



If calling please ask for
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Crown Solicitor's Office

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Mr Nev Kitchin
General Secretary
Public Services Association of South Australia Inc.
GPO Box 2170
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Dear Mr Kitchin

Attention: Mr Keiran MacFarlane, Organiser

Attorney-General's Department – Crown Solicitor's Office

I write to advise you of a proposed change to operations in the Crown Solicitor's Office (CSO) of the Attorney-General's Department (AGD).

The CSO provides legal services to Government agencies on a range of legal issues. The CSO is grouped into sections which are Public Law, Commercial Environment and Native Title and Civil Litigation. In addition, there is an Outposted Lawyer (OPL) Section where staff are co-located with a client agency, providing dedicated legal services to that client. The OPL Section is currently managed by an Assistant Crown Solicitor (SAES2).

The CSO has recently been considering the OPL Section and whether the current model provides the best structure and support for those staff outposted to client agencies. Outposted Solicitors, whilst CSO employees, are located with, and work solely for, client agencies. One such example is the Department of Health and Wellbeing. Currently 30 CSO employees are outposted.

Given this, input was sought from all affected staff as part of the development of revised management arrangements for the group. Various opportunities to offer comments and suggestions have been available, including group meetings, individual meetings and the ability for staff to provide individual or group feedback in writing.

Feedback provided to date has been considered and incorporated where possible. This has helped shape the types of organisational and operational arrangements which could be more formally considered.

The potential approaches have been further refined through incorporating staff feedback to date, as well as taking into account the relevant management consideration. The Crown Solicitor has also met with sections and individuals multiple times to discuss possible models.

The various models considered include

1. Status Quo (no change to the existing model)
2. Straight Line (OPL remains a distinct section however is managed by the Special Counsel)

2.

3. Satellite (OPL units report into sections (CENT, Public Law and Civil Litigation, with Special Counsel having oversight for the program)

The preferred model is model 3.

The preferred approach has been communicated to staff and further opportunity for feedback was provided. Staff are yet to be informed of the final decision. This will occur in the coming week.

With regard to implementation, it is proposed that a phased process be undertaken for the new reporting structures which will commence from October 2019. A document outlining a proposed approach is attached for your consideration and comment.

In summary, the preferred model seeks to change the reporting structure for the outposted solicitors from reporting to one Executive overseeing the group of 30 staff, to each outposting reporting to an Executive Solicitor (SAES1) working in the area of law that most aligns with the outposting.

For example, the outposting at Department of Planning, Transport and Infrastructure predominantly undertakes commercial legal services. In the new model, they will report to the Commercial Environment and Native Title Section.

It is considered that the proposed arrangements will be beneficial for staff as they will allow for greater technical legal support and will encourage consistency amongst similar practice areas. It should be emphasised that overall staff numbers will not be impacted by this proposed change, nor will there be any changes to staff workloads.

The only change will be to an Executive level role which will be more operationally focused at the SAES 1 rather than SAES 2 level. This will not affect other team members.

In accordance with the *Public Sector Act 2009* and the South Australian Modern Public Sector Enterprise Agreement: Salaried 2017, the AGD will continue to be transparent and consult with all affected employees.

If you have any concerns or would like to discuss further please contact Jodie De Vries, Manager Business Services on 8204 9506 or via email Jodie.DeVries@sa.gov.au.

Yours sincerely



Mike Wait SC
Crown Solicitor

Attachments:

1. Proposed approach

Restructure of Outposted Lawyers Program: **Roles and Responsibilities**

Following consultation with the Outposted Lawyers and other relevantly affected staff, I intend to abolish the position of Assistant Crown Solicitor, Outposted Lawyer Section, and to restructure the manner by which the Outposted Lawyer Program is managed. These changes will not alter the service delivered by Outposted Lawyers to client agencies, but will rather alter the way that Outposted Lawyer services are managed internally. To this end, I propose that the Outposted Lawyers Program be managed in the following way:

1. Outposted Lawyers will continue to be physically located with client agencies (however, there will be opportunities for Outposted Lawyers to access unutilised work spaces in head office to allow them to work jointly with their sectional colleagues).
2. Outposted Lawyers will continue to take instructions direct from the client agency and will be responsible for servicing that client. It is acknowledged that Outposted Lawyers require a degree of autonomy in managing the needs of the client agency.
3. Each Outposted Lawyer will join a head office section and become part of a work group led by an Executive Solicitor. Outposted Lawyers who work in a unit with no Executive Solicitor will become members of the work group in head office that best aligns to the work done by the unit. Outposted Lawyers who work in a unit with an Executive Solicitor (DHW, DPTI and DE) will become members of the head office section that best aligns to the work done by the unit. The attached organisational chart explains which Outposted Units will form part of which work groups, and head office sections.
4. An Executive Solicitor who leads a work group in head office that includes an Outposted Lawyer, will have primary responsibility for the practice, and performance, of the Outposted Lawyer. This will include the following responsibilities:
 - a. Supporting the Outposted Lawyer with technical issues that may arise in the course of their practice within the field of the expertise of the Executive Solicitor. Where an issue arises that is beyond the expertise of the Executive Solicitor, the Executive Solicitor will identify another work group in the Office that can assist.
 - b. Managing the workload of the Outposted Lawyer by, amongst other things, making head office resources available to assist Outposted Lawyers where appropriate, allocating overflow files generated from the

Outposted Unit in head office or approving T110 requests for work which exceeds capacity.

- c. Being the primary point of contact for human resources issues that are personal to the Outposted Lawyer including, workload, performance and leave approvals (acknowledging, however, that it will be the responsibility of the Outposted Lawyer to liaise with and manage the expectations of the client agency in relation to leave).
 - d. Ensuring that appropriate resources are in place to support the Outposted Lawyer with administrative tasks related to legal work (such as opening and closing files, attendance recording and providing additional legal or administrative support as required).
 - e. Liaising with the Special Counsel and the relevant Assistant Crown Solicitor about issues concerning the practice and performance of the Outposted Lawyer that are relevant to the management of the Outposted Lawyers Program.
5. An Executive Solicitor who leads an Outposted Unit will have primary responsibility for the practice, and performance, of the Outposted Lawyers within that Unit, will report to the Assistant Crown Solicitor of the head office Section to which the Unit is assigned and will liaise with the Special Counsel about issues concerning the Unit that are relevant to the management of the Outposted Lawyers Program.
6. The Special Counsel to the Crown Solicitor will have primary responsibility for the management of the Outposted Lawyers Program. This will include the following responsibilities:
- a. Being the sponsor (or "Champion") of the Outposted Lawyers Program at CSO Executive.
 - b. Managing the allocation of lawyers within the Program including rotation of lawyers, undertaking expression of interest processes and dealing with any impacts of machinery of government changes on the Program.
 - c. Client liaison and consultation (discussions relating to the practice and performance of an Outposted Lawyer will include the relevant Executive Solicitor, or Assistant Crown Solicitor, as required), including managing contract renewals, billing arrangements and expiry of engagements with client agencies.
 - d. Managing administrative support, human resources, ICT and work health and safety issues that have relevance across various Outposted Units.

- e. Oversight and promotion of social and training needs of Outposted Lawyers.
 - f. Liaising with the Executive Solicitors and Assistant Crown Solicitors with oversight of Outposted Lawyers about issues concerning the management of the Outposted Lawyers Program.
7. The relevant Executive Solicitor, or Assistant Crown Solicitor, will be responsible for the conduct of the bi-annual performance and development reviews with the Outposted Lawyer. Where a performance and development review is likely to raise issues that may be relevant to the general management of the Outposted Lawyers Program, then the relevant solicitor, Executive Solicitor or Assistant Crown Solicitor may request the attendance of the Special Counsel at the review (or part thereof).
8. The Office Administrator for the Outposted Lawyer Section will become the Executive Assistant to the Special Counsel and will assist the Special Counsel and Executive Solicitors with the responsibilities described above. This will include the following responsibilities:
- a. Train administrative staff from agencies who provide assistance to Outposted Lawyers.
 - b. Maintain position management for the Outposted Lawyers Program, request to fill positions, and manage internal transfers and contract extensions.
 - c. Ensure that appropriate ICT resources are in place for Outposted Lawyers.

