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Mr Michael Sinclair
Public Service Association NSW
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Dear Mr Sinclair

The EPA's engagement with the PSA throughout the realignment has been genuine and we have taken seriously the feedback received to date from staff and PSA members. This feedback has been useful in providing management with insight into how we can best support our staff, and key areas of concern for your members.

I was pleased to hear about the collegiate and constructive meetings that have recently been held between the EPA and the PSA regarding the realignment. I was encouraged to hear that EPA officers were able to discuss a wide range of concerns raised by some PSA members and provide updates on key pieces of work that impact them.

It is therefore with disappointment to note PSA Bulletins continue to misrepresent the constructive meetings that have occurred between the two parties and the EPA's commitment to consulting with the PSA on the realignment and other member concerns.

Please find enclosed responses to the specific feedback on the EPA realignment raised on behalf of your members in correspondence from the PSA on 1 May 2020. Additionally, we have provided further detail on questions from correspondence from the PSA on 17 March 2020.

1. Is the twin supervisor's theory proposed for Regional Operations going to be for all the EPA?

There is no 'twin supervisor's theory'. To mitigate risk and ensure appropriate regulatory advice and approvals are provided during the transition period, from end March to June 2020, staff only have their 'line supervisor' but they also have the opportunity to will work with other Unit Heads and Managers to ensure regulatory decisions are well informed. This approach is part of the EPAs commitment to carefully managing transition, and based on feedback received from staff.

2. What are the supervision and work allocations going to be in the other EPA Silos?

The realignment moves the EPA from a siloed approach to a whole of agency model. This new approach enables delivery of our regulatory requirements in a consistent and flexible responsive manner and increases access to specialist and operational guidance and resourcing.

On 9 March 2020, EPA staff were provided with divisional outlines which articulate the purpose, key responsibility areas and key priorities of each of the divisions. This information represents the cascading of information to support the transition to our new operating model. Additionally, on 30 March 2020, EPA staff were provided with divisional structures which show reporting lines for each of the branches within divisions. Detail is available for all EPA staff on Insite.

On both occasions the PSA was also provided the same information as staff.

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3. Who will advise staff outside of Regional Operations and when will staff be informed?
It is not clear what this question is referring to. Please provide more clarity.

4. Where is the geographical overlay? Is it documented?

The EPA realignment did not take a geographic approach to team structures.

Allocation of work will consider criteria including:

- Location of issue and officer
- Officer capability and expertise
- Industry type
- Capacity and opportunity for capacity building
- Type of task
- Thematic lead
- Urgency/Priority
- Environmental risk

Following significant input from staff and leaders across the EPA, detailed business process information and workflows have been developed and are in the process of being finalised.

5. What are the proposed new boundaries for After Hours Incident Service? What is the timeframe and the error introduction?

There have been no changes to the boundaries or procedures for After Hours Incident Service. Any revision of these arrangements will be developed in consultation with staff.

6. The equity of workload issue: it appears only some Metro Unit heads are required to have more than seven reports. Why is this and when will this issue be addressed, given not even one Director had above seven reports and many were below that number?

The guidelines for spans of control are not designed to be prescriptive, rather recognising the need to review requirements and develop structures that meet the requirements of the team, work undertaken and location, plus consider current supervisory practices. These considerations have been applied when developing structures, and incorporate requirements based upon the variations across our functions and teams.

7. PSA members have enquired how licences and other regulated premises are going to be divided up. Would you please provide detailed information as to what process is going to be used?

Refer response to question 4 above.

8. The EPA has advised an implementation date to commence on 30 June 2020 with no further detail. Would you please provide detailed information?

The realigned structure was implemented on 30 March 2020 as outlined in the Change Management Plan and various communication to staff over recent months.

9. 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'.

The EPA has identified and continues to monitor risks, gaps and issues as part of the realignment process, including in the various project elements, where risk is identified inappropriate controls are implemented. This is part of our commitment to continue to evolve and develop arrangements consistent with feedback from staff.

10. 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.

The EPA will raise this concern with the finance team for their consideration. Managers should continue to work closely with their senior leaders and branch coordinators to have a full picture of budget allocations, and close monitoring of the budget spend. All Unit Heads and Managers should be discussing budget matters, along with all other aspects of the administration of their team, with the responsible Director regularly.

11. EEP Division is insufficiently resourced for its scope. 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 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.

The EEP Division is an important area for the EPA. There is no contemplation of any changes to its breadth of responsibilities or changes to reporting lines. Engagement of staff is a matter for members of the EPA executive, with consideration of available budget, work priorities and current resourcing arrangements.

12. 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.

Refer response to question 6. Any Unit Head or Manager who feels 'overburdened' should raise the matter with their Director.

13. There is currently a system where some unit heads staff our 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.

The PSA position is noted and will be shared with the business area leading after-hours operations for consideration and advice to the Executive.

14. 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 an honest communication is paramount in managing this change.

There has been no change to employment conditions including location of work, entitlements and pay points in the realignment. As part of the realignment there was also no changes to role descriptions that had been developed applying the GSE guidelines for roles description to capture core accountabilities and capabilities whilst allowing flexibility across the public sector. Advice on this has been consistent since the realignment was announced in December 2019.

15. The functional model will lead to an inability to manage local problems. 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.

Where possible remote supervisory arrangements have been minimised. See response to question 6 above. It is also noted that for the EPA to be a contemporary risk based regulator it is important to ensure a balance between local knowledge, consistency and capability.

16. 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.

The realignment has been welcomed by key stakeholders across a range of sectors and industries. Importantly, the realignment has enhanced the EPA's ability to be a robust and credible environmental regulator.

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

i. EO10 shift

Refer response to question 6.

ii. Lack of specialists

Refer response to question 6.

iii. Loss of direct Admin support Armidale

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With the final elements of the realignment being implemented, the work of the dedicated team will also come to an end. I would urge you to encourage your members to raise issues relating to their individual teams with their Unit Head or Manager, and any other issues with their Director or Executive Director. I look forward to meeting with you at the regular EPA Joint Consultative Committee meetings in future.

Yours sincerely



TRACY MACKEY
Chief Executive Officer

13 May 2020