



SafeWork New South Wales
Work Health and Safety Act
Section 155(2)
NOTICE TO GIVE INFORMATION TO
SAFework NEW SOUTH WALES

ORIGINAL
Reference No:
7-508287

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To: OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS NSW
ABN: 27445689335 **ACN:**
Address: LOCKED BAG A8, SYDNEY SOUTH, NSW, 1232

I, [REDACTED] holding a delegation from SafeWork NSW, pursuant to section 154 of the *Work Health and Safety Act 2011*, have reasonable grounds to believe that you are capable of giving information in relation to a possible contravention of section 19 of the *Work Health and Safety Act 2011*.

As a result of:

Reports of ongoing exposure of workers to psychosocial hazards across the Office of the Director of Public Prosecutions (ODPP)

I require you to:

Provide information to me by answering the questions in the **attached schedule**. The answers are required to be signed by the person (or in the case of a body corporate, by a competent officer of the body corporate) and deliver the completed document to me at SafeWork NSW, 4 Parramatta Square, 12 Darcy Street, PARRAMATTA NSW 2150, ana.bielich@safework.nsw.gov.au on or before 7/05/2025 at 5:00 PM.

Produce the documents set out in the **attached schedule of documents** to me at SafeWork NSW, 4 Parramatta Square, 12 Darcy Street, PARRAMATTA NSW 2150, [REDACTED]@safework.nsw.gov.au on or before 7/05/2025 at 5:00 PM.

Signed: ELECTRONICALLY ISSUED

Authorised delegate of SafeWork NSW

Issue Date: 10/04/2025

Enquiries should be made to Inspector [REDACTED]

This warning and information forms part of the Notice under Section 155(2) of the *Work Health and Safety Act 2011*

WARNING

A person who refuses or fails to comply with this Notice without a reasonable excuse, may be liable to prosecution and, if found guilty, liable to a maximum penalty of 121 penalty units for individuals and 607 penalty units for a body corporate.

Under section 172 of the *Work Health and Safety Act 2011* (the WHS Act 2011), a person is not excused from answering a question or providing information or a document on the grounds of self incrimination or on the grounds that it may expose that person to a penalty. However, any information provided by an individual is not admissible as evidence in criminal or civil proceedings against that individual other than proceedings arising out of the false or misleading nature of the answer, information or document.

This Notice does not affect, and nothing in the WHS Act 2011 requires, a person to produce a document that would disclose information, or otherwise provide information, that is subject to legal professional privilege - see section 269 of the WHS Act 2011.

It is an offence under section 268 of the *Work Health and Safety Act 2011* to give false and misleading information and/or produce a document that is known to be false or misleading. Maximum penalty of 121 penalty units for individuals and 607 penalty units for a body corporate.

Schedule of Questions:

The person signing the response in compliance with this notice must be a competent officer of the Crown . Each page of the response to the questions in this Notice must be signed by the competent officer .

If multiple documents are provided in response to this notice, provide an index, signed by the competent officer, that outlines the author, date created and for which question each document has been produced in response to this notice.

Please note that failure to provide detailed answers may result in further notices being issued, including requiring a person to appear before an inspector to answer questions. When these questions refer to 'ODPP' it is a reference to the NSW Office of the Director of Public Prosecutions . If any of the information or documents requested do not exist, please notify the inspector who issued this notice.

Questions

1. What is the name of the competent officer providing this response ?
2. What are the phone and email contact details of the competent officer providing the response to this Notice ?
3. What position does the competent officer hold within the ODPP ?
4. How long has the competent officer held this position as at the time of responding ?
5. Is the competent officer currently a direct employee of the ODPP ?
6. What are the factors that deem the person providing the response to this Notice to be a competent officer ?
7. Are there any limitations placed on the person providing the response to this Notice?
8. What are the locations of all Office of the Director of Public Prosecutions (ODPP) offices, including street addresses?
9. How many staff are employed by ODPP?
10. What are the staffing numbers by designation (i.e. solicitors, barristers, administration, assistant service officers)?
11. What are the current occupancy rates for all designations within ODPP? Please break down by designation.
12. How many mental illness workers compensation claims have been submitted by ODPP workers since 1 January 2022? Please break the data down by calendar year.
13. Has vicarious trauma been identified as a health and safety risk at ODPP? If yes, how is the risk managed?
14. If vicarious trauma has been identified as a risk, how have workers been consulted with regarding the risk?
15. Is exposure to vicarious trauma considered when allocating matters/ files to a solicitor? If yes, how?
16. Are solicitors rotated through teams to manage their exposure to vicarious trauma? If yes, what is the practice?
17. Is exposure to traumatic material monitored or managed? If yes, how is it tracked and what occurs in response to high levels of exposure?
18. What does ODPP consider to be best industry practice when managing vicarious trauma ?
19. How are strategies in place to manage the risk of vicarious trauma reviewed and assessed? When was the last time such systems were reviewed?
20. What direct support is provided to solicitors or barristers when working remotely?
21. How many solicitors do managing solicitors manage?
22. Has work overload trauma been identified as a health and safety risk at ODPP? If yes, how is the risk managed?
23. If work overload has been identified as a risk, how have workers been consulted regarding the risk?
24. What does ODPP consider to be best industry practice when managing work overload in the legal industry ?
25. How are strategies in place to manage the risk of work overload reviewed and assessed? When was the last time such systems were reviewed?
26. Do workers use electronic means to access offices ?
27. Do workers use electronic means to leave offices ?
28. If yes to questions 26 and 27, is there a record of the data?
29. If yes to questions 26 and 27, is the data reviewed, including to assess the risk of work overload?
30. If yes to question 29, how is this done and what have been the outcomes?
31. How are the hours of barristers recorded and monitored?
32. Do the systems accurately reflect the actual hours worked by the barristers?
33. Have workers raised concerns regarding the hours worked by barristers? If yes, what occurred in response?
34. How are the hours of solicitors recorded and monitored?
35. Do the systems accurately reflect the actual hours worked by solicitors?
36. Have workers raised concerns regarding the hours worked by solicitors? If yes, what occurred in response?
37. How are workloads managed or monitored when staff travel to regional sites away from their base office ?
38. Is travel factored into their caseloads?
39. What percentage of solicitors are currently on temporary contracts?
40. Has bullying been identified as a health and safety risk at ODPP? If yes, how is the risk managed?
41. If bullying has been identified as a risk, how have workers been consulted regarding the risk?
42. How are strategies in place to manage the risk of bullying reviewed and assessed? When was the last time such systems were reviewed?
43. What does ODPP consider to be best industry practice when managing the risk of bullying in the legal industry ?

44. How many informal or formal complaints against people leaders have been lodged within ODPP since 1 January 2020? Please specify the numbers of complaints, the relevant office and the outcomes?
45. If an issue is raised regarding the behaviours of barristers, defense lawyers or judges towards ODPP workers, what is the procedure in place for responding to such an issue?
46. Describe a documented example of a situation where the circumstance in question 45 occurred.
47. What actions have occurred since 1 January 2023 in response to PMES survey results regarding psychosocial hazards.
48. What is the staff turnover rate for 2023 and 2024, including resignation rates and workers who have transferred to different offices. Specify by work groups and office locations.
49. Is there a report generated monthly that identifies the actual workload of solicitors/barristers/crown prosecutors? Provide documentation to support your response.
50. If the response to the previous question is yes, please provide a monthly report for each month from January 2023 to January 2025.

Schedule of Documents:

1. Details, including records of all workers compensation claims relating to psychological injuries lodged since 1 January 2020 with the Office of the Director of Public Prosecutions (ODPP), including the stated cause of the injury, the office location of the injured party, the return to work outcome and what occurred to manage the hazard identified by the injured party.
2. Records of any risk register that includes psychosocial hazards completed since 1 January 2022, including the stated matrix developed by the external consultant after the 2022 Kosarov matter).
3. A record of actions taken in response to hazards identified in any risk matrix or risk register that includes psychosocial hazards completed since 1 January 2022.
4. Records of exit interviews completed by workers, including contractors or temporary workers, since 1 January 2020, including written exit interviews and notes/ records from interviews conducted as part of the process.
5. The minutes from all ODPP Wellbeing Committee meetings since 1 January 2022.
6. All ODPP policies related to the management of vicarious trauma.
7. All ODPP procedures related to the management of vicarious trauma.
8. Details of vicarious trauma training provided to workers, including the content and completion rates for solicitors and barristers.
9. Worker survey data regarding the management of psychosocial risks and hazards including the DAS and Pro Qual since 1 January 2022.
10. All ODPP policies related to the management of bullying and harassment.
11. All ODPP procedures related to the management of bullying and harassment.
12. All ODPP policies related to the management of sexual harassment.
13. All ODPP procedures related to the management of sexual harassment.
14. The current ODPP complaints handling policies and procedures.
15. The current ODPP Code of Conduct policies and procedures.
16. The current ODPP grievance policies and procedures.
17. The current ODPP Code of Conduct.
18. All ODPP policies related to the management of work overload, including the work allocation tool.
19. All ODPP procedures related to the management of work overload.
20. All ODPP procedures related to the work allocation tool.
21. All ODPP procedures or instructions for managing solicitors on how to allocate work and manage workloads.
22. Records regarding the number of hours lost or surrendered by solicitors on a month-by-month basis by solicitor work group across the ODPP since 1 January 2024.
23. Records regarding the amount of overtime hours paid to solicitors on a month-by-month basis by solicitor work group across the ODPP since 1 January 2024.
24. Records of work completed since 1 January 2023 in response to 2023 PMES survey that raised concerns raised regarding workloads, burnout and health and safety.
25. Details of the "burnout" program piloted, including the details of the program, who was chosen to participate and why, the number of workers put through the program and the outcomes.
26. All records regarding a WHS concern raised re the risk of stairs at the Parkline office, including any risk assessment undertaken and any communication with the person who raised the concern.
27. Any other documents in place that are relevant to the management of psychosocial hazards within ODPP.
28. The ODPP structure including, all people leaders' names, emails and phone numbers.
29. Details of all complaints submitted since 1 January 2020 by an ODPP worker related to sexual harassment or sexual touching, including the complaint, the actions taken and the outcome.
30. Documentation regarding a situation where a ODPP worker raised concerns regarding the behaviours of barristers, defence lawyers or judges (please refer to questions 45 and 46 in the questions section of this notice).