

1. How many staff were emailed on the morning of 23 July with less than 24 hours' notice to attend an individual "directly affected" meeting.

What support person, EAPs or other WHS provision was offered in those invitations?

2. Do those invitations comply with Legal Aid policy/procedure and the WHS Acts requirements?
3. Were any employees advised that their roles were deleted in the new structure at these individual "directly affected" meetings?

The PSA having viewed some invitations submits they do not comply particularly given the nature of the meeting concerning the HR Restructure. These invitations and the subsequent meetings, the PSA submits, constitutes a workplace psychosocial hazard.

4. Legal Aid and the PSA have a Memorandum of Understanding (the MoU) agreed to and in place since 2002. Clause **6. Good faith bargaining** of the MoU (with **my emphasis**) states:

*The Commission and the PSA agree that good faith bargaining can only be conducted in a climate of mutual trust and industrial harmony.*

*Up to and during the negotiations phase the PSA agrees not to implement any form of industrial action relating to the matters under consideration and the Commission agrees not to take steps to implement any proposal relating to the matter.*

***These undertakings do not limit either party from taking whatever action is available to them under existing legislation in relation to matters under consideration by the PCC once the negotiation phase has come to an end and the party seeking to take action has advised the PCC accordingly. Nor do they prejudice any rights at law to take industrial action in respect of OHS issues.***

- 4.1. How does the Legal Aid's **HR Restructure** consultation process accord with its 2002 Memorandum of Understanding with the PSA (the MoU)?
- 4.2. Was a psychosocial risk assessment completed and documented *before* the 23 July announcement, as required under the WHS Regulation and the Code of Practice on Managing Psychosocial Hazards? Or was a psychosocial risk assessment only referenced retrospectively in section 10.3 of the RMP?
- 4.3. The PSA has made multiple requests for Legal Aid to provide a copy of the psychosocial risk assessment. To date, those requests remain unacknowledged nor satisfied. These requests have been made to Ms Deanna Ireland and Ms Allison Lenard.

Will Legal Aid provide the PSA with all risk assessments relating to the HR Restructure along with identified control measures as requested?
5. Why was the material marked "Confidential" and "High importance"?
6. Does Legal Aid NSW accept that a confidentiality marking on consultation documents does not limit employees' right to obtain union or external advice?
7. How long has the HR Restructure been in train? When did it formally start?
8. Is Legal Aid's formal position on consultation with the PSA, that it has been in accordance with the relevant consultation instruments?

- 8.1. If yes:

- 8.1.1. how many consultation meetings with the PSA does Legal Aid claim to have occurred?

- 8.1.2. What dates does Legal Aid claim those consultation meetings occurred?
  - 8.1.3. Did Legal Aid take minutes of those meetings?
  - 8.1.4. Were any minutes or meeting notes taken by Legal Aid provided to the PSA?
9. If the HR Restructure has been in train for a considerable time, why is the consultation period so rushed and compressed?
10. Is it Legal Aid's formal position that a two-week consultation window (23 July–6 August) satisfies Legal Aid NSW's consultation obligations under the *Crown Employees (Public Service Conditions of Employment) Award*, the *Industrial Relations Act 1996 (NSW)*, the *Public Service IR Guide*, and the *2002 Memorandum of Understanding* given the scale of the change?
11. Why was the PSA only informed on 23 July — the same day consultation opened, and individual meetings occurred — rather than being consulted in advance of the proposal being finalised?
12. Clause 2.7 of the MoU says (with **my emphasis**):

*Provision to the PSA and its representatives of relevant and appropriate information and appropriate relief is necessary to enable them to make an informed contribution to issues. **The appropriate time to supply information and consult with the PSA is at the time of contemplation of proposals, not the time of introduction.***

The PSA submits that Legal Aid's consultation process on the HR Restructure fails to meet the MoU's undertakings.

How does the Legal Aid's consultation process on the HR Restructure accord with the 2002 MoU?
13. The CEO submission, ED alignment meetings and ED Board endorsement (slide 1) all occurred *before* consultation.

If the design is already Board-endorsed, what specifically remains open to change through consultation?
14. The timetable allows feedback to be "*reviewed and analysed*" between 7 and 10 August, with final approval to implement on 12 August.

How can genuine consideration of all consultation feedback occur in two to four working days?
15. Complete role descriptions were "*being developed*" and "*will be made available*" "*during the consultation process*" (RMP 9.4).

How can employees meaningfully assess role suitability or impact when the RDs did not exist at the start of consultation?
16. No financial justification appears anywhere in the RMP.
  - 16.1. What is the total pre- and post-restructure budget for the division?
  - 16.2. Where is the business case or cost-benefit analysis?
17. The proposed structure provides for the addition of a new Band 1 *Deputy Director, People Operations* and multiple Grade 11/12 Senior People Partner roles.

How does this reconcile with Legal Aid satisfying the NSW Government directive to reduce senior public sector and executive-band positions?

18. The structure removes all six Grade 3/4 positions (–6) and cuts ongoing Grade 5/6 roles from 6 to 4, while adding Grade 9/10 and 11/12 roles.

What is the rationale for stripping out the most junior classifications entirely?

19. The PSA has raised [REDACTED]'s temp status and Legal Aid's failure to convert [REDACTED] employment to ongoing. This appears to be in defiance of the GSE's provisions which require conversion after 4 years.

What role will [REDACTED] have in the proposed new structure?

20. The workforce table shows Grade 9/10 moving from 19 to 20 FTE but records the variance as "0".

Which figure is correct, and what other errors exist in the establishment data underpinning this proposal?

21. The RMP concedes the baseline is a *"point-in-time snapshot"* that is *"indicative"* and does *"not represent the current active workforce"* (9.5).

On what verified establishment data is the claimed net reduction of five FTE based?

22. Grade 7/8 rises by five, but several new Grade 7/8 and 9/10 roles are temporary.

- 22.1. Is ongoing work being deliberately restructured into temporary roles? And,
- 22.2. How is that consistent with the RMP's stated aim for the proposed structure to lead to a "more stable operating base"?

23. Why are the Manager Employee Relations, Manager WHS and Manager People Services & Recruitment roles going to Stage 4 external recruitment when they are currently filled by employees on temporary arrangements who are excluded from Stage 1 and 2?

- 23.1. Referring to item 20, [REDACTED] is a long-term temporary employee who seems to be excluded from applying for any role in the new structure.

Why is the recruitment process for these senior roles a different recruitment process to [REDACTED]?

24. Where fewer future roles exist than eligible ongoing employees (e.g. two Grade 5/6 HR Services staff for one Coordinator role):

- 24.1. what are the comparative assessment criteria?
- 24.2. who sits on panels? And,
- 24.3. how is bias controlled?

25. The RMP states there is no right of review for assignment decisions at Stages 1, 2.

What independent mechanism exists for an employee who believes a placement decision was irregular or improper?

26. Temporary employees are excluded from Stage 2 entirely and considered only at Stage 3B.

How does this treat long-serving temporary staff, including those continuously engaged for well over 12 months?

27. Current Grade 9/10 Business Partners are placed into a structure where their role is removed and only Grade 11/12 Senior People Partner roles exist above grade.
- Isn't the practical effect that these staff face mobility or excess, i.e. a demotion or exit pathway?
28. Section 13 frames EEO impact prospectively (*"consideration will be given"*).
- Has an actual EEO impact assessment been completed — particularly on the total removal of Grade 3/4 roles, which disproportionately affect junior, part-time and diversity- group employees — and will it be released to the union?
29. The current *"Industrial Relations and Workplace Standards"* titles are being absorbed into a generic *"Employee Relations"* grouping, with *"Industrial Relations"* and *"Workplace Standards"* dropped from the team's name and role titles.
- 29.1. Where does the dedicated industrial relations function now formally rest, who holds carriage of it, and is the organisation downgrading IR from a distinct discipline to a sub-set of ER?
30. With *"Respectful Workplace Support & Resolution"* moved into Business Partnering while conduct, discipline and workplace-standards work has historically sat with IR/Workplace Standards.
- 30.1. How will responsibility for misconduct, grievances and behavioural matters be split across the two groups? and
- 30.2. What is the risk of gaps, duplication, or forum-shopping?
- 30.3. Have WHS risk assessments on the workplace psychosocial hazards been undertaken?
31. The IR/ER function services the entire organisation, not just P&C.
- What assessment has been done of the downstream impact on the broader business — award and agreement interpretation, dispute handling, disciplinary support to line managers, and advice to Client Services — of restructuring, retitling and externally recruiting these roles?
32. The RMP scopes consultation to "the Human Resources function" only (1.1) and excludes all other units. Given HR/P&C — and IR/ER in particular — touches every employee and every division.
- Has consultation been confined only to affected HR staff? (rather than being canvassed across the whole organisation that rely on these services)
33. Has any genuine consultation actually occurred to date, or has the organisation simply released a Board-endorsed design and invited feedback?
34. If Legal Aid does intend for meaningful consultation around the HR Restructure, will Legal Aid NSW commit to extending consultation to all employees and their representatives across the Agency whose work depends on the IR, ER, WHS and recruitment functions in the proposed structure?