



## CHAIR'S MESSAGE



I would like to take this opportunity to welcome new members of the Government Solicitors' Committee and thank continuing members for their hard work in 2001.

The first evening CLE organised by the Government Solicitors' Committee, 'Property Law for Government Solicitors' was held in November 2001 and was a great success. In order to continue the programme of increased professional development opportunities for government solicitors, the Committee plans to organise bi-annual lunchtime/evening CLE seminars on issues of specific relevance to government lawyers. The Committee will continue to organise the Annual CLE Convention and Dinner which will be held at Parliament House in August.

The first major event for the year is the Government Legal Department Heads meeting on 11 April. This presents an ideal opportunity for the various Government Legal Department Heads to network with one another. In 2002 the Committee will present the Excellence Award in Government Legal Service, the John Edmund Hennessy Travelling Fellowship, and sponsor four government lawyers for Specialist Accreditation courses.

This year the Committee will aim to provide a higher profile for government lawyers in New South Wales as well as establish links with similar groups in other Australian states. We will continue our liaison with the Commonwealth Association of Public Sector Lawyers and other international government legal groups.

The Committee plans to further develop and expand the 'Government Lawyer' newsletter in 2002. We encourage readers to forward articles and opinion/editorial pieces as well as letters to the Editor on matters of interest to government lawyers.

I am extremely pleased to continue chairing this vital committee during my year as President. Please feel free to contact me at the Law Society if I can be of any assistance.

*Kim Cull  
Chairman*

### IN THIS EDITION

- **Letters To The Editor**
- **Correction**
- **2001 Government Solicitors Committee Members**
- **OH&S: The New Workplace - Part 2**
- **Always Opportunities For Change - A Government Lawyer's Perspective**
- **Remuneration and Work Conditions Survey**
- **John Edmund Hennessy Fellowship 1999**

## **2002 GOVERNMENT SOLICITORS COMMITTEE**

### **Chairperson**

Ms Kim Cull  
Law Society of NSW  
DX 362 Sydney

### **Committee Members**

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### **Executive Members**

Mr Mark Richardson  
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Ms Shanthini Govindasamy  
Law Society of NSW  
DX 362 Sydney

## **LETTERS TO THE EDITOR**

The Editorial Committee wishes to expand this section in 2002 and welcomes contributions from readers of 'Government Lawyer'.

Please forward your letters, comments and articles to:

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Law Society of NSW  
DX 362 Sydney  
Tel: 02 9926 0276  
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## **CORRECTION**

In the last issue of Government Lawyer (Volume 23 Oct-Dec 2001) we published an article 'The Law Of Statutory Interpretation' by Brad Row. We inadvertently referred to the author, Mr Row, as 'Crown Solicitor'. This should have read 'Brad Row, Crown Solicitor's Office'. We apologise for any confusion or offence caused.

## OH&S: THE NEW WORKPLACE PART II

(Continued from Volume 23)



### CONCLUSION:

Many of the new provisions may appear to create unduly onerous obligations on employers in a wide range of areas, including public sector workplaces engaged in extensive strategic change. The reality, however is that the main impact of new Act is the adoption of the most fundamental principles of Best Practice. The Best Practice principles, which are quite beautifully woven into the new legislative scheme include: -

- An industrial relations and organisational culture characterised by cooperative and consultative decision making processes with consultation reaching to all elements within the organisation.
- Human resource policies which are innovative and sufficiently flexible to embrace change in management processes which rest upon a clear commitment to Occupational Health & Safety as well as other human rights precepts.
- Commitment to strategic change which is planned, developed and implemented in a consultative and collaborative way with the workforce, incorporating environmental management and a commitment to continuous improvement of all processes, products and work outcomes.

This points to the special value of the new legislative scheme to the modern legal

workplace. The emphasis on risk identification, hazard control and consultative decision making in relation to OH&S issues has the scope to revolutionise modern risk management. Moreover, the implementation of the new Act and Regulation will have the effect of enabling workplaces to learn from their experiences in all matters associated with OH&S and risk assessment. Ideas on workplace health and safety will be exchanged across all functional elements of organisations. They need to provide a level playing field for input of all members of the organisation regardless of status, title or rank.

The new scheme is therefore a strategic planners paradise because it enables the spirit of consultation and collaboration to be strongly incorporated into a SWOT analysis of the new workplace. By way of example, a SWOT analysis for large high volume government legal workplace under the old 1983 Act would look something like this: -

#### Strengths:

- Clear organisational framework.
- Tendency to focus on missions and strategic outcomes.

#### Weaknesses:

- Flow of communication not uniform across functional boundaries.

#### Opportunities:

- Specialisation encouraged and facilitated.
- Scope for growth and tendency toward strong formal partnerships.

#### Threats:

- Downsizing, outsourcing, privatisation to meet budget levels regardless of quality determinance.

Under the New Act, a SWOT analysis for a similar organisation might appear as follows:

Strengths:

- Consistent flow of information throughout and amongst all functional units.

Opportunities:

- Capacity to build partnerships extending outside the traditional public sector.

Weaknesses:

- Compartmentalisation of people resisting change (although this can be readily addressed through effective change management strategies).

Threats:

- Statutory penalties for failure to comply with new legislative schemes (eg: maximum penalty for corporations for failing to consult in accordance with Section 13, 750 penalty units and individuals up to 375 penalty units).

*Howard Bell  
Government Lawyer, NSW*

## **ALWAYS OPPORTUNITIES FOR CHANGE**

A Government Lawyer's Perspective



In over 30 years as a practising solicitor I have often been surprised on learning about novel career changes and roles taken on by friends and colleagues who have initially

trained as lawyers. My own professional career has been adapted several times to meet the changing circumstances and changes in geographic location which arose from my primary role as wife and mother. I have always said that being a solicitor is the perfect job for a woman who has family commitments and I have been able to maintain my professional life both as an employed solicitor and as a sole practitioner, albeit at times on a part-time basis. Part-time Tribunal and Court appointments have offered opportunities for professional development and at the same time my availability to fully participate in our home life and the development of my children has not been impaired.

As the children became independent and made their own careers away from home I realised that I had only a few years of working life left and decided to make the most of what was left of my professional career time. The Court for which I worked on a part-time basis was abolished by the stroke of the political pen and at age 50 I was told by one of our leading legal recruitment firms that I did not suit the profile of the kind of lawyer the modern firm was looking for and they therefore declined to put me on their books!

Employment in a private practice in the suburbs was available but I soon learned how demanding that sort of practice can be. The week I appeared in seven Courts in five days I decided that there had to be a better life, and with the help of an ad in the *Sydney Morning Herald* I joined the Public Service. Life as a Conciliator in Workers Compensation lacked challenge and interest for a solicitor with my background but was an excellent introduction to NSW Government administration and I learned a great deal. It was not to last however as yet another new and better way to deal with Workers Compensation disputes was found this year and the good ship WCRS began to sink. My job was to again be abolished by the stroke of a political pen!

Once more *The Sydney Morning Herald* came in handy and I am now the Registrar at the Veterinary Surgeons Board of NSW. Legal qualifications were not listed in the essential criteria but the position is an excellent career extension for a lawyer. The Board is an independent statutory corporation under the umbrella of NSW Agriculture. I have discovered that most people have never heard of it. It is responsible for the administration of the *Veterinary Surgeons Act 1986* and its primary functions include the enrolling of Veterinary Surgeons to practice, licensing of Veterinary Hospitals and the maintenance of standards in all aspects of the delivery of veterinary services to the consumers and animals of NSW.

The Board supports the Veterinary Surgeons Investigating Committee which investigates complaints of professional misconduct by Veterinary Surgeons. I act as Secretary to the Committee and my time is fairly evenly divided between Board and Committee work. My experience in administrative law and Tribunal work is very useful in performing my support role to the Committee.

The duties and challenges of my role are varied. The Board was administered from within NSW Agriculture until relatively recently and we (my two full-time staff and I) are all becoming multi-skilled in learning how to administer a very small agency which is financially independent. The Board is responsible to the Minister for Agriculture and must comply with the full range of accountability requirements notwithstanding the small size and relatively limited resources of the profession served by it.

I conclude by reminding all lawyers that there are always opportunities for change and challenge and that the door should never be closed to new and different career experiences.

*Maria Linkenbagh*  
Registrar  
Veterinary Surgeons Board of NSW

## REMUNERATIONS AND WORK CONDITIONS SURVEY

In the latter half of 2001, the Law Society conducted the inaugural Remuneration and Work Conditions Survey. The survey collected information from employed solicitors in the following categories: Income and Benefits; Workspace and Workplace Policies; Professional Development and Supervision; and Job Satisfaction and Career Plans.

### Income and Benefits

Employed solicitors were asked to indicate their taxable income for the year ending 30 June 2001. The mean incomes for each sector were:

Private:	\$67,000
Government:	\$70,000
Corporate:	\$102,000
Other:	\$54,000
All:	\$71,000

The incomes of solicitors vary (as expected) according to differences such as years in practice, size of the firm (for private practice), location and type of law practised. The table below illustrates the range of income according to years in practice.

Average \$'000	Private	Government	Corporate
Less than 1 year	47	44	79
1 - 2 years	59	48	70
2 - 3 years	57	61	78
3 - 4 years	70	76	74
4 - 5 years	73	62	70
5 - 7 years	87	73	83
7 - 10 years	90	74	111
10 - 15 years	89	73	125
15+ years	79	89	143

Employed solicitors were asked to indicate the range of benefits provided by the employer that were either part of or in addition to remuneration. The most common benefits that were provided either as part of or on top of a remuneration package were:

annual leave loading, employer superannuation (above SGL), internet access, professional association membership and mobile phone. The only significant difference between the employment sectors was the ranking of each and the inclusion of a company car as a benefit for solicitors in corporate practice.

### Workspace and Workplace Policies

Of the types of flexible work options available to government, the most often identified were: flexible hours, part-time work, use of sick leave for family commitments, paid maternity leave and job sharing.

### Professional Development and Supervision

More than half of the government solicitors who responded to the survey (58.4%) reported that they had excellent or very good access to CLE and 47% reported that they were usually or always supported by their employer when studying. Almost two thirds of respondents said they were adequately supervised.

### Job Satisfaction and Career Plans.

The majority of employed solicitors working in government reported that they were either satisfied or very satisfied with their position (65%). In contrast, 70% of corporate solicitors and 58% of those working in private practice were either satisfied or very satisfied.

Areas attracting the highest rates of satisfaction were: quality of work, autonomy, flexible hours, hours worked and client contact. Areas of low satisfaction were: the management environment, salary and mentoring.

Slightly more than one third of government solicitors indicated that they would change jobs in the next twelve months and a third of this group indicated that they would be seeking another position in government.

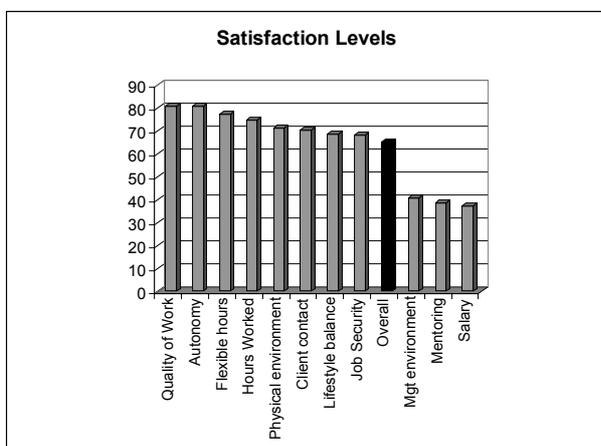
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The Society thanks all those solicitors who completed the survey. As the Law Society intends to repeat the survey in 2002, the views of the Government Solicitors Committee will be sought about ways to enhance the survey to address issues relevant to government solicitors.

To order your copy of the Remuneration and Work Conditions Survey, please complete the online order form at <http://lawsociety.com.au/services/about/services-Remunera.html> (please note that the report is only available to members of the Law Society)

For further information contact Donna Bain at the Law Society at [db@lawsocnsw.asn.au](mailto:db@lawsocnsw.asn.au)

*Donna Bain  
Manager, Policy and Research  
Law Society of NSW*



## JOHN EDMUND HENNESSY FELLOWSHIP 1999

### BACKGROUND:

The Law Society of New South Wales Government Solicitors' Committee (GSC) is proud to once again sponsor the John Hennessy Fellowship 1999.

John Edmund Hennessy was born in 1940 and commenced work in the Crown Solicitors'

Office in 1957. John was admitted as a solicitor in 1965 and in 1980 was appointed Assistant Crown Solicitor, Civil Law Branch, where he worked until he was appointed an Acting Magistrate in 1996 and Magistrate in 1997. John served on the Legal Aid Review Committee as the Attorney General's nominee for 17 years. John retired on 31 January 1999, and died from Motor Neurone Disease on 13 February 1999.

John served the Attorney General's Department, the profession and the administration of justice for over 40 years, and in doing so, he combined the highest professional standards as a solicitor with long and dedicated service to the public. The GSC considers it most fitting that a Fellowship for public sector solicitors is awarded in his name.

#### **OVERVIEW:**

The GSC established the John Edmund Hennessy Fellowship in 2000 to support public sector solicitors for the purpose of:

- (a) Enhancing their skills and expertise in the practice of law relevant to their duties as a public sector lawyer, or;
- (b) Undertaking a specific research project into legal systems in another jurisdiction which will be relevant to the improvement in the cooperation of the applicant's employer or the operation of the New South Wales legal system.

The Fellowship will be offered from time to time up to the value of \$5,000. The Fellowship can be used to cover the expenses of attending legal conferences, travel, research and associated expenses.

It is expected that on completion of the project, the successful applicant will submit a final project report to the GSC within one (1) month of completion of the project. The report will be in a format suitable for submission by the GSC for publication in the Law Society Journal, Government Lawyer

Newsletter, or other publication as determined by the GSC.

#### **SELECTION CRITERIA:**

The following selection criteria will apply:

- The applicant must be a solicitor employed in the New South Wales public sector currently holding a New South Wales practising certificate;
- The application must demonstrate a real potential benefit to the public sector by way of enhancing the applicant's skills and expertise in the practice of law relevant to their duties as a public sector lawyer, or improvements in the operation of the applicant's employer, or improvements in the operation of the New South Wales legal system;
- The project must be costed and come within the budget of the Fellowship;
- The project must have a letter of support from the applicant's project sponsor;
- The project must be of such a nature that it is capable of being the subject of a written report to be prepared by the applicant for publication by the GSC;
- The project sponsor must agree to evaluate the project on its completion and provide a written evaluation report to the GSC within a reasonable completion of the project;
- The application must specify how any funds provided under the Fellowship will be expended and how such expenditure will be accounted for;
- The project must be capable of completion within a period of a maximum of six (6) months from the date of approval by the GSC or such other time by mutual agreement; and
- If the project involves overseas study/research or leave from work, the application must demonstrate that any approvals/consents for such study/research or leave by the applicant's employer and any relevant overseas authority have been granted or will be forthcoming.

Each application will be assessed on the criteria outlined above.

**The decision of the GSC will be final.**

**APPLICATIONS:**

Applications must address the selection criteria set out above, include a curriculum vitae, a description of the proposed project, a timetable for completion and be typed.

**PROJECT REPORT:**

The project report will describe the nature of the project undertaken, the reasons the project was undertaken, and (as applicable) details of skills and expertise learned as a result of undertaking the project, or recommendations for improvement to the operations of the applicant's employer, or improvement to the operation of the New South Wales legal system.

**PROJECT SPONSOR:**

Each applicant must have a project sponsor within the New South Wales Government legal sector. Generally the sponsor will be the applicant's employer unless the nature of the proposed project indicates otherwise. The GSC reserves the right to reject any proposed sponsor.

The role of the project sponsor is:

- (a) To assess the usefulness of the project to the applicant's employer or, where applicable, the New South Wales public sector;
- (b) To provide the applicant with assistance, where necessary, in completing the project, and;

- (c) To document the value of the project on its completion. The evaluation is to be attached to the final project report for submission to the GSC.

**TIMETABLE:**

Applications for the John Edmund Hennessy Fellowship were advertised in the October 2001 issue of the 'Government Lawyer' with a closing date of 31 September 2002. It is anticipated the successful applicant will be announced in the November 2002 issue.

**LODGEMENT OF APPLICATION:**

Applications are to be lodged no later than 31 September 2002. Please forward applications to:

Shanthini Govindasamy  
Government Solicitors' Committee  
170 Phillip Street Sydney or DX 362 Sydney  
Sydney NSW 2000

**FURTHER INFORMATION:**

For further assistance or information please contact:

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**Next Issue:** The deadline for Volume 25 (May 2002 issue) will be 2<sup>nd</sup> May 2002. Please forward any contributions to Shanthini Govindasamy before this date.