



information
and privacy
commission
new south wales

Legislative Compliance Register

Updated June 2022



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Introduction

The Legislative Compliance Register contains a listing of all legislation that the IPC has responsibility for and has compliance requirements under. It details how compliance with the obligations of the legislation is managed. Each provision is allocated a risk rating using the risk matrix found on pages 2-3. Areas of Extreme or Moderate risk are highlighted on page 4. The register is reviewed annually, and the Executive Team completes an annual attestation that effective management systems and processes are in place to manage legislative obligations.

1. Risk allocation

Risk likelihood

Some events happen once in a lifetime. Others can happen almost every day. Analysing risks requires an assessment of their frequency of occurrence.

When rating risk it is essential that the approach is consistent. The following table provides broad descriptions used to support risk likelihood ratings.

| Rating | Likelihood of Occurrence |
|-----------------------|--|
| Almost Certain | The risk will occur several times over a short period, say 6 months |
| Likely | The risk may occur once or twice a year |
| Possible | Risk might occur once in a period of several years |
| Rare | A risk that is relatively unknown, and has not been experienced to date. |

Risk consequence

The outcomes of a risk event or situation expressed qualitatively or quantitatively, being a loss, injury, disadvantage or gain. Consequences can range from 'low' to 'very high' and are expressed in terms of financial consequence, customer service/business continuity, regulatory/legal, reputation & image and human resource. It is important to consider consequences as more than just financial as often an operational risk event may not result in a financial loss however other intangible assets of the IPC may be affected (e.g. reputation and image, loss of staff etc).

| Rating | Consequence of Occurrence |
|------------------|---|
| Very High | Loss of ability to sustain ongoing operations. An event that would cause operations to be substantially disrupted resulting in severe impact upon public image and reputation |
| High | Significantly reduced ability to achieve corporate objectives, impacting our overall business operations, e.g. short term loss of service |
| Medium | Disruption to normal operations with a moderate effect on the achievement of objectives, e.g. temporary loss of service and/or processing capability |
| Low | No impact on the achievement of objectives- readily resolvable by management with no consequence to the business |

Risk Matrix

| | | Consequence Level | | | |
|------------------|----------------|----------------------|-----|------|----------|
| | | Low | Med | High | V High |
| Likelihood Level | Almost Certain | 10 | 11 | 15 | 16 |
| | Likely | 4 | 9 | 13 | 14 |
| | Possible | 3 | 7 | 8 | 12 |
| | Rare | 1 | 2 | 5 | 6 |
| | | Residual risk Levels | | | |
| | | | | | Extreme |
| | | | | | Moderate |
| | | | | | Low |

| Group | Action required | Risk Escalation |
|-------------------------|--|---|
| 12-16 Extreme | Action required Risks that cannot be accepted or tolerated and require treatment | To Information Commissioner, to develop and monitor control strategy |
| 5-11 Moderate | Potential action Risks that will be treated as long as the costs do not outweigh the benefits. As Low As Reasonably Practicable (ALARP), refer to ISO31000 | Managed at functional or service group level Escalated to the relevant direct report to the Information Commissioner for information |
| 1-4 Low | No Action Acceptable risks requiring no further treatment. May only require periodic monitoring | No action Monitoring within the functional area or business unit |

2. Summary of Responsibilities in key risk areas (Extreme or moderate risks)

| Information Commissioner | CEO | Privacy Commissioner | Director, Investigation & Reporting | Director, Business Improvement | Director, Legal Counsel & Regulatory Advice |
|---|---|---|--|---|---|
| <p>LEGAL AND ADMINISTRATIVE LAW</p> <p>1.1 Government Information (Information Commissioner) Act 2009 (Parts 3 and 4)</p> <p>1.2 Government Information (Public Access) Act 2009 (Part 5 Division 3)</p> <p>1.5 Public Interest Disclosures Act 1994 (s12D)</p> | <p>LEGAL AND ADMINISTRATIVE LAW</p> <p>1.2 Government Information (Public Access) Act 2009 (Parts 2 and 3, s125)</p> <p>1.2 Government Information (Public Access) Regulation 2018 (reg 8)</p> <p>1.3 Health Records and Information Privacy Act 2002 (s11, s63, Sch 1)</p> <p>1.4 Privacy and Personal Information Protection Act 1998 (s8-19, s33, s53-54)</p> <p>1.5 Public Interest Disclosures Act 1994 (s6D, s22)</p> <p>2.18 Independent Commission Against Corruption Act 1988 (s11)</p> | <p>LEGAL AND ADMINISTRATIVE LAW</p> <p>1.3 Health Records and Information Privacy Act 2002 (s43-45, s11, Sch 1)</p> <p>1.4 Privacy and Personal Information Protection Act 1998 (Part 4)</p> <p>2.25 Ombudsman Act 1974 (s18)</p> | <p>LEGAL AND ADMINISTRATIVE LAW</p> <p>1.2 Government Information (Public Access) Act 2009 (Part 5, Division 3)</p> <p>1.3 Health Records and Information Privacy Act 2002 (Part 6, Division 1)</p> <p>1.4 Privacy and Personal Information Protection Act 1998 (Division 2 of Part 4, Part 5)</p> <p>1.5 Public Interest Disclosures Act 1994 (s6CA, s6D, S22)</p> | <p>HUMAN RESOURCES</p> <p>2.9 Government Sector Employment Act 2013 (s13, s67, s68)</p> <p>2.19 Industrial Relations Act 1996</p> <p>2.38 Work Health and Safety Act 2011</p> <p>FINANCE</p> <p>22.17 Government Sector Finance Act 2018</p> <p>INFORMATION AND TECHNOLOGIES</p> <p>2.33 State Records Act 1998</p> | <p>LEGAL AND ADMINISTRATIVE LAW</p> <p>1.1 Government Information (Information Commissioner) Act 2009 (Parts 3 and 4)</p> <p>1.5 Public Interest Disclosures Act 1994 (s6CA, s6D, s22)</p> |

| Information Commissioner | CEO | Privacy Commissioner | Director, Investigation & Reporting | Director, Business Improvement | Director, Legal Counsel & Regulatory Advice |
|--------------------------|---|----------------------|-------------------------------------|--------------------------------|---|
| | <p>2.25 <i>Ombudsman Act 1974 (s18)</i></p> <p>HUMAN RESOURCES</p> <p>2.9 <i>Government Sector Employment Act 2013 (s13, s67, s68)</i></p> <p>2.19 <i>Industrial Relations Act 1996</i></p> <p>2.38 <i>Work Health and Safety Act 2011</i></p> <p>FINANCE</p> <p>22.17 <i>Government Sector Finance Act 2018</i></p> | | | | |

3. Group 1 – Legislation of particular application

| Ref. | Instrument | Obligations | Risk Levels (Extreme/ Moderate/ Low) | Responsible Position | How we address this | Review timeframe |
|------|---|---|---|---|---|---------------------|
| 1.1 | Government Information (Information Commissioner) Act 2009 | <p>Obligations of Information Commissioner (as Information Commissioner) <i>Complaints and investigations</i></p> <ul style="list-style-type: none"> Give notice to complainants of decision on whether and how their complaint is to be dealt with (s20), Report to the responsible Minister and principal officer of any agency to which an investigation report relates (s21), Give notice to a complainant of a decision to investigate or to discontinue an investigation (s22), Give notice to an agency of the Commissioner's decision to investigate a complaint about the agency or to discontinue an investigation (s22), Give the agency the opportunity to make submissions, if practicable (s23), Give the complainant the opportunity to make submissions (s23). | Moderate | Information Commissioner Director, Investigation & Reporting | <p>Through clear instrument of delegations to staff (see website http://www.ipc.nsw.gov.au/information-commissioner-instrument-delegation).</p> <p>Through Complaints, Reviews and Investigation Policy.</p> | Annual |
| | | <p><i>Adverse comment</i></p> <ul style="list-style-type: none"> Inform affected persons and give them an opportunity to make submissions before publication of an investigation report containing adverse comment on their conduct (s23), Inform the responsible Minister before publication of an investigation report containing adverse comment on an agency's conduct (s23), Consult the Minister if requested (s23). | Moderate | Information Commissioner Director, Investigation & Reporting | <p>Currently through templates and in delegations, going forward, through updated complaints management policy and information about processes on website e.g. Fact Sheet.</p> | Annual |

| Ref. | Instrument | Obligations | Risk Levels (Extreme/ Moderate/ Low) | Responsible Position | How we address this | Review timeframe |
|------|------------|--|---|--|---|---------------------|
| | | <p><i>Investigation Reports</i></p> <ul style="list-style-type: none"> Report to the responsible Minister and the principal officer if making a finding that conduct of an agency constitutes failure to exercise its functions properly in accordance with any provision of the GIPA Act (s24), Report to the Secretary of the Department of Premier and Cabinet if the conduct is that of a Public Service employee (s24). | Moderate | <p>Information Commissioner</p> <p>Director, Investigation & Reporting</p> | Currently through templates and in delegations, going forward, through Operations manual, and information about processes on website. | Annual |
| | | <p><i>Annual reporting and other reporting</i></p> <ul style="list-style-type: none"> Prepare an annual report of the Commissioner's work and activities as soon as practicable after 30 June, Include the annual report on the Commissioner's work and activities in the annual report of the IPC, and furnish it to the Presiding Officer of each House of Parliament, Provide a copy of the annual report on the Commissioner's work and activities to the Minister, Prepare and publish an annual report on the operation of the GIPA Act as soon as practicable after 30 June and furnish the report to the Presiding Officer of each House of Parliament, Provide a copy of the annual report on the operation of the GIPA Act to the Minister, Provide the Minister with a copy of any special report made by the Commissioner to Parliament (ss36 - 39). | Moderate | <p>Information Commissioner</p> <p>Director, LCRA</p> | <p>Work plan of Director Legal Counsel and Regulatory Advice.</p> <p>Work plan of Director Business Improvement.</p> | Annual |

| Ref. | Instrument | Obligations | Risk Levels (Extreme/ Moderate/ Low) | Responsible Position | How we address this | Review timeframe |
|------|---|--|---|--|--|---------------------|
| 1.2 | Government Information (Public Access) Act 2009 | <p>Obligations of Chief Executive Officer IPC</p> <p><i>Proactive and informal release of information</i></p> <ul style="list-style-type: none"> review program for the proactive release of government information at least annually (s7), provide a reasonable level of advice and assistance to a person who requests or proposes to request access to government information (s16), make government information publicly available as provided by agency information guide (AIG) (s20), review AIG and adopt a new AIG at least annually (s21), keep a disclosure log (ss 25, 26). | Moderate | Information Commissioner/ CEO Director, Business Improvement | <p>Monitor via IPC policy register for annual publication</p> <p>IPC GIPA corporate policy and procedure manual, – inclusion in the annual report and website publication.</p> | Annual |
| | <p>Government Information (Public Access) Act 2009</p> <p>Continued</p> | <p><i>Government contracts register</i></p> <ul style="list-style-type: none"> keep a government contracts register that records specified information, within 45 days after the contract becomes effective (ss 27 -31), amend the register within 45 days of a material variation becoming effective (s33), ensure that a copy of their government contracts register is published online and available in any other manner they decide to make open access information publicly available (s35). | Low | Director, Business Improvement | <p>As part of review of activities to be included in the annual report.</p> <p>Contracts register https://www.ipc.nsw.gov.au/about-us/accessing-ipc-information/register-government-contracts.</p> | Annual |
| | Government Information (Public Access) Act 2009 (GIPA Act) | <p><i>Annual reports</i></p> <ul style="list-style-type: none"> prepare an annual report on the agency's obligations under GIPA Act for submission to their Minister within 4 months after the end of each reporting year (s125(1)), | Moderate | Director, Business Improvement | Included in IPC Annual Report. | Annual |

| Ref. | Instrument | Obligations | Risk Levels (Extreme/ Moderate/ Low) | Responsible Position | How we address this | Review timeframe |
|------|--|--|---|-------------------------|---------------------|---------------------|
| | <p>Government Information (Public Access) Regulation 2018 (GIPA Regulation)</p> | <ul style="list-style-type: none"> • provide a copy of the IPC report to the Information Commissioner (section 125(1)) [even though it is the Information Commissioner’s own report], • in accordance with clause 8 of the GIPA Regulation the report is to include: <ul style="list-style-type: none"> a) details of the review carried out by the agency under section 7(3) of the GIPA Act during the reporting year and the details of any information made publicly available by the agency as a result of the review, (b) the total number of access applications received by the agency during the reporting year (including withdrawn applications but not including invalid applications), (c) the total number of access applications received by the agency during the reporting year that the agency refused, either wholly or partly, because the application was for the disclosure of information referred to in Schedule 1 to the Act (Information for which there is conclusive presumption of overriding public interest against disclosure), (d) information, as set out in the form required by the tables in Schedule 2, relating to the access applications (if any) made to the agency during the reporting year. <p>NB a report under section 125 can be included in the annual report required to be prepared under the annual reporting legislation—see section 6 of the Annual Reports (Departments) Act 1985.</p> | | | | |

| Ref. | Instrument | Obligations | Risk Levels (Extreme/ Moderate/ Low) | Responsible Position | How we address this | Review timeframe |
|------|--|---|---|---|---|---------------------|
| | | Obligations of Minister <ul style="list-style-type: none"> review the GIPA Act to determine whether its policy objectives remain valid and whether the terms of the Act remain appropriate for securing those objectives, within 5 years of assent (November 2018) table a report on the outcome of the review in each House of Parliament by within 12 months after the end of the 5 year period (s130). | Low | Information Commissioner to advise/remind Minister and assist Minister in fulfilling Minister's obligations | Review will be led by DCJ/DCS. | 2023 |
| 1.3 | Health Records and Information Privacy Act 2002 | Obligations of Chief Executive Officer IPC <ul style="list-style-type: none"> comply with the Health Privacy Principles in relation to health-related information regarding employees¹ and any other person in relation to whom they hold health related information (s11 and Sch 1), comply with requirements of the Privacy Commissioner to provide information about its arrangements to enable it to comply with the Health Privacy Principles and demonstrating the means of implementation (s63). | Moderate | Chief Executive Officer/Information Commissioner Director, Business Improvement | Review and update of IPC Privacy Management Plan (PMP) Privacy Manual under development. | Annual |

¹ The Privacy Commissioner has no employees.

| Ref. | Instrument | Obligations | Risk Levels (Extreme/ Moderate/ Low) | Responsible Position | How we address this | Review timeframe |
|------|------------|--|---|---|---|---------------------|
| | | <p>Additional obligations of Privacy Commissioner</p> <ul style="list-style-type: none"> comply with the Health Privacy Principles in relation to any person in relation to whom he or she holds health related information (s11 and Sch 1), advise a complainant of the reasons for deciding not to deal with a complaint against a private sector person² (s43(3)) or for ceasing to deal with the complaint (s44(3)), notify the complainant and the respondent if he or she determines that a complaint has been resolved to his or her satisfaction and take no further action on the complaint (s45). | Moderate | Privacy Commissioner Director, Business Improvement Director, Investigation & Reporting | Delegations, IPC case management procedures and policies and Data Breach Policy and Guidelines. | Annual |

² Conduct by a public sector agency that is contrary to a Health Privacy Principle or health privacy code of practice that applies to the agency is declared by the Act to be conduct to which Part 5 (Review of certain conduct) of the *Privacy and Personal Information Protection Act 1998* applies (section 21).

| Ref. | Instrument | Obligations | Risk Levels (Extreme/ Moderate/ Low) | Responsible Position | How we address this | Review timeframe |
|------|--|--|---|---|--|---------------------|
| 1.4 | <i>Privacy and Personal Information Protection Act 1998</i> | <p>Obligations of Chief Executive Officer IPC</p> <ul style="list-style-type: none"> comply with the 12 Information Protection Principles in relation to personal information regarding employees (the Privacy Commissioner has none) and clients (where relevant) (ss8-19), comply with any applicable privacy code of practice (s32), prepare and implement a privacy management plan (s33), notify the Privacy Commissioner as soon as practicable after receiving an application for an internal review of their conduct (ss 53, 54), keep the Privacy Commissioner informed of the progress of the internal review (s54), inform the Privacy Commissioner of the findings of the review and the action proposed to be taken by them in relation to the matter (s54). | Moderate | Director, Business Improvement | Application of PMP and Privacy Internal Review Guidelines. | Annual |
| 1.5 | <i>Public Interest Disclosures Act 1994</i> | <p>Obligations of Information Commissioner, and Chief Executive Officer</p> <ul style="list-style-type: none"> provide information or documents for the purpose of an audit under section 6B (s6C), have a policy that provides for its procedures for receiving, assessing and dealing with public interest disclosures (s6D, s22), ensure that: <ul style="list-style-type: none"> a) the staff of IPC are aware of the contents of the policy required by s 6D and the protections | Moderate | Chief Executive Officer/ Information Commissioner Director, Investigation & Reporting | An IPC internal PID policy for public interest disclosures made by staff of IPC. Internal guidance for PIDs reporting government information contravention under s12D to Information Commissioner as investigating authority. | Annual |

| Ref. | Instrument | Obligations | Risk Levels (Extreme/ Moderate/ Low) | Responsible Position | How we address this | Review timeframe |
|------|------------|---|---|--|--|---------------------|
| | | <p>under this Act for a person who makes a public interest disclosure, and</p> <p>b) the IPC complies with the policy and the authority's obligations under this Act, and</p> <p>c) the policy designates at least one officer as being responsible for receiving public interest disclosures on behalf of the authority (s6E)</p> <ul style="list-style-type: none"> • provide a report to the Ombudsman for each 6-month period ending on 30 June and 31 December, giving statistical information on compliance with obligations under this Act. This report is to be provided within 30 days after the end of the 6-month period to which it relates, or such later time as the Ombudsman may approve (s6CA), • receive reports of public interest disclosures of government information contraventions under s12D, • must not disclose information that might identify or tend to identify a person who has made a protected disclosure unless the person consents in writing, or disclosure is essential for reasons of natural justice, or necessary to effective investigation or otherwise in the public interest (s22), • if the Information Commissioner is the investigating authority to whom a disclosure is made or referred, must notify the person who made the disclosure, within 6 months of the disclosure being made, of the action taken or proposed to be taken in respect of the disclosure (s27), | | <p>Director, LCRA</p> <p>Director, Business Improvement</p> | <p>Online reporting 6 monthly on PID Data as required by Ombudsman and data also reported in annual report to meet obligation to report to responsible Minister/s.</p> <p>Training/guidance for staff provided as updates occur but at least every second year.</p> | |

| Ref. | Instrument | Obligations | Risk Levels (Extreme/ Moderate/ Low) | Responsible Position | How we address this | Review timeframe |
|------|--------------------------------------|---|---|--|----------------------------|---------------------|
| | | <ul style="list-style-type: none"> produce an annual report on obligations under this Act within 4 months after the end of each reporting year, for submission to their Minister (the Attorney-General and Minister for Customer Service). A copy of the report is to be provided to the Ombudsman (s31). | | | | |
| 1.6 | Digital Restart Fund Act 2020 | <p>Obligations of Information Commissioner and Privacy Commissioner</p> <ul style="list-style-type: none"> provide advice to the Minister as to the effect, if any, that a project seeking funding under the Act may have on: <ul style="list-style-type: none"> a) access to government information under the GIPA Act, and b) the protection of personal information under the PPIP Act or health information under the HRIP Act. (s10). | Low | <p>Information Commissioner/Privacy Commissioner</p> <p>Director, LCRA</p> | Workplan of Director, LCRA | Annual |

4. Group 2 – State instruments of general application

| Ref. | Instrument | Obligations | Risk Rating (Extreme/ Moderate /Low) | Responsible Position | How we address this | Review timeframe |
|------|--|--|---|--|--|---------------------|
| 2.1 | Annual Holidays Act 1944 | The Chief Executive Officer, as an employer, must keep a holiday record for at least six years (s9). | Low | Director, Business Improvement | By obtaining a certification to the effect that such records are maintained by the shared service provider within their HR/Payroll systems. | Annual |
| 2.2 | Annual Reports (Departments) Act 1985 | <p>Obligations of the IPC, CEO</p> <ul style="list-style-type: none"> prepare, submit and publish an annual report in the form required by the Act and the <i>Annual Reports (Departments) Regulation 2015</i> and report to Parliament rather than to the Minister, include Information Commissioner's annual report under <i>GIIC Act 2009</i> as part of the IPC annual report (s36 and ss39). <p>Obligations of Information Commissioner</p> <p>Annual report should be included in the IPC annual report s36 GIIC Act.</p> <p>Obligations of Privacy Commissioner</p> <p>Annual report to be included in the IPC annual report s61A PPIP Act.</p> <p>Additional obligations of IPC for annual reporting - note not a legislative requirement but arises from the <i>NSW Cyber Security Policy</i>:</p> <ul style="list-style-type: none"> Part 4: Cyber Security must be addressed in the IPC annual report. Template is provided by | Low | <p>Manager Communications & Corporate Affairs</p> <p>Director, Business Improvement</p> <p>Manager, Systems and Corporate Services</p> | <p>By producing the Annual Reports in the required format and by the required date.</p> <p>To include required attestation in annual report for 2021/22.</p> | Annual |

| Ref. | Instrument | Obligations | Risk Rating (Extreme/ Moderate /Low) | Responsible Position | How we address this | Review timeframe |
|------|-------------------------------------|---|---|--|--|---------------------|
| | | <p>Cyber Security NSW. The attestation must also be provided to Cyber Security NSW.</p> <p><i>Note the commencement of financial reporting provisions in division 7.2 of the Government Sector Finance Act 2018 1 July 2020 and annual reporting in division 7.3 1 July 2021.</i></p> | | | | |
| 2.3 | Anti-Discrimination Act 1977 | <p>It is unlawful to discriminate on the basis of a person's race, including colour, nationality, descent and ethnic, ethno-religious or national origin, sex, including pregnancy and breastfeeding, marital or domestic status, disability, homosexuality, age, transgender status, and carer's responsibilities. Sexual harassment and vilification on the basis of race, homosexuality, transgender status or HIV/AIDS status are also prohibited under this Act.</p> <p>This includes discrimination in employment and provision of goods and services.</p> | Low | <p>Chief Executive Officer</p> <p>Director, Business Improvement</p> | <p>IPC Code of Conduct</p> <p>IPC and Departmental policies</p> | Annual |
| 2.44 | Appropriation Act 2021 | <p>Obligations of Chief Executive Officer IPC</p> <ul style="list-style-type: none"> must not incur expenditure in excess of the sums appropriated for the specified purpose unless the Treasurer, with the approval of the Governor, determines that additional money is to be paid out of the Consolidated Fund in accordance with section 4.13 of the <i>Government Sector Finance Act 2018</i>. ensure that expenditure of money for the agency is in a way that is authorised, meaning it is done in accordance with a delegation or subdelegation from a person with power regarding the expenditure of the money or under | Low | <p>Chief Executive Officer</p> <p>Director, Business Improvement</p> | <p>Appropriations Act does not apply directly to IPC from 1 July 2011. The IPC funding provided through identified allocation to DCS and then by fortnightly allocations/payments in accordance with Grants and Contributions Schedule</p> <p>Financial delegations reviewed as required</p> | Monthly |

| Ref. | Instrument | Obligations | Risk Rating (Extreme/ Moderate /Low) | Responsible Position | How we address this | Review timeframe |
|------|--------------------------------------|--|---|--------------------------------|---|---------------------|
| | | <p>the authority of the <i>Government Sector Finance Act 2018</i> or any other law (section 5.5).</p> <p>Obligations of officers of IPC</p> <ul style="list-style-type: none"> ensure that the officer’s expenditure of money for the State or a GSF agency is in a way that is authorised. must not incur a liability exceeding the amount provided for in an Appropriation Act. | | | <p>Control achieved via continuous monitoring of expenditure and commitment through the monthly budget review and reporting process.</p> | |
| 2.55 | Carers (Recognition) Act 2010 | <p>Obligations of Chief Executive Officer IPC</p> <ul style="list-style-type: none"> take all reasonable steps to ensure that staff and agents of the agency have an awareness and understanding of the NSW Carers Charter, consult with such bodies representing carers as it considers appropriate when developing policies that impact on carers, ensure that its internal human resources policies, so far as they may significantly affect the carer role of a member of staff, are developed having due regard to the NSW Carers’ Charter.(s7) | Low | Director, Business Improvement | <p>Ensure any relevant Departmental/Cluster policy updates are provided to the IPC.</p> <p>Ensure referenced in flexible working agreement / public sector award and note that a carer’s role is considered long term (and not to be confused with FaCS leave, which is usually short term)</p> <p>Requires reference in Annual Reporting.</p> <p>IPC’s obligations to clients need to be noted here.</p> | Annual |

| Ref. | Instrument | Obligations | Risk Rating (Extreme/ Moderate /Low) | Responsible Position | How we address this | Review timeframe |
|------|---|--|---|---|--|---------------------|
| 2.66 | Defamation Act 2005 | The IPC, the Information Commissioner and the Privacy Commissioner must not publish matter (articles, reports or advertisements communicated via newspapers, magazines, television, radio, the internet, letters, notes, pictures, gestures or oral utterance) that is defamatory. Several of the statutory defences in the Act are however likely to apply, see s 27 and sch 1 for provisions specific to the Information Commissioner (cl 2A) and Privacy Commissioner (cl 2). | Low | Manager Communications and Corporate Affairs | Quality assurance including Director review for all publications. | Ongoing |
| 2.77 | Disability Inclusion Act 2014 | Obligations of Chief Executive Officer IPC If the IPC provides services –whether or not they are provided predominantly for persons with a disability- it must have a publicly available Disability Action Plan (s12). | Low | Director, Business Improvement | IPC Diversity and Inclusion Action Plan 2021-23 released in December 2020. | Annual |
| 2.88 | First State Superannuation Act 1992 | The Chief Executive Officer as the employer must make superannuation contributions to the First State Superannuation Fund (or nominated fund) for employees, unless one of the exceptions set out in the Act applies. | Low | Director, Business Improvement | Payment made via GovConnect and pay summaries provided to IPC | |
| 2.99 | Government Sector Employment Act 2013 Comply with Direction of Public Service Commissioner | Chief Executive Officer, IPC must comply with the Act in relation to terms and conditions of employment and recruitment practices etc., including compliance with directions of the Public Service Commissioner (section 13). | Moderate | Chief Executive Officer Director, Business Improvement | Effected by oversight of agency recruitment and related personnel practises by Department of Customer Service under shared corporate services arrangements. This should be verified by an attestation by Department of Customer | Annual |

| Ref. | Instrument | Obligations | Risk Rating (Extreme/ Moderate /Low) | Responsible Position | How we address this | Review timeframe |
|------------|--|--|---|-------------------------|--|---------------------|
| | | | | | Service, as part of the annual certification process. | |
| 2.10 10 | Government Sector Employment Act 2013 General obligations | Chief Executive Officer has specific obligations under the Act: <ul style="list-style-type: none"> Exercise employer functions in relation to the employees of the IPC (s31) May delegate functions (s32). | Low | Chief Executive Officer | IPC applies human resource management policy and procedures as set by DCS , and in accordance with the Crown Employees Award HR delegations are in place. | Annual |

| Ref. | Instrument | Obligations | Risk Rating (Extreme/ Moderate /Low) | Responsible Position | How we address this | Review timeframe |
|------------|--|---|---|-------------------------|---|---------------------|
| 2.11 11 | <p>Government Sector Employment Act 2013</p> <p>Government Sector Employment Regulation 2014</p> <p>Government Sector Employment Rules 2014</p> | <p>Chief Executive Officer has specific obligations under the Act in relation to senior executives:</p> <ul style="list-style-type: none"> Employ senior executives within the band determined for senior executives (s37) May assign senior executives within the agency (s38) Employ senior executives under a written contract (s39) with remuneration and benefits specified in the contract as identified in s40 and clauses 36 to 39 of the <i>Government Sector Employment Regulation 2014</i>. May terminate senior executive (s41). <p>The Government Sector Employment Rules 2014 (42 to 51 and Schedule 1) outline additional provisions in relation to senior executives including:</p> <ul style="list-style-type: none"> Agency head must provide a written report to the Public Service Commissioner after terminating a senior executive providing a summary of the process and the reasons for termination (Rule 42) Using the prescribed model contract of employment (Rule 43 and Schedule 1) | Low | Chief Executive Officer | <p>IPC applies DCS policies and procedures and seeks advice as needed.</p> <p>IPC Code of Conduct</p> <p>IPC Performance management system and Performance Agreements in place.</p> | Annual |

| Ref. | Instrument | Obligations | Risk Rating (Extreme/ Moderate /Low) | Responsible Position | How we address this | Review timeframe |
|------------|--|--|---|--------------------------------|--|---------------------|
| 2.12 12 | <p>Government Sector Employment Act 2013</p> <p>Non-executive employees</p> | <p>Obligations of Chief Executive Officer in relation to non-executive employees:</p> <ul style="list-style-type: none"> • May employ non-executive employees in the kinds of employment specified in s43, in classifications of work (s45), and assign to roles (s46) • May terminate on grounds outlined in s47 • May second or transfer employees (s64) • May temporarily assign staff between the IPC and other relevant bodies (s66) • Is responsible for dealing with unsatisfactory performance including taking action in accordance with the GSE rules in relation to unsatisfactory performance (s68) • Is responsible for dealing with misconduct of employees including complying with the GSE rules (s69) • May suspend an employee from duty pending a decision in relation to misconduct criminal charge or corrupt conduct (s70) | Moderate | Chief Executive Officer | <p>IPC applies DCS policies and procedures and the Crown Employees Award</p> <p>Seeks advice as needed.</p> <p>IPC Code of Conduct</p> <p>Performance agreements</p> | Annual |
| 2.13 13 | <p>Government Sector Employment Act 2013 and the Government Sector Employment Rules 2014</p> <p>Workforce Diversity (section 63)</p> | <p>Obligations of Chief Executive Officer</p> <ul style="list-style-type: none"> • responsible for workforce diversity and that it is integrated into workforce planning of an agency (s63 GSE Act) • comply with any obligations in GSE Rules on workforce diversity (s63(3)), • information relating to workforce diversity collected and able to be provided to Public | Low | Director, Business Improvement | IPC Diversity and Inclusion Action Plan 2021-23 released in December 2020. | Annual |

| Ref. | Instrument | Obligations | Risk Rating (Extreme/ Moderate /Low) | Responsible Position | How we address this | Review timeframe |
|------------|---|--|---|--|---|---------------------|
| | | <p>Service Commissioner if required (rule 27, GSE Rules)</p> <ul style="list-style-type: none"> include a statement on a triennial basis³ in its annual reports setting out workforce diversity achievements and key workforce diversity strategies proposed for the following year, and statistical information as determined by the Secretary of the Treasury (<i>Annual Reports (Departments) Regulation 2015</i>). | | | | |
| 2.14 14 | <p>Government Sector Employment Act 2013</p> <p>Performance Management systems (section 67)</p> | <p>Chief Executive Officer is responsible for developing and implementing performance management system with respect to employees</p> <p>Core requirements of system set out in GSE Rules – rule 35</p> <ul style="list-style-type: none"> set and clarify expectations for employees monitor employee performance plan and review employee performance develop employee capability recognise employee achievements resolve unsatisfactory employee performance evaluate and strengthen practices. | Moderate | <p>Chief Executive Officer</p> <p>Director, Business Improvement</p> | DCS performance management system implemented and linked to business plan. Staff have performance agreement and development plans reviewed in line with business plan priorities. | Annual |

³IPC has been designated as a small agency. See Clause 14 of the *Annual Reports (Departments) Regulation* and NSW Treasury Circular TC15-18 'Small agency annual reporting' issued on 3 September 2015

| Ref. | Instrument | Obligations | Risk Rating (Extreme/ Moderate /Low) | Responsible Position | How we address this | Review timeframe |
|------------|--|---|---|-------------------------|--|---------------------|
| 2.15 15 | Government Sector Employment Rules 2014 | <p>Chief Executive Officer is responsible for:</p> <ul style="list-style-type: none"> • Determining probation periods for persons in ongoing employment (GSE Rule 5) • Specifying evidence of formal qualifications (GSE Rule 7) • Health assessments (GSE Rule 9) • Converting temporary or term employment to ongoing employment (GSE Rule 12) • Determining excess non- executive employees (GSE Rule 13) • Considering any submissions before terminating non-executive employees (GSE Rule 14) • Applying merit-based employment rules in regard to types of assessment, talent pools and kinds of employment (GSE Rules 16 to 23). • Reviewing promotion decisions if requested (GSE Rules 24 and 25) • Applying GSE Rules 29 to 34 in relation to transfers and secondments of employees including reviews of employer-initiated transfers or secondments (rule 34) • Apply the rule for dealing with unsatisfactory performance (rule 36) • Applying the procedural requirement rules for misconduct (GSE Rules 37 to 41). <p>Note certain reviews of decisions can be undertaken by other senior executives.</p> | Low | Chief Executive Officer | <p>DCS Human resource management policy and procedures.</p> <p>IPC Code of Conduct</p> <p>IPC performance agreements</p> | Annual |

| Ref. | Instrument | Obligations | Risk Rating (Extreme/ Moderate /Low) | Responsible Position | How we address this | Review timeframe |
|------------|---|---|---|--|--|---------------------|
| 2.16 16 | Public Service Commissioner Directions (issued under section 13 GSE Act) | <p>No. 1 of 2014 Chief Executive Officer to implement minimum standards for the management of gifts and benefits by 1 September 2015.</p> <p>No. 1 of 2015 Chief Executive Officer to implement The Code of Ethics and Conduct for NSW government sector employees by 1 September 2015 and to require employees to comply with the Code of Conduct.</p> <p>No. 2 of 2015 Chief Executive Officer to implement the NSW Government Senior Executive Relocations Expenses Framework.</p> | Low | Chief Executive Officer | <p>Application of Gifts and Benefits Policy. Also addressed in IPC Code of Conduct</p> <p>IPC has a values framework</p> | Annual |
| 2.17 | Government Sector Finance Act 2018 (GSF Act) | <p>Obligations of Chief Executive Officer as accountable authority for the IPC (Treasurer's Directions/Policies ongoing)</p> <ul style="list-style-type: none"> develop and maintain policies and procedures, within their GSF Agency, regarding the financial management of the agency and compliance with the Act. This includes ensuring that the government officers of the GSF Agency are accountable for their actions under the Act (sections 3.6 and 3.7) establish and maintain effective policies regarding internal control, assurance and risk management and procedures appropriate to the agency. Ensure the integrity of financial and performance information and ensure that the | Low | <p>Chief Executive Officer</p> <p>Director, Business Improvement</p> | <p>The IPC observes the provisions of this Act with the support of Department of Customer Service under shared corporate service arrangements. IPC receives funding by way of grants from Department of Customer Service, and these are managed by Department in accordance with the provisions of the GSF Act.</p> <p>This should be verified by an attestation by Department of Customer</p> | Annual |

| Ref. | Instrument | Obligations | Risk Rating (Extreme/ Moderate /Low) | Responsible Position | How we address this | Review timeframe |
|------|------------|--|---|-------------------------|--|---------------------|
| | | <p>agency is compliant with the GSF Act. (section 3.6)</p> <ul style="list-style-type: none"> • ensure that records are kept regarding relevant performance information and make that information available, on request, to the Treasurer or responsible Minister. The Accountable Authority may, if a reasonable reason is provided, decline such a request as specified in s9.6 (sections 8.2, 9.5(1) and 9.6) • perform functions delegated by the responsible ministers under an instrument of delegation (Attorney General and Minister for Customer Service), subdelegate to staff if required (sections 9.9, 9.9(5) and 9.11) • be consulted on certain aspects of the Treasurer’s directions (with respect to the payment of financial distributions to Treasurer) (section 5.4(3)) • incur expenditure on behalf of their GSF agency (when authorised) (section 5.5) • must not make a gift of government property unless the property was acquired or produced for use as a gift, the gift has been authorised by the Treasurer in writing, the gift is made in accordance with Treasurer’s directions or the gift was authorised by or under any law) (section 5.6) • enter into financial agreements that the agency is authorised to enter into and be responsible for ensuring that the agency complies with the Treasurer’s directions in respect of use of financial services (sections 6.15(8) and 6.22(3)) | | | <p>Service, as part of the annual certification process.</p> <p>Financial delegations in place updated 2020.</p> | |

| Ref. | Instrument | Obligations | Risk Rating (Extreme/ Moderate /Low) | Responsible Position | How we address this | Review timeframe |
|------|------------|---|---|-------------------------|---|---------------------|
| | | <ul style="list-style-type: none"> • cannot do anything on behalf of their agency that would contravene Part 6 Financial Services and Arrangements if it were done directly by the agency (section 6.1(2)) • may open, close or operate banking accounts on behalf of the agency (section 6.19) • responsible for record keeping in relation to their agencies' financial arrangements (section 6.22(8) and Division 9.1) This includes ensuring that records are kept in respect of the GSF agency's transactions, cashflows, financial position and financial performance (section 7.5) • must prepare information for use in Budget papers in accordance with Treasurer's directions (section 4.5) • prepare and give financial statements to the Auditor-General in the time frame and in the form designated by the Australian Accounting Standards, GSF Act, Treasurer's directions and regulations (sections 7.6(1) and (3); 7.1(1)) • <i>if directed to, prepare special purpose financial reports in accordance with provisions of the directions (section 7.9(3))</i> • <i>ensure that the annual reporting information for the GSF Agency is prepared and presented, and made public, in a timeframe and format designated by the GSF Act, regulations and Treasurer's directions, including for former GSF Agencies (sections 7.12 and 7.14)</i> • review delegations and sub delegations in accordance with any requirements prescribed by | | | <p>Financial Statements are prepared by DCS</p> | |

| Ref. | Instrument | Obligations | Risk Rating (Extreme/ Moderate /Low) | Responsible Position | How we address this | Review timeframe |
|------|------------|---|---|---|--|---------------------|
| | | <p>the regulations to written directions given by the responsible ministers (section 9.11(8))</p> <ul style="list-style-type: none"> • as a person handling government resources under the GSF Act to whom the civil recovery provisions apply, will: <ul style="list-style-type: none"> ○ incur a debt to the Crown if they contravene provisions about the gifting of government property where the contravention was dishonest, or the result of misconduct, or a deliberate or serious disregard of reasonable standards of care (section 9.15) ○ incur a debt to the Crown if a loss of government resources or related money has occurred and the person caused or contributed to the loss by misconduct or a deliberate or serious disregard of reasonable standards of care (section 9.16). • a debt incurred is recoverable by the Treasurer, but proceedings can only be commenced with the concurrence of the Attorney General (section 9.18) <p>Obligations of IPC officers and the Privacy Commissioner</p> <ul style="list-style-type: none"> • comply with Treasurer’s directions, which may confer administrative functions on government officers (section 3.4) • take reasonable care so that the officer’s use of government resources or related money is efficient, effective and prudent (Accountability) (section 3.7) | <p>Low</p> | <p>Director, Business Improvement</p> <p>Privacy Commissioner</p> | <p>IPC Code of Conduct</p> <p>Annual training in fraud control for all IPC staff.</p> <p>Mandatory training requirements required of all staff</p> | |

| Ref. | Instrument | Obligations | Risk Rating (Extreme/ Moderate /Low) | Responsible Position | How we address this | Review timeframe |
|------|------------|---|---|---|---------------------|---------------------|
| | | <ul style="list-style-type: none"> • should: (a) place the public interest over private interest, and (b) not use the officer’s position (or information acquired in exercise of the functions of that position) improperly for financial or personal gain (Integrity) (section 3.7) • should: (a) ensure that any real or perceived conflicts of interest are avoided or effectively managed, and (b) disclose to the appropriate entity, as soon as possible, any direct or indirect material conflict of interest of the officer that relates to the affairs of the GSF Agency (Transparency) (section 3.7) • ensure that expenditure of money for the State or GSF Agency is in a way that is “authorised”. Expenditure will be “authorised” where it is done (i) in accordance with a valid delegation or subdelegation, or (ii) authorised by any other law. (section 5.5 and division 9.2) • cannot make a gift of government property unless: the property was acquired or produced for use as a gift; the gift has been authorised by the Treasurer in writing; the gift is made in accordance with Treasurer’s directions; or the gift was authorised by or under any law (section 5.6) • exercise functions delegated to them by the responsible ministers or accountable authority (division 9.2) • as a ‘person handling government resources’ under the GSF Act, IPC staff will: <ul style="list-style-type: none"> ○ incur a debt to the Crown if they contravene provisions around the gifting of government property and where the contravention was | | <p>Director, Legal Counsel and Regulatory Advice</p> <p>Director, Investigation and Reporting</p> | | |

| Ref. | Instrument | Obligations | Risk Rating (Extreme/ Moderate /Low) | Responsible Position | How we address this | Review timeframe |
|------|------------|--|---|-------------------------|---------------------|---------------------|
| | | <p>the result of dishonesty, misconduct, or a deliberate or serious disregard of reasonable standards of care (section 9.15).</p> <ul style="list-style-type: none"> ○ incur a debt to the Crown if a loss of government resources or related money has occurred, and the person caused or contributed to the loss by misconduct, or a deliberate or serious disregard of reasonable standards of care (section 9.16). ● a debt incurred is recoverable by the Treasurer, but proceedings can only be commenced with the concurrence of the Attorney General (or his/her delegate) (section 9.18). | | | | |

| Ref. | Instrument | Obligations | Risk Rating (Extreme/ Moderate /Low) | Responsible Position | How we address this | Review timeframe |
|------|---|--|---|-------------------------|--|---------------------|
| 2.18 | Independent Commission Against Corruption Act 1988 | <p>Obligations of Chief Executive Officer IPC</p> <p>Chief Executive (as “principal officer of a public authority”) must report possible corrupt conduct by a public official to the ICAC and comply with any ICAC guidelines regarding what matters need or need not be reported (s11).</p> <ul style="list-style-type: none"> provide information if required to do so by the ICAC (s21). make facilities available to the Commissioner or authorised officers to enable the exercise of ICAC’s powers of entry, inspection and copying of documents etc (s23). inform ICAC, within 3 months⁴ after receiving a recommendation under section 13(3)(b), whether they propose to implement any plan of action in response to the recommendation and, if so, of the plan of action of proposed plan of actions (s111E). provide written reports to ICAC of progress in implementing the plan of action 12 months after informing ICAC of the plan, and if the plan is not then fully implemented, 12 months after that (s111E). | Moderate | Chief Executive Officer | <p>IPC PID Disclosure Policy</p> <p>Management of policy and procedures including the IPC Code of Conduct, Flex Leave Management and Review/Approval</p> | As required |

⁴or such longer period as the Commission may agree to in writing

| Ref. | Instrument | Obligations | Risk Rating (Extreme/ Moderate /Low) | Responsible Position | How we address this | Review timeframe |
|------------|--|---|---|--------------------------------|---|---------------------|
| 2.19 | Industrial Relations Act 1996 | Chief Executive Officer must ensure compliance with the Act in relation to awards and industrial disputes. | Moderate | Director, Business Improvement | IPC seeks advice and guidance about industrial relations from Department of Customer Service HR under the shared corporate service arrangements. Where appropriate, IPC seeks advice from independent experts to advise and clarify industrial matters. | Annual |
| 2.20 | Infrastructure NSW Act 2011 | This Act does not impose any relevant compliance obligations on the IPC. | N/A | | | |
| 2.21 | Jury Act 1977 | The Chief Executive Officer must not dismiss or penalise an employee for performing jury duty (section 69). In practical terms this means that special purpose leave must be granted. See <i>Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009</i> . | Low | Director, Business Improvement | IPC applies DCS policies and procedures and seeks advice as needed. | |
| 2.21 21 | Lobbying of Government Officials Act 2011 Lobbying of Government Officials (Lobbyists Code of Conduct) Regulation 2014 Premiers memorandum M2019-02-NSW Lobbyists Code of Conduct | Obligations of IPC and Chief Executive officer IPC officers are "Government officials" and must not permit lobbying by lobbyists (or persons they employ, contract or engage), if the lobbyist is unregistered, fails to inform a Government Representative, when making an initial contact, of certain facts, or if the lobbyist is on the watch list, unless certain criteria is met. | Low | Chief Executive Officer | -IPC Code of Conduct and Gifts and Benefits Policy - IPC applies DCS policies and procedures and seeks advice as needed. | |

| Ref. | Instrument | Obligations | Risk Rating (Extreme/ Moderate /Low) | Responsible Position | How we address this | Review timeframe |
|------|------------------------------------|--|---|---|--|---------------------------|
| 2.23 | Long Service Leave Act 1955 | As an employer, the Chief Executive Officer is obliged to keep a long service record for a period of at least 6 years after the last entry (s8). | Low | Director, Business Improvement | This is managed for IPC by Department of Customer Service under a shared services arrangement. This should be verified by an attestation by Department of Customer Services, as part of the annual certification process. | Annual |
| 2.23 | Multicultural NSW Act 2000 | <p>Obligations of Chief Executive Officer and the IPC</p> <p>Observe and implement the principles of multiculturalism in conducting its affairs (s3) and from 1 July 2020 include in the IPC's annual report:</p> <ul style="list-style-type: none"> • <i>A statement setting out the workforce diversity achievements of the Department during the reporting year and the key workforce diversity strategies proposed by the Department for the following year.</i> • <i>Statistical information for the reporting year of the kind, and set out in the form, determined by the Secretary of the Treasury.</i> | Low | Chief Executive Officer Director, Business Improvement | IPC Diversity and Inclusion Action Plan 2021-23 released in December 2020 | Included in Annual Report |

| Ref. | Instrument | Obligations | Risk Rating (Extreme/ Moderate /Low) | Responsible Position | How we address this | Review timeframe |
|------|---|---|---|---|---|--|
| 2.24 | New South Wales Retirement Benefits Act 1972 | As an employer the Chief Executive Officer must deduct the contributions required to be paid to the New South Wales Retirement Fund from the salaries or wages of contributors and pay the contributions to the SAS Trustee Corporation within 14 days (s19). | Low | Director, Business Improvement | This is managed for IPC by Department of Customer Service under a shared services arrangement. This should be verified by an -attestation by Department of Customer Service, as part of the annual certification process | Annual under DCS Corporate Services |
| 2.25 | Ombudsman Act 1974 | <p>Obligations of IPC, Information Commissioner and Privacy Commissioner</p> <p>The IPC, the Information Commissioner and the Privacy Commissioner must give the Ombudsman information, documents and copies of documents required by the Ombudsman for the purposes of an investigation (s18).</p> <p>The Information Commissioner as head of the IPC, must notify the Ombudsman, on request, of any action taken or proposed in consequence of the Ombudsman's report on an investigation (s26(5)).</p> <p>If the IPC, the Information Commissioner and the Privacy Commissioner have entered into a complaint referral arrangement under section 42 or an information sharing arrangement under section 43 they must ensure that copies of the arrangement are made available for public inspection at each of its offices (s45).</p> | Moderate | Chief Executive Officer Information Commissioner Privacy Commissioner | Memorandum of Understanding between Information Commissioner and Ombudsman; Memorandum of Understanding between Privacy Commissioner and Ombudsman Publication of MOUs on the IPC website. | Reviewed in 2020 (Information Commissioner MOU) and 2021 (Privacy Commissioner MOU) Schedule for review every three years |

| Ref. | Instrument | Obligations | Risk Rating (Extreme/ Moderate /Low) | Responsible Position | How we address this | Review timeframe |
|------------|--|--|---|--------------------------------|--|---------------------------------|
| 2.26 | Parliamentary Budget Officer Act 2010 | The head of IPC, the Information Commissioner must respond to any request for information within 10 business days or such other period as is agreed, subject to the public interest exception (ss16(1) and (2)), and inform the Parliamentary Budget Officer of the reason for not providing information (s16(3)). | Low | Chief Executive Officer | | |
| 2.28 28 | Public Holidays Act 2010 | IPC is required to pay employees for public holidays (s7). | Low | Director, Business Improvement | Effectuated under payroll services provided by Department of Customer Services under shared corporate services arrangements. Attestation by Department of Customer Service, as part of the annual certification process.* | Every 3 years. Next review 2021 |
| 2.29 29 | Smoke-Free Environment Act 2000 | The Chief Executive Officer must ensure that employees and others present in their business premises do not smoke in a smoke-free area, through the implementation of policies and relevant training. The IPC must display signs, within their business premises, as prescribed by the <i>Smoke-free Environment Regulation 2016</i> (s9(1) of the <i>Smoke-Free Environment Act 2000</i>). The regulations exempt public places in respect of which persons would reasonably be expected to know, by custom or otherwise, that smoking is not permitted and public places in which persons do not usually smoke (clause 7). | Low | Director, Business Improvement | IPC observes NSW Health guidance on Smoking, your health and quitting. | |

| Ref. | Instrument | Obligations | Risk Rating (Extreme/ Moderate /Low) | Responsible Position | How we address this | Review timeframe |
|------------|---|--|---|--------------------------------|--|---------------------|
| 2.30 30 | State Authorities Non-Contributory Superannuation Act 1987 | The employer must pay contributions to the STC for relevant IPC employees. | Low | Director, Business Improvement | Effected under payroll services provided by Department of Customer Service under shared corporate services arrangements. This should be verified by an attestation by Department of Customer Service, as part of the annual certification process | |
| 2.31 31 | State Authorities Superannuation Act 1987 | The employer and Chief Executive Officer must make up a deficiency in an employer reserve if required by the SAS Trustee Corporation (STC), within 14 days (section 32). The employer and head of the IPC must pay employee and employer contributions to STC within 7 days after the last day of the relevant contribution period (section 25, section 31 and section 34). | Low | Director, Business Improvement | Effected under payroll services provided by Department of Customer Services under shared corporate services arrangements. | |
| 2.32 32 | Statutory and Other Offices Remuneration Act 1975 | The remuneration of both the Information Commissioner and the Privacy Commissioner is set by the Statutory and Other Offices Tribunal and they are to be paid accordingly. The remuneration for senior executives is determined by the Statutory and Other Offices Remuneration Tribunal annually. | Low | Director, Business Improvement | Effected under payroll services provided by DCS under shared corporate services arrangements. Attestation by Department of Customer Service, as part of the annual certification process. | Annual |

| Ref. | Instrument | Obligations | Risk Rating (Extreme/ Moderate /Low) | Responsible Position | How we address this | Review timeframe |
|------------|---|--|---|--|--|--|
| 2.33 33 | State Records Act 1998 | <p>IPC, the Chief Executive Officer must meet recordkeeping obligations under the Act, including:</p> <ul style="list-style-type: none"> make and keep full and accurate records of business activities, ensure the safe custody and preservation of records under their control, maintain a records management program in conformity with State Records Authority standards and codes of best practice, <p>make arrangements with the State Records Authority for monitoring by that Authority of their records management program (ss 10, 11 & 12).</p> | Moderate | Director, Business Improvement | <p>Records management procedures</p> <p>Managing records included in Work Plan of Director of Business Improvement</p> <p>IPC Disposal Authority (14/11/2019)</p> <p>Mandatory Reporting to State Records on recordkeeping program</p> | Ongoing with review every 3 years now that we have achieved compliance |
| 2.34 34 | Subordinate Legislation Act 1989 | The IPC, the Information Commissioner and the Privacy Commissioner must review all Regulations administered by them and if appropriate, submit them to the Department to be remade, every five years. | Low | Information Commissioner Privacy Commissioner | In conjunction with relevant policy divisions of the Departments of responsible Ministers. | |
| 2.35 35 | Superannuation Act 1916 | <p>Obligations of the Chief Executive Officer and IPC</p> <p>As an employer the Chief Executive Officer must:</p> <ul style="list-style-type: none"> pay superannuation contributions for IPC employees who are members of the State Superannuation Fund that was closed to new members on 1 July 1985 within 7 days after the end of each contribution period (ss 10AJ and 10AK). | Low | Director, Business Improvement | <p>Where applicable, effected under payroll services provided by Department of Customer Service under shared corporate services arrangements.</p> <p>Attestation by Department of Customer Service, as</p> | Annual |

| Ref. | Instrument | Obligations | Risk Rating (Extreme/ Moderate /Low) | Responsible Position | How we address this | Review timeframe |
|------------|---|--|---|--|--|--|
| | | <ul style="list-style-type: none"> make additional payments into the Fund to cover benefits due to IPC employees or former employees if there are insufficient funds available in an employer reserve (section 10AL). | | | part of the annual certification process | |
| 2.36 36 | Taxation Administration Act 1996 | The Chief Executive Officer may have obligations to pay certain State taxes if an assessment is made to that effect by the Commissioner. Obligations to lodge returns are contained in individual tax laws. | Low | | | |
| 2.37 37 | Treasury Corporation Act 1983 | The Chief Executive Officer is to keep Treasury Corporation supplied with funds to the extent necessary to make payments as they fall due, if Treasury Corporation has assumed responsibility for the administration of any matter relating to financial accommodation for the IPC.(s7) | Low | | | |
| 2.38 38 | Work Health and Safety Act 2011 | <p>Obligations of Chief Executive Officer, IPC</p> <ul style="list-style-type: none"> ensure, so far as is reasonably practicable, the health and safety of: <ul style="list-style-type: none"> (a) workers they engage or cause to be engaged and (b) workers whose activities in carrying out work are influenced or directed by them, <p>while the workers (note broad definition of “worker”) are at work in the undertaking.</p> | Moderate | <p>Chief Executive Officer</p> <p>Director, Business Improvement</p> | <p>IPC has its own WHS Policy, WHS Plan 2021-23 and Mental Health Policy. Updated in 2021</p> <p>IPC staff covered by Department of Customer Services policies and procedures and IPC WHS policies and procedures in effect. Training held for all staff in May 2022 for WHS.</p> <p>IPC Risk register includes WHS</p> <p>First Aid Officers are trained and appointed;</p> | <p>Policy to be reviewed every two years (2021). Risks are reviewed on a quarterly basis</p> |

| Ref. | Instrument | Obligations | Risk Rating (Extreme/ Moderate /Low) | Responsible Position | How we address this | Review timeframe |
|------|------------|---|---|-------------------------|--|---------------------|
| | | | | | first aid equipment is available. | |
| | | <ul style="list-style-type: none"> ensure, so far as is reasonably practicable, that the health and safety of other persons is not put at risk from work carried out as part of the conduct of the undertaking. | Low | | Inspections, PMES survey, development of safe system of work including IPC-specific WHS policies, mental health policy and issues resolution | |
| | | <ul style="list-style-type: none"> so far as is reasonably practicable, consult with workers who are, or are likely to be, directly affected by a matter relating to work health or safety (ss47, 48 and 49), | Low | | HSC supported with management and secretariat assistance, minutes circulated, HSC and Chair consulted on major issues. Monthly inspections conducted | |
| | | <ul style="list-style-type: none"> consult and confer with health and safety representatives, provide resources, facilities and assistance, access to workplaces and to information (except personal or medical information about a worker unless the worker consents), and allow attendance at certain interviews and inspections (ss 70 and 71), | Low | | HSC supported with management and secretariat assistance, minutes circulated, HSC and Chair consulted on major issues. Quarterly inspections conducted | |
| | | <ul style="list-style-type: none"> allow a health and safety representative to spend such time as is reasonably necessary to exercise his or her powers and perform his or her functions (s 70), | Low | | Available if needed | |
| | | <ul style="list-style-type: none"> allow paid time to the health and safety representative to attend training in work health and safety and pay course fees and reasonable costs (s72, s73), | Low | | Available if needed. All HSC members supported for training | |

| Ref. | Instrument | Obligations | Risk Rating (Extreme/ Moderate /Low) | Responsible Position | How we address this | Review timeframe |
|------------|--|--|---|-------------------------|--|---------------------|
| | | <ul style="list-style-type: none"> ensure that a list of health and safety representatives and their deputies health is prepared, kept up to date, and displayed at their principal place of business (s74), | Low | | In place and updated | |
| | | <ul style="list-style-type: none"> establish a health and safety committee for the undertaking or part of the undertaking if requested to do so (s75), | Low | | Committee established, meeting quarterly | |
| 2.39 39 | Work Health and Safety Act 2011 (continued) | <p>Additional obligation of the Chief Executive Officer As the <i>person with management or control of a workplace</i> the Chief Executive Officer must ensure so far as is reasonably practicable, that the site where a notifiable incident has occurred is not disturbed until an inspector arrives at the site or any earlier time that an inspector directs (section 39).</p> <p>Obligations of officers of IPC Officers of IPC must:</p> <ul style="list-style-type: none"> exercise due diligence to ensure that persons conducting the undertaking comply with their duties and obligations under the Act (section 27), ensure that the regulator is notified immediately after becoming aware that a notifiable incident arising out of the conduct of the undertaking has occurred (section 38). | Low | Chief Executive Officer | <p>Due diligence training is conducted annually. While a notifiable incident is unlikely in this workplace, management and staff are aware of this reporting requirement included in WHS policy.</p> <p>In this Act (.35), notifiable incident means:</p> <p>(a) the death of a person, or</p> <p>(b) a serious injury or illness of a person, or</p> <p>(c) a dangerous incident.</p> | Annual |

| Ref. | Instrument | Obligations | Risk Rating (Extreme/ Moderate /Low) | Responsible Position | How we address this | Review timeframe |
|------------|--|---|---|--------------------------------|--|---------------------|
| 2.40 40 | Workers Compensation Act 1987 | <p>SICorp (the Government's self-insurance entity) may enter into an arrangement with the Workers Compensation Authority under which the Corporation acts on behalf of Government employers for the purpose of paying contributions under this Act and for other purposes of this Act.</p> <p>The Chief Executive Officer must comply with the employer obligations that are triggered by claims arising from workplace injury or death. Compensation may be payable under Parts 2 and 3 of the Act, in accordance with Part 5.</p> | Low | Director, Business Improvement | IPC utilises the services of DCS as shared corporate services provider. In relation to claims for workers compensation. IPC follows procedures prescribed by DCS and uses its on-line incident/accident reporting system to initiate the handling of workers compensation insurance claims.* | |
| 2.41 41 | Workplace Injury Management and Workers Compensation Act 1998 | <p>Chapter 2, Part 6 deals with the payment of contributions into the WorkCover Authority Fund by specialised insurers and self-insurers.</p> <p>The employer of the IPC staff is covered by a detailed scheme for the management of workplace injuries, including workplace rehabilitation (Chapter 3).</p> | Low | Director, Business Improvement | IPC is insured under Treasury managed fund (iCare) | |

| Ref. | Instrument | Obligations | Risk Rating (Extreme/ Moderate /Low) | Responsible Position | How we address this | Review timeframe |
|------------|--|--|---|---|-----------------------------|---------------------|
| 2.42 42 | Workplace Surveillance Act 2005 | <p>Obligations of the Chief Executive Officer As the employer of the staff of the IPC the Chief Executive Officer must:</p> <ul style="list-style-type: none"> • give prior notice in writing before commencing surveillance of an employee at their usual workplace (s.10), • ensure cameras are clearly visible and signs notifying people that they may be under surveillance are clearly visible at each entrance (s.11), • put in place a policy and notify employees of the policy if he or she intends to carry out computer surveillance of an employee (s.12), • place notices alerting employees on vehicles or other things if he or she intends to carry out tracking surveillance of an employee (s.13), • put in place a policy on email and internet access that has been notified in advance to the employee before blocking any employees' emails or internet access and set up a system that gives a prevented delivery notice as soon as practicable after an email is blocked (s.17). | Low | Chief Executive Officer Director, Business Improvement | DCS policies and procedures | |

5. Group 3 – Commonwealth Legislation

| Ref. | Instrument | Obligations | Risk Rating (High/ Moderate/ Low) | Responsible Position | How we address this | Review timeframe |
|------|--|---|--|--|--|---------------------|
| 3.1 | Age Discrimination Act 2004 | IPC, the Information Commissioner and the Privacy Commissioner must not unlawfully discriminate against persons on the ground of age in the areas of employment, access to goods and premises, services and facilities, as well as the administration of Commonwealth laws and programs, education, accommodation, and requests for information. | Low | Chief Executive Officer Director, Business Improvement | Human resource management policy and procedures. | Annual |
| 3.2 | Australian Human Rights Commission Act 1986 | IPC and the Information Commissioner must not discriminate against persons <i>in employment or occupation</i> on the ground of race, colour, sex, religion, political opinion, national extraction, social origin, age, medical record, criminal record, impairment, marital or relationship status, mental, intellectual or psychiatric disability, nationality, physical disability, sexual preference, or trade union activity (<i>Australian Human Rights Commission Regulations 1989</i>). | Low | Chief Executive Officer Director, Business Improvement | Human resource management policy and procedures. | Annual |
| 3.3 | Census And Statistics Act 1905 | The Chief Executive Officer must provide the Australian Bureau of Statistics with prescribed statistical information as appropriate, and must complete and return the particulars in any form requested by the ABS. | Low | Director, Business Improvement | To date, the primary request for statistical information has been made on a quarterly basis by telephone by the ABS. | N/A |

| Ref. | Instrument | Obligations | Risk Rating (High/ Moderate/ Low) | Responsible Position | How we address this | Review timeframe |
|------------------------|---|--|--|---|---|---------------------|
| 3.4 | Child Support (Registration and Collection) Act 1988 | The employer of IPC staff must: <ul style="list-style-type: none"> make a deduction from the salary or wages of an employee who has a maintenance liability and pay the Registrar the amounts deducted, notify the employee, in writing, of the amount of the deduction made from the salary or wages; or that no deduction has been made, keep records of the amounts deducted and retain those records for 5 years. | Low | Director, Business Improvement | Communications received from the A.T.O / Department of Human Services in this regard are treated in high confidence. Such communications are passed to our HR/payroll service provider, the DCS, who manages required action on behalf of IPC. Compliance should be verified by an attestation by DCS as part of an annual certification process | Annual |
| S this co3. 5 | Copyright Act 1968 | IPC, the Information Commissioner and the Privacy Commissioner may use copyright material for the purpose of the Crown (s183) but must: <ul style="list-style-type: none"> ensure that any reproduction of information acknowledges the source, co-operate with surveys conducted by collecting societies to assess fees payable for Crown use (s183A). | Low | Director, Business Improvement Manager, Communication & Corporate Affairs | Quality assurance process for publications. | |
| 3.6 | Crimes Act 1914 | IPC, the Information Commissioner and the Privacy Commissioner must comply with requests for information in relation to offences, and observe requirements that apply to spent, quashed and dismissed charges and convictions in relation to employment and disclosure of client information. | Low | Chief Executive Officer | | |

| Ref. | Instrument | Obligations | Risk Rating (High/ Moderate/ Low) | Responsible Position | How we address this | Review timeframe |
|------|---|--|--|---|---|------------------------|
| 3.7 | Disability Discrimination Act 1992 (Commonwealth) | IPC, the Information Commissioner and the Privacy Commissioner must not discriminate against persons on the grounds of disability in specified respects (the areas of employment, access to premises or the provision of services are relevant to the IPC and the Information Commissioner) and may prepare and implement an action plan as set out in ss 60 and 61. | Low | Chief Executive Officer Director, Business Improvement | IPC has a Diversity and Inclusion Action Plan 2021-23 released in December 2020. | |
| 3.8 | Fringe Benefits Tax Act 1986 | IPC and the Chief Executive Officer are responsible for paying tax if their employees receive fringe benefits. | Low | Director, Business Improvement | IPC is registered for FBT purposes. | Quarterly and Annually |
| 3.9 | Fringe Benefits Tax Assessment Act 1986 | The Chief Executive Officer, as an employer, is liable to pay fringe benefit tax quarterly if any IPC employees receive fringe benefits: <ul style="list-style-type: none"> submit annual returns for the preceding year by 21 May (<i>FBTA Act</i> section 68) and further returns if the Taxation Commissioner requires (<i>FBTA Act</i> section 68, section 69 and section 70). Make payment by 21 May for the previous year or quarterly (<i>FBTA Act</i> section 90 and section 103). Privacy Commissioner : No compliance obligations | Low | Director, Business Improvement | See above. | |
| 3.10 | A New Tax System (Goods And Services Tax) Act 1999 | If registered or required to be registered, the Chief Executive Officer IPC must give to the Commissioner for Taxation, a GST return for each tax period (Chapter 1 Part 2-7). They must also ensure invoices are GST compliant. | Low | Director, Business Improvement | The IPC is registered for GST purposes. IPC staff are aware of requirements to ensure that invoices are GST compliant and action is taken to | Monthly |

| Ref. | Instrument | Obligations | Risk Rating (High/ Moderate/ Low) | Responsible Position | How we address this | Review timeframe |
|------|--|--|--|--|--|---------------------|
| | | | | | request compliant invoices where necessary. Invoices for payment are processed and sent to our shared corporate services provider for processing. DCS submits BAS returns on behalf of the IPC under shared corporate services arrangements. | |
| 3.11 | <i>Income Tax Assessment Act 1997</i> | The Chief Executive Officer must: <ul style="list-style-type: none"> ensure that all IPC employees provide a Tax File Number and data relating to their income, deduct correct amounts of tax from earnings, provide employees with a Payment Summary, remit the deductions to the Australian Tax Office. | Low | Director, Business Improvement | Effected under payroll services provided by DCS under shared corporate services arrangements. attestation by DCS, as part of an annual certification process | Annual |
| 3.12 | <i>Racial Discrimination Act 1975</i> | IPC and the Chief Executive Officer must not: <ul style="list-style-type: none"> refuse or fail to employ a person on work of any description which is available and for which that person is qualified; refuse or fail to offer or afford a person the same terms of employment, conditions of work and opportunities for training and promotion as are made available for other persons having the same qualifications and employed in the same circumstances on work of the same description; dismiss a person from his or her employment; | Low | Chief Executive Officer Director, Business Improvement | A workplace free from discrimination is a responsibility for senior staff under the IPC Code of Conduct | |

| Ref. | Instrument | Obligations | Risk Rating (High/ Moderate/ Low) | Responsible Position | How we address this | Review timeframe |
|------|------------------------------------|---|--|--|---|---------------------|
| | | <ul style="list-style-type: none"> discriminate against a person in relation to access or use of any place, vehicle or facility; discriminate against a person in relation to the provision of goods and services <p>by reason of their race, colour or national or ethnic origin (sections 11-15).</p> <p>The Privacy Commissioner must comply with the other relevant provisions of the Act.</p> | | | | |
| 3.13 | Sex Discrimination Act 1984 | <p>The IPC, the Information Commissioner and the Privacy Commissioner must not discriminate on the basis of a person's sex, sexual orientation, gender identity, intersex status, marital or relationship status, pregnancy, potential pregnancy, breastfeeding or family responsibilities, in provision of goods and services and facilities, administration of Commonwealth laws and programs and requests for information.</p> <p>Legislation prohibits sexual harassment.</p> | Low | <p>Chief Executive Officer</p> <p>Director, Business Improvement</p> | A workplace free from discrimination is a responsibility for senior staff under the IPC Code of Conduct | |
| 3.14 | Spam Act 2003 | <p>IPC, the Information Commissioner and the Privacy Commissioner are unlikely to send commercial electronic messages (see definition in s6). If they do, they must not send unsolicited messages, must include information identifying who authorised them, and must provide a functional unsubscribe facility (ss16-18).</p> <p>IPC, the Information Commissioner and the Privacy Commissioner must not acquire or use address-harvesting software, or an electronic address list produced using such software (ss19 and 20).</p> | Low | <p>Director, Business Improvement</p> <p>Manager, Communications & Corporate Affairs</p> | Documented in CCA procedures . | |

| Ref. | Instrument | Obligations | Risk Rating (High/ Moderate/ Low) | Responsible Position | How we address this | Review timeframe |
|------|--|--|--|--------------------------------------|---|---------------------|
| 3.15 | <i>Superannuation Guarantee (Administration) Act 1992</i> | The Chief Executive Officer is bound to pay a set, minimum level of superannuation each year for each IPC employee. The rate is currently 10% for all employers, as of 1 July 2021. | Low | Director, Business Improvement | Superannuation payments to staff provided by DCS under shared corporate services arrangements. | |
| 3.16 | <i>Taxation Administration Act 1953</i> | It is the responsibility of IPC, Chief Executive officer to fully and truly disclose to the Chief Commissioner all the facts and circumstances affecting their tax liability under the relevant taxation law (s8C). Under this Act, IPC Chief Executive Officer must also retain any records required to be kept under this Act and related taxation laws for a period not less than 5 years after the date it was made or obtained, or the date of completion of the transaction or act to which it relates (Schedule 1 clause 288-25 and relevant taxation laws). | Low | Director, Business Improvement | DCS keeps records relating to this Act for IPC as taxation services are provided by DCS under shared corporate services arrangements. | |

Document information

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