changes will occur and would respect and expect and believe direct and honest communication is paramount in managing this change.

**A:** Noted.

**Remote Management:**

**Q:** The functional model will lead to an inability to manage local problems. This lack of local ability to manage problems has had devastating effects in the past. Geographical knowledge and the proximity of Supervisors for responding to potential incidents is crucial. Remote supervision of junior staff is another problem.

This structure involves unnecessary complications and could be easily rationalised, for example, Grafton Supervisors supervise Newcastle Staff and Newcastle Supervisors supervising Grafton Staff; Bathurst staff report to a Unit Head in Wollongong and vice versa. This could have specific problems, for example the Grafton Supervisor is managing a Junior Newcastle-based Officer in relation to Soldiers Point Marina. How would an incident be responded to in a timely fashion and managed sensitively?

*Solution:* Members want to work and be managed, as much as possible, for the region that they are living and working within. Managers being co-located with their workers should be strived for as much as possible. Local knowledge of a certain area should be prioritised too. Administrative workers can be more efficient when they are helping workers who are co-located.

**A:** Noted

**Technology:**

**Q:** Remote Supervision relies on good technology. Parramatta's internet and Skype facilities are intermittent. Regional NSW can be non-existent. No plan exists to combat these issues, such as alternate supervision or support. Technology in 4 Parramatta Square must be improved and regional telecommunications concerns must be considered.

**A:** Noted.

**Geographical Areas of Responsibility:**

**Q:** A map was developed and withdrawn. We now have a geographical overlay but this has not been supplied to consult on. There is no plan for the allocation of, for example, specialist licenses such as transport and pesticide licences or unlicensed premises, such as concrete batching plants and asphalt plants or even Local Government Environmental Issues. Who will be responsible for what and why? A lack of clarity will lead to confusion and the uneven distribution of work. Many members who work with, for example, local governments have developed meaningful relationships that allow for proactive and effective regulation.

**A:** Under the proposed model allocation of work will be based on a number of criteria including:

- Location
- Capability and expertise
- Industry type
- Capacity and capacity building
- Type of task
- Thematic lead,
- Urgency/Priority
- Political risk/Importance
- Environmental risk

**Major Projects:**

**Q:** The realignment of staff will potentially affect certain projects. The Woolgoolga to Ballina Pacific Highway Upgrade and has changed managers. This is a \$4.9 Billion-dollar project being constructed along the side and/or over waterways, through EECs and other sensitive areas.

**A:** Noted.

**After Hours Incident Service:**

**Q:** Are there any changes to the Afterhours response under the new structure. There is currently a system based on three zones. What is the new system? How will it be administered? There is an After Hours Agreement which is part of the award and all staff required to perform AHIS duties must be paid the appropriate compensation. How is this going to be factored into the new structure?

**A:** This will be considered as part transition planning

**Consistency:**

**Q:** If Specialist officers are without a unit head or director trained in that field, there is likely to be a lack of support and we will lose consistency of approach (consistency of approach was a problem identified in the auditor general's review).

**A:** Transitional planning will consider processes for ensuring consistent decision making.

**Silos:**

**Q:** The proposed structure if designed to break down silos. Specialist teams were created to ensure consistent decision making. How will consistent decisions be guaranteed under the new structure?

**A:** Transitional planning will consider processes for ensuring consistent decision making

**Q:** Environmental Solutions: It was identified (in the Auditor General's Review) that the EPA needed to maintain technical capability. This will be difficult when Specialist officers are not in a team and the Environmental Solutions section must provide support to a much wider section of the EPA.

**A:** The intention of the functional model is that teams will work collaboratively and draw on experience and expertise from across the organisation to solve problems. The role of Environmental solutions is to provide technical support across the EPA.

**Reputation:**

**Q:** The EPA faces the real risk of losing its unique reputation as an organisation that understands and can put forward robust arguments regarding the technical details of contaminated land projects, robustly regulate forestry and waste.

**A:** Noted.

**Loss of staff:**

**Q:** To address the technical capability issue, a few years ago the Contaminated Lands Management (CLM) in particular started recruiting senior consultants from industry. The EPA however found last year that it was hard to recruit externally for the CLM team (no applicants). There is a belief that people within the CLM and Forestry Team (in particular) will leave if they must become generalists (given their career has been in Contaminated Land and Forestry) and we will lose those their talent and capabilities.

**A:** Noted. There is no requirement for specialist officers to become generalists.

**Stakeholder Contact Director v Director Decision Maker:**

**Q:** The notion that the main stakeholder contact Director for specific industries is not the decision maker but a separate director poses certain risks. It is assumed the purpose is for consistent messaging to that stakeholder, e.g. Sydney Water, ARTC, Transport NSW. However, issue resolution will be slowed down by adding another layer of information dissemination downwards and then back upwards through the contact Director. Additionally, how will situations be resolved if, for example, the Human Nature Contact Director says one thing while Decision Making Director disagrees and does something else? Who has the final say?

**A:** This will be considered as part of transition planning.

**Regional West:**

The key concerns raised in discussions with Armidale staff with the proposed structure is:

1) **EO10 shift** – the shifting of one of Armidale's EO10s to report to a team in Dubbo for no proper reason. In the structure, it appears that Armidale has at least 10 operations staff with one-unit head, one regional manager and one admin supervisor. In actual fact, their substantive numbers are 3xE08, 2x EO10, 1x EO5 (Admin supervisor), 1xE012 and 1x EO14 – the remaining five positions are temp contract positions – two of which will end in May 2020 with the three vacant positions currently being recruited to, with funding available for up to 4 years (WELE funded and ARTC funded).

2) **Lack of specialists** – Lack of specialist experience being directed into Western Region the structures for North Regional Ops and South Regional Ops, there is a scattering of POEO, Waste,

CLM, PFAS and Forestry people across the units. Within West Regional Ops there is POEO and Coal Seam Gas people only – how will they ensure consistency in approach for Waste, CLM and PFAS issues in that region if these specialised teams that are currently established in Sydney are not available to West.

3) **Loss of direct Admin support Armidale** – the Admin supervisor is extensively relied upon to monitor the general mailbox, allocate work and ensure timeframes are met. It currently works, with the team being productive, work stress being at a minimum and output being high. It would be a great shame to lose this asset.

**A:** Noted

Thank you for providing detailed feedback from your members, it has been very helpful in supporting the EPA to shape its new operating model.

Yours sincerely

A handwritten signature in black ink, appearing to be 'RB', with a long horizontal line extending to the right.

**RICHARD BEAN**  
**Interim Chief Executive Officer**  
**Environment Protection Authority**

26 March 2020