

Ms. Monika Wunderlin
Public Service Association of NSW

Via email: mwunderlin@psa.asn.au

20 November 2023

Dear Ms. Wunderlin,

I refer to your letter of 8 November 2023 to Acting Executive Director for Court Services, Suzanne Jenner. I am the Regional Director with responsibility for the relevant court circuit and locations. Ms. Jenner has asked that I respond on her behalf.

As requested in your letter, I met with you via MS Teams on Friday 10 November 2023, at which time I advised of Court Services intention to consult with staff at Goulburn during the week commencing 13 November 2023 regarding staffing for the changes made to the Goulburn local court circuit by the Chief Magistrate. I can advise that I took the opportunity to meet with some staff at Goulburn on Friday 17 November in person. I again met with Goulburn staff via MS teams on Monday 20 November. The purpose of those meetings was to consult with staff on the changes made to the Goulburn court circuit by the Chief Magistrate and to allow staff to voice any concerns about the proposal for staffing the Goulburn court circuit in 2024. My intention was to hear the concerns of staff with a view to understanding and, where possible, addressing those concerns.

In response to your letter, I would like to clarify that the change to the Goulburn Court Circuit was a decision made by the Chief Magistrate. The Chief Magistrate determines court circuits including when, where and how often the Local Court will sit at locations across the State. In regional areas, court sittings are broken up into court circuits. For 2024, the Chief Magistrate has determined that the Goulburn circuit will take in two days during the third week [Monday and Tuesday] and five days during the fifth weeks [commencing 29 January 2024, 29 July 2024 and 30 September 2024] sitting at Nowra. The effect of this change is that the Goulburn Magistrate, Her Honour Magistrate Beattie, will be sitting at Nowra on Monday and Tuesday of the third week of the month [with the exception of April] and Monday to Friday during the fifth weeks in January, July and September.

Staffing for circuit courts requires two court staff (Monitor and Court officer) for each Magistrate. Goulburn registry has four court staff. All of those roles are held by current staff on an ongoing basis. One of the four roles is currently being backfilled on a temporary basis to take into account acting up arrangements where the substantive staff member is currently acting in the senior client services officer role. Having four court staff roles provides scope for Goulburn registry management to cover planned and unplanned absences and share duties, including travel, amongst the staff to take into account personal circumstances and commitments as and when they arise.

Addressing the particular concerns raised in your letter of 8 November 2023, I advise as follows:

- Arrangements have been made for Nowra staff to work in the Goulburn circuit court at Nowra on Monday of each third week in 2024. This arrangement is possible because the Nowra Magistrate has a chamber day on Monday of the third week, so there are court staff available at Nowra to cover the Goulburn circuit on that day. This will allow Goulburn staff to travel across to Nowra together in the Departmental Vehicle [DMV] on the Monday without any time pressures and at a time that best suits them. That arrangement could include accommodating leave arrangements or appointments in the morning on the Monday with travel in the afternoon. Flexibility is available for local management to work with the team to best meet their needs.
- In relation to the concerns raised about staff travelling back from Nowra on the Tuesday before the list day at Goulburn on the Wednesday. Whilst it is a matter for local management and staff, it would be entirely appropriate for local management to roster the staff who travelled to Nowra out of court at Goulburn on Wednesday.
- The various routes of travel are all public roads. Staff are expected to drive to the conditions, plan their journey and when staff are travelling together, share the driving. Following the recent uplift of DMVs in the Illawarra South region, the DMV based at Goulburn from 2024 will be all wheel drive, with all of the modern safety features including driving lights and shoo roo.
- In relation to the expected time of day for travelling, I have advised staff that they will be expected to leave the courtroom at 4 p.m. on the Tuesday even if court has not finished for the day. I have made arrangements with the Nowra registry to split the staffing of the courts from 4 p.m. if both Magistrates are sitting at that time, to allow the Goulburn staff to leave. Both Magistrates will be advised that the Goulburn court staff will be leaving at 4 p.m. to travel back to Goulburn.
- In terms of the availability of incidental leave, there is an expectation local management roster staff into court for every court sitting day, at any location on the Goulburn court circuit. As has always been the case for circuit travel on the Goulburn court circuit, it is a matter for local management to roster staff to cover operational requirements whilst ensuring reasonable and equitable access to incidental leave opportunities.
- In relation to the vacancy referred to in your letter, I have advised staff that there is a talent pool that is currently being accessed to fill that vacancy. I am very hopeful that the vacancy will be filled before the end of the year. I have explained to local management and staff that there are a number of options available to assist with staffing at Goulburn to cover periodic vacancies, planned and unplanned leave. Assistance is available from the Queanbeyan hub, the regional relief roster and the development pool. Local management have given a commitment to seek that assistance, should the need arise.
- In relation to personal or carer responsibilities, as with the long-standing existing travel requirements for the circuit, there is an expectation that local management will take into account the personal commitments and responsibilities of staff when rostering to cover all commitments on the circuit. If those commitments cannot be managed locally, local management is aware of the assistance that is available from within the hub and the region, should the need arise.
- I question the suggestion that the proposal provides less time for administrative and out of court duties. The changes relate to court staff travelling to Nowra to support the Goulburn Magistrate on the Goulburn circuit, sitting at Nowra. When the Magistrate is sitting at Nowra or any other location, court staff are in court with the Magistrate when the Magistrate is sitting. Out of court duties are undertaken by the registry staff.
- Court staff have laptops and will be able to work remotely and assist in the registry at Nowra if, at any stage, Magistrate Beattie's court is not sitting whilst at Nowra. This would be the same if Magistrate Beattie was sitting at Goulburn or Yass. When the Goulburn court is sitting at Nowra, the staff remaining in the Goulburn registry, up to five staff, will have more time for administrative and out of court work because there will be no work coming into the registry from the local court sitting at Goulburn.
- In relation to alternative arrangements that it is suggested were not considered, I can advise that assistance has been sourced from registries near Nowra. As advised above,

Nowra registry will cover the Monday of the third week in 2024. This is a day when the Local Court is not usually sitting at Nowra because the Nowra Magistrate has a chamber day. Nowra registry has also offered to staff both courts after 4 p.m. on Tuesday of the third week to allow Goulburn staff to return to Goulburn. Wollongong registry has offered to cover the week at Wollongong 8-12 January 2024. This is the extent of assistance that other registries are able to provide. Wollongong and Nowra courts are high volume locations. These locations manage extensive court sittings and manage satellite locations. No further assistance is available at these locations.

- Suggested use of AVL facilities: The office of the Chief Magistrate has determined that the Goulburn Local Court circuit will sit in person at Nowra on the dates outlined in the circuit calendar. I am not able to comment on this issue which has been decided by the Chief Magistrate.
- Engagement of relief staff or the development pool or recruitment of ongoing relief staff: There is no budget to employ additional relief staff. Relief staff and the development pool cover relief needs throughout the region to cover vacancies, planned and unplanned leave and additional court sitting days/special fixtures. This situation does not fit those criteria. There are four court staff attached to the Goulburn registry available to cover the Goulburn circuit sitting at Nowra. If it is proposed that two Goulburn court staff do not travel to Nowra to support the Goulburn circuit court, there will be up to seven staff available at Goulburn where the local court will not be sitting.
- There are only two court staff relievers in the Illawarra South region. The services of those relievers are highly valued by the Senior Manager group, who draw from the relief roster. The location with the greatest need secures the reliever. However, I acknowledge the genuine concerns of staff arising from this change and have tentatively rostered one of the regional court staff relievers to Goulburn circuit sitting at Nowra for each of the three fifth weeks in January, July and September. As an interim measure to allow for adjustment to this change, this means only one Goulburn court staff member is required to support the circuit at Nowra on those three weeks. This should provide local management at Goulburn with much greater flexibility to manage operational requirements with incidental leave and personal and carer responsibilities.

I thank you for assisting the staff at Goulburn by outlining their concerns in your letter of 8 November 2023. I respect the genuine concerns of staff arising from this change and acknowledge the importance of the consultation which has now taken place. Whilst the expectation remains that court staff at Goulburn support the Goulburn court circuit, I trust that the actions outlined in this letter demonstrate Court Services commitment to supporting the staff at Goulburn through this change.

Please do not hesitate to contact me if you would like to discuss this issue further.

Yours sincerely,

TG Adamson

Tonia Adamson
Director, Illawarra South Region and Coronial Jurisdiction
Court Services
Courts, Tribunals and Service Delivery