



information
and privacy
commission
new south wales

Your ref: D/13/13783

The Hon. Catherine Cusack MLC
Chair
Committee on the Ombudsman, the Police Integrity Commission
And the Crime Commission
Parliament of New South Wales
Macquarie Street
SYDNEY NSW 2000

25 June 2013

Dear Ms Cusack

Inquiry into Performance Measures in Oversight Agencies

I write in response to your correspondence of 22 May 2013, and apologise for the delay in my reply.

You have advised that in the course of the Committee's inquiry into the performance measures utilised by the agencies it oversees, it has heard evidence of onerous and burdensome reporting requirements faced by many agencies. The Committee has now asked whether the Information and Privacy Commission is experiencing such a burden, and, if so, has asked for an outline of any such requirements.

As I have advised in public hearings and in our written submissions, the IPC places significant priority upon its accountability to the Parliament, the NSW Government and the community. The compliance environment applying to the IPC however is significant, especially for a small agency the size of the IPC. A major portion of the compliance regime concerns reporting of activities and statistics. Consequently, the reporting requirements placed upon the IPC are largely compliance driven.

The submission from the IPC provided to the Committee in early 2013 sets out our view that there is scope for streamlining reporting requirements and that there may be benefit in the adoption of a reporting framework that addresses the impost reporting places upon small agencies.

Our submission urged the further reduction of compliance and reporting requirements on smaller agencies, particularly in light of sector-wide budget cuts. I believe this would be beneficial, while noting that the reporting requirements to which the IPC is subject are experienced by the vast majority of public sector agencies, including most oversight agencies.

I have attached a copy of the IPC's legislative compliance register, as previously promised, so that the Committee can see what we have identified as our obligations and where these translate through to reporting requirements. The register shows how we have allocated responsibility internally for these requirements and how we aim to acquit them.

Yours sincerely



Deirdre O'Donnell
Information Commissioner

Att

Legislative Compliance Framework

Compliance Register

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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	Obligations of Information Commissioner (as Information Commissioner) <i>Complaints and investigations</i> <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, Give the complainant the opportunity to make submissions. 	Moderate	Information Commissioner, Manager, Investigation & Review (new position)	Through clear instrument of delegations to staff (see website [link to be provided]). Through operations manual (to be revised under new structure). Through updated 'GIPA Information Pack' on website [link to be provided]	Annual
		<i>Adverse comment</i> <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, Inform the responsible Minister before publication of an investigation report containing adverse comment on an agency's conduct, Consult the Minister if requested. 	Moderate	Information Commissioner, Manager, Investigation & Review	Currently through templates and in delegations, going forward, through Operations manual, and information about processes on website	Annual
		<i>Investigation Reports</i> <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 	Moderate	Information Commissioner	Currently through templates and in delegations, going forward, through	Annual

		<p>in accordance with any provision of an Information Act,</p> <ul style="list-style-type: none"> Report to the head of the Department of Premier and Cabinet if the conduct is that of a person employed under the Public Sector Employment and Management Act 2002. (s24) 			Operations manual, and information about processes on website	
		<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>Manager Performance Reporting & Projects (<i>new position</i>)</p>	Work plan of new business unit, Performance Reporting & projects.	Annual
		<p>Obligations of IPC and Privacy Commissioner</p> <p>No obligations.</p>	N/A			
1.2	Government Information (Public Access) Act 2009	<p>Obligations of Information Commissioner, Privacy Commissioner and 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), adopt first publication guide by 1 January 2011 and 	Moderate	<p>Information Commissioner.</p> <p>In respect of privacy obligations, IC in consultation with Privacy Commissioner</p>	Through the preparation of a compliance manual, and to be reviewed for inclusion in the annual report	Annual

		<p>make government information publicly available as provided by that publication guide (s20),</p> <ul style="list-style-type: none"> • review publication guide and adopt a new publication guide at least annually (s21), • notify the Information Commissioner before adopting or amending a publication guide and consult with the Information Commissioner if requested (s22), • keep a disclosure log (ss 25, 26). 		<p>Action by: Manager, Communications & Corporate Affairs</p> <p>To comply with s.22, IC notifies Attorney</p>		
		<p><i>Government contracts register</i></p> <ul style="list-style-type: none"> • keep a government contracts register that records specified information, within 60 days after the contract becomes effective (ss 27 -31), • amend the register within 60 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). 	Moderate	Executive Officer	As part of review of activities to be included in the annual report.	Annual
		<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, • provide a copy of the report to the Information Commissioner (section 125(1)). <p>[in theory, even if it is the Information Commissioner's own report]</p>	Moderate	Manager, Communications & Corporate Affairs		Annual
		<p>Obligations of Minister</p> <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, as soon as possible after 26 June 2014, 		IC to advise/remind Minister and assist him fulfil his obligations		2014-2015

		<ul style="list-style-type: none"> table a report on the outcome of the review in each House of Parliament by 26 June 2015 (s130), 			Report tabled by due date	2014-2015
		<ul style="list-style-type: none"> on or before 31 December each year, prepare an annual report on the obligations of each Minister as an agency under this Act, 			prepare annual report	Annual – December
		<ul style="list-style-type: none"> provide a copy of the report to the Information Commissioner, 			provide a copy of the report to the IC	Annual – December
		table the report in each House of Parliament as soon as practicable after it is prepared, unless it is included in an annual report prepared for the purposes of the Annual Reports (Departments) Act 1985 (s125).				Annual (ASAP after December)
1.3	Health Records and Information Privacy Act 2002	Obligations of Information Commissioner, Privacy Commissioner and 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	Commissioners		
		Additional obligations of Privacy Commissioner <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)), 	Moderate	Privacy Commissioner		

¹ The Privacy Commissioner has no employees.

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).

		<ul style="list-style-type: none"> 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). 				
1.4	<i>Privacy and Personal Information Protection Act 1998</i>	Obligations of Information Commissioner, Privacy Commissioner and IPC <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), comply with any applicable privacy code of practice (s32), prepare and implement a privacy management plan by July 2000 (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	Commissioners		
1.5	<i>Public Interest Disclosures Act 1994</i>	Obligations of Information Commissioner, Privacy Commissioner and IPC <ul style="list-style-type: none"> have a policy that provides for its procedures for receiving, assessing and dealing with protected disclosures. (s6D, s22), 	Moderate	Information Commissioner		

		<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), 	Moderate			
		<ul style="list-style-type: none"> produce an annual report on their obligations under this Act within 4 months after the end of each reporting year, for submission to their Minister (the Attorney-General). A copy of the report is to be provided to the Ombudsman (s31). 	Moderate			
		Additional obligations of Information Commissioner and Privacy Commissioner The Information Commissioner and the Privacy Commissioner must comply with any requirement of the Ombudsman under section 6C to provide information, documents etc for the purpose of an audit under section 6B.	Moderate			
		Additional obligations of Information Commissioner The Information Commissioner as the head of IPC is responsible for ensuring that: <ul style="list-style-type: none"> (a) the IPC has the policy required by s6D, and (b) the staff of IPC are aware of the contents of the policy and the protections under this Act for a person who makes a public interest disclosure, and (c) the IPC complies with the policy and the authority's obligations under this Act, and (d) the policy designates at least one officer as being responsible for receiving public interest disclosures on behalf of the authority (s6E) The Information Commissioner is an investigating authority and as such is not to disclose information that might identify or tend to identify a person who has made a protected disclosure unless the person	Moderate	Information Commissioner	PID policy and procedures document	

		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, he or she 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).				
		Obligations of Minister The Attorney-General must table the annual reports under this Act by IPC, the Information Commissioner and the Privacy Commissioner in each House of Parliament as soon as practicable after they are prepared, but the annual report of the IPC may instead be included in an annual report prepared for the purposes of the Annual Reports (Departments) Act 1985 .	Moderate	Chief Executive Officer	By inclusion of report in the IPC annual report prepared for the purposes of the Annual Reports (Departments) Act 1985	Annual

Group 2 – State instruments of general application

<i>Ref.</i>	<i>Instrument</i>	<i>Obligations</i>	<i>Risk Rating (Extreme/ Moderate /Low)</i>	<i>Responsible Position</i>	<i>How we address this</i>	<i>Review timeframe</i>
2.1	Administrative Decisions Tribunal Act 1997	This Act does not impose any relevant compliance obligations on the IPC, the Information Commissioner or the Privacy Commissioner.	N/A			
2.2	Annual Holidays Act 1944	The Chief Executive Officer, as an employer, must keep a holiday record for at least six years (s9). IPC and Privacy Commissioner : No compliance obligations	Low	Executive Officer	By obtaining a certification to the effect that such records are maintained by the shared service provider within their HR/Payroll systems.	Annual

2.3	Annual Reports (Departments) Act 1985	Obligations of the IPC <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 2010</i> and report to Parliament rather than to the Minister 	Low	Manager Communications & Corporate Affairs	By producing the Annual Report in the required format and by the required date	Annual
		<ul style="list-style-type: none"> include Information Commissioner's annual report under <i>GII/C Act 2009</i> as part of the IPC annual report (s36 and ss39). 		ditto		
		Obligations of Information Commissioner The Information Commissioner as such (rather than as head of the IPC) has no obligation to produce an annual report under this Act.	N/A			
		Obligations of Privacy Commissioner No compliance obligations	N/A			
2.4	Anti-Discrimination Act 1977	Obligations of IPC <ul style="list-style-type: none"> prepare and implement an equal opportunity management plan and report on its implementation (Part 9A (Equal Opportunity in Public Employment)), 	Low	Executive Officer		
		<ul style="list-style-type: none"> comply with any Ministerial direction to amend its equal opportunity management plan (s122S), 				

		<ul style="list-style-type: none"> include a statement on a triennial basis³ in its annual reports setting out equal employment opportunity achievements and key equal employment opportunity strategies proposed for the following year, and statistical information as determined by the Secretary of the Treasury (<i>Annual Reports (Departments) Regulation 2010</i>). 				
		Obligations of Information Commissioner Unless the Governor has made a declaration that the Information Commissioner is an authority to which Part 9A applies, the position holder does not appear to meet the definition of a public sector agency and has no obligations as Information Commissioner under this Act.	N/A			
		Obligations of Privacy Commissioner Unless the Governor has made a declaration that the Privacy Commissioner is an authority to which Part 9A applies, the position holder does not appear to meet the definition of a public sector agency and has no obligations under this Act.	N/A			
2.5	Appropriation Act (current year 2011)	Obligations of Information Commissioner, Privacy Commissioner and IPC <ul style="list-style-type: none"> must not incur expenditure in excess of the sums appropriated for the specified purpose unless the Treasurer authorises such expenditure, and then only if an equivalent sum is not paid out for another purpose (s33). 	Low	Executive Officer	Appropriations Act does not apply directly to IPC from 1 July 2011. From that date, funding is received from Treasury as a grant payment via DAGJ. Control achieved via continuous monitoring of expenditure and	Monthly

³IPC has been designated as a small Department. See Clause 15 of the *Annual Reports (Departments) Regulation* and NSW Treasury advice 'Changes to annual reporting requirements' issued on 1 September 2010 http://www.treasury.nsw.gov.au/data/assets/pdf_file/0003/18525/Changes_to_annual_reporting_requirements_1-9-2010.pdf

Statutory Body? Rather than Department now?

					commitment through the monthly budget review and reporting process.	
		Obligations of officers of IPC <ul style="list-style-type: none"> must not incur a liability exceeding the amount provided for in an Appropriation Act without the approval of the Treasurer <i>Public Finance and Audit Act 1983</i> s12. <p>If the Information Commissioner or the Privacy Commissioner meet the definition of a statutory authority under the <i>Public Finance and Audit Act 1983</i>, they are subject to the same obligation.</p>		Executive Officer	Control achieved via continuous monitoring of expenditure and commitment through the monthly budget review and reporting process.	Monthly
2.6	Carers (Recognition) Act 2010	Obligations of IPC <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, 	Low	Executive Officer	Consulted HR DAGJ re: agency awareness of obligations under Act – link to ADHC website to be included in Management Induction Folder. The NSW Carers Charter is on display in the office.	Annual
		<ul style="list-style-type: none"> consult with such bodies representing carers as it considers appropriate when developing policies that impact on carers, 			Ensure any relevant Departmental/Cluster policy updates are provided to the IPC.	Annual
		<ul style="list-style-type: none"> 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. 			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	Annual

					usually short term)	
		Obligations of Information Commissioner, Privacy Commissioner and IPC The Commissioners have no obligations under this Act.		Manager, Communications & Corporate Affairs	Requires reference in Annual Reporting. IPC's obligations to clients need to be noted here.	Annual
2.7	Community Relations Commission and Principles of Multiculturalism Act 2000	Obligations of IPC <ul style="list-style-type: none"> observe the principles of multiculturalism in conducting its affairs (s3), 	Low	Chief Executive Officer		
		<ul style="list-style-type: none"> include a statement triennially in its annual report setting out its key multicultural strategies for the following year and the progress made in implementing the multicultural policies and services plans of anybody reporting to the Department (<i>Annual Reports (Departments) Regulation 2010</i> Schedule 1), 		Manager, Communications & Corporate Affairs		From 2012-13
		<ul style="list-style-type: none"> include a statement triennially⁴ in its annual report statement describing any agreement entered into with the Community Relations Commission and a statement setting out its progress in implementing any such agreement (<i>Annual Reports (Departments) Regulation 2010</i> Schedule 1). 		Manager, Communications & Corporate Affairs		
		Obligations of the Chief Executive Officer The CEO of the IPC is to implement the principles of multiculturalism within the area of his or her administration (s3).		Chief Executive Officer		
		Obligations of the Privacy Commissioner No obligations under this Act.		N/A		

⁴*Annual Reports (Departments) Regulation* Clause 15

2.8	Copyright Act 1879	IPC, the Information Commissioner and the Privacy Commissioner must ensure that any material they publish is deposited with the Free Lending Library, the University of Sydney Library and the Parliamentary Library within two calendar months of publication (s5).	Low	Manager Communications & Corporate Affairs		
2.9	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.	Low	Manager Communications & Corporate Affairs		
2.10	Disability Services Act 1993 (NSW)	<p>Obligations of IPC</p> <p>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.</p> <p>Obligations of Information Commissioner and Privacy Commissioner</p> <p>They must have a publicly available Disability Action Plan.</p>	Low	Information Commissioner Executive Officer	DAP to be finalised and made available on the IPC website. Applies to IC, PC and IPC.	Annual
2.11	First State Superannuation Act 1992	<p>The IPC or the Information Commissioner 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.</p> <p>Privacy Commissioner: No compliance obligations</p>	Low	Executive Officer	Reviewed routinely each fortnight	
2.12	Independent Commission Against Corruption Act 1988	<p>Obligations of Information Commissioner, Privacy Commissioner and IPC</p> <ul style="list-style-type: none"> Commissioners (as “principal officer”) 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). 	Moderate	Information Commissioner Privacy Commissioner		
		<ul style="list-style-type: none"> provide information if required to do so by the ICAC (s21), 				

		<ul style="list-style-type: none"> make facilities available to the Commissioner or authorised officers to enable the exercise of ICAC's powers of entry and inspection and copying of documents etc. (s23). 				
		<ul style="list-style-type: none"> inform ICAC, within 3 months⁵ after receiving a recommendation that they take action in relation to ICAC findings or opinions or the results of its investigations (s13(3)(b)), of proposed plan of action (if any) (s111E). 				
		<ul style="list-style-type: none"> 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). 				
2.13	Industrial Relations Act 1996	<p>IPC and the Information Commissioner must ensure compliance with the Act in relation to awards and industrial disputes</p> <p>Privacy Commissioner: No compliance obligations</p>	Moderate	Executive Officer	IPC seeks advice and guidance about industrial relations from DAGJ-HR under the shared corporate service arrangements. Where appropriate, IPC seeks advice from independent experts to advise and clarify industrial matters.	Annual
2.14	Infrastructure NSW Act 2011	<p>Obligations of Information Commissioner, Privacy Commissioner and IPC</p> <p>This Act does not impose any relevant compliance obligations on the Commissioners or the IPC.</p>	N/A			
2.15	Jury Act 1977	IPC and the Information Commissioner 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</i>	Low	Executive Officer	IPC ensures that employees have access to Special Leave to perform jury	

⁵or such longer period as the Commission may agree to in writing

		<i>Employees (Public Service Conditions of Employment) Award 2009.</i> Privacy Commissioner: No compliance obligations			duty.	
2.16	Lobbying of Government Officials Act 2011	Obligations of IPC IPC officers are “Government Representatives” and must not permit lobbying by lobbyists (or persons they employ, contract or engage), if the lobbyist is unregistered or fails to inform a Government Representative, when making an initial contact, of certain facts (<i>NSW Government Lobbyist Code of Conduct</i> , clauses 4.1- 4.3)..	Low	Information Commissioner		
		Obligations of Information Commissioner and Privacy Commissioner The Information Commissioner as head of the IPC appears to be a “Government Representative” bound by the Code.				
2.17	Long Service Leave Act 1955	As an employer, the Information Commissioner is obliged to keep a long service record for a period of at least 6 years after the last entry (section 8). IPC and Privacy Commissioner: No compliance obligations	Low	Executive Officer	This is managed for IPC by DAGJ under a shared services arrangement. This should be verified by an attestation by DAGJ, as part of the annual certification process.	Annual
2.18	New South Wales Retirement Benefits Act 1972	As an employer the Information Commissioner must deduct the contributions required to be paid to the Fund from the salaries or wages of contributors, and pay the contributions to the SAS Trustee Corporation within 14 days (s19). Privacy Commissioner: No compliance obligations	Low	Executive Officer	Ditto.	Annual
2.19	Ombudsman Act 1974	Obligations of IPC, Information Commissioner and Privacy Commissioner The IPC, the Information Commissioner and the Privacy Commissioner must give the Ombudsman	Moderate	Information Commissioner Privacy Commissioner		

		<p>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, the Information Commissioner as such, and the Privacy Commissioner 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.</p>				
2.20	Parliamentary Budget Officer Act 2010	<p>The head of IPC, the Information Commissioner as such, and the Privacy 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)).</p> <p>They must inform the Parliamentary Budget Officer of the reason for not providing information (s16(3)).</p>	Low	Chief Executive Officer and Commissioners		
2.21	Payroll Tax Act 2007	<p>The Act binds the Crown (section 5) and while there are some exempt agencies, IPC and the Information Commissioner are not among them (Schedule 2).</p> <p>Privacy Commissioner: No compliance obligations</p>	Low	Executive Officer		
2.22	Public Authorities (Financial Arrangements) Act 1987	<p>IPC must ensure that certain financial arrangements including investments are in accordance with the written approval of the Treasurer. This includes obtaining financial accommodation (sections 8, 14A and 14B), financial adjustment (section 16), entering a joint venture arrangement (section 22L), and engaging a fund manager (s25).</p> <p>The Information Commissioner (as such) and the Privacy Commissioner have no relevant obligations</p>	Low	Executive Officer		

		with Australian Accounting Standards (sections 45C, 45D, 45E and 45F). Privacy Commissioner No obligations.				
2.24	Public Holidays Act 2010	IPC and the Information Commissioner are required to pay their employees for public holidays. Privacy Commissioner: No compliance obligations	Low	Executive Officer	Effected under payroll services provided by DAGJ under shared corporate services arrangements. This should be verified by an attestation by DAGJ, as part of the annual certification process.	Annual
2.25	Public Sector Employment and Management Act 2002	IPC, the Information Commissioner and the Privacy Commissioner must comply with the Act in relation to terms and conditions of employment and recruitment practices etc., including compliance with directions of the Director of Public Employment (s.126).	Low	Chief Executive Officer Executive Officer	Effected by oversight of agency recruitment and related personnel practises by DAGJ under shared corporate services arrangements. This should be verified by an attestation by DAGJ, as part of the annual certification process.	Annual
2.26	Smoke-Free Environment Act 2000	IPC, the Information Commissioner and the Privacy Commissioner 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 2007</i> .	Low	Executive Officer	IPC observes Smoking in the Workplace Policy and Guidelines issued by DAGJ Health and Safety Services.	

2.27	State Authorities Non-Contributory Superannuation Act 1987	<p>The employer must pay contributions to the STC for relevant IPC employees.</p> <p>Privacy Commissioner : No compliance obligations</p>	Low	Executive Officer	<p>Effected under payroll services provided by DAGJ under shared corporate services arrangements. This should be verified by an attestation by DAGJ, as part of the annual certification process.</p>	
2.28	State Authorities Superannuation Act 1987	<p>The employer and head of the IPC must make up a deficiency in an employer reserve if required by the STC, within 14 days (section 32).</p> <p>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).</p> <p>Privacy Commissioner : No compliance obligations</p>	Low	Executive Officer	<p>Effected under payroll services provided by DAGJ under shared corporate services arrangements. This should be verified by an attestation by DAGJ, as part of the annual certification process.</p>	
2.29	Statutory and Other Officers Remuneration Act 1975	<p>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. .</p>	Low	Executive Officer	<p>Effected under payroll services provided by DAGJ under shared corporate services arrangements. This should be verified by an attestation by DAGJ, as part of the annual certification process.</p>	Annual
2.30	State Records Act 1998	<p>IPC, the Information Commissioner and the Privacy Commissioner 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, 	Moderate	Executive Officer	<p>To be reviewed and updated by the Senior Information Management Officer. A better practice audit was</p>	Annual

		<ul style="list-style-type: none"> 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, make arrangements with the State Records Authority for monitoring by that Authority of their records management program (ss 10, 11 & 12). 			undertaken by OCM in March 13 which will provide a roadmap for compliance for the IPC.	
2.31	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 Minister to be remade, every five years.	Low	Information Commissioner Privacy Commissioner		
2.32	Superannuation Act 1916	<p>Obligations of the Chief Executive Officer and IPC 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). 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). <p>Privacy Commissioner: no obligations.</p>	Low	Executive Officer	<p>If applicable, would be effected under payroll services provided by DAGJ under shared corporate services arrangements.</p> <p>This should be verified by an attestation by DAGJ, as part of the annual certification process.</p>	Annual
2.33	Taxation Administration Act 1996	The IPC, the Information Commissioner and the Privacy Commissioner 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.	N/A	Executive Officer		
2.34	Treasury Corporation Act 1983	If the IPC, the Information Commissioner or the Privacy Commissioner obtain financial accommodation and the Treasury Corporation assumes their responsibilities, they must keep the Treasury Corporation supplied with funds to the	N/A			

		extent necessary for it to make payments as they fall due (s7).				
2.35	Work Health and Safety Act 2011	<p>Obligations of Information Commissioner and Privacy Commissioner</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, while the workers (note broad definition of “worker”) are at work in the undertaking. 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. <p>They must also:</p> <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), 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), 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, 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), ensure that a list of health and safety 	Moderate	<p>Chief Executive Officer</p> <p>Executive Officer</p>	<p>IPC utilises the services of DAGJ as shared corporate services provider In relation to claims for workers compensation. IPC follows procedures prescribed by DAGJ and uses its on-line incident/accident reporting system to initiate the handling of workers compensation insurance claims.</p> <p>First Aid Officers are trained and appointed, first aid equipment is available, and a Workplace Safety Representative has been appointed.</p> <p>IPC is a low risk work place.</p>	

		<p>representatives and their deputies health is prepared, kept up to date, and displayed at their principal place of business (s74),</p> <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), 				
		<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). 			<p>IPC is a low risk work place.</p> <p>While a notifiable incident is unlikely in this workplace, management and staff are aware of this reporting requirement.</p>	
		<p>Additional obligation of the Chief Executive Officer As the <i>person with management or control of a workplace</i> the Information Commissioner 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>		Chief Executive Officer	<p>In this Act (S.35), notifiable incident means:</p> <ul style="list-style-type: none"> (a) the death of a person, or (b) a serious injury or illness of a person, or (c) a dangerous incident. 	
2.36	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>	Low	Executive Officer		

		<p>As head of the IPC the Information Commissioner 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> <p>Privacy Commissioner : No compliance obligations</p>	Low	Executive Officer	IPC utilises the services of DAGJ as shared corporate services provider In relation to claims for workers compensation. IPC follows procedures prescribed by DAGJ and uses its on-line incident/accident reporting system to initiate the handling of workers compensation insurance claims.	
2.37	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> <p>Privacy Commissioner : No compliance obligations.</p>	N/A	Executive Officer	IPC is insured with TCORP via GIO	
2.38	Workplace Surveillance Act 2005	<p>Obligations of IPC and the Chief Executive Officer</p> <p>As the employer of the staff of the IPC the Information Commissioner 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 	Low	Chief Executive Officer		

		surveillance of an employee(s.12), <ul style="list-style-type: none"> 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). Privacy Commissioner : No obligations				
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Group 3 – Commonwealth Legislation

<i>Ref.</i>	<i>Instrument</i>	<i>Obligations</i>	<i>Risk Rating (High/Moderate/ Low)</i>	<i>Responsible Position</i>	<i>How we address this</i>	<i>Review timeframe</i>
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 Executive Officer		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 age, medical record, criminal record, impairment, marital status, mental, intellectual or psychiatric disability, nationality, physical disability, sexual preference, or trade union activity (<i>Australian Human Rights Commission Regulations 1989</i>). Privacy Commissioner: no obligations.	Low	Chief Executive Officer Executive Officer		Annual
3.3	Census And Statistics Act 1905	IPC, the Information Commissioner and the Privacy Commissioner must provide the Australian Bureau of Statistics with prescribed statistical information as	Low	Executive Officer	To date, the primary request for statistical	N/A

		appropriate, and must complete and return the particulars in any form requested by the ABS.			information is made on a quarterly basis by telephone by the ABS. The request relates to currently advertised employment vacancies. IPC complies by advising current vacancies by phone.	
3.4	Child Support (Registration and Collection) Act 1988	<p>The employer, of IPC staff must:</p> <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. <p>Privacy Commissioner : No compliance obligations</p>	Low	Executive Officer	<p>Communications received from the A.T.O / C.S.A in this regard are treatment in high confidence. Such communications are passed to our HR/payroll service provider, the DAGJ, who manages required action on behalf of IPC.</p> <p>Compliance should be verified by an attestation by DAGJ, as part of an annual certification process.</p>	Annual
3.5	Copyright Act 1968	<p>IPC, the Information Commissioner and the Privacy Commissioner may use copyright material for the purpose of the Crown (s183) but must:</p> <ul style="list-style-type: none"> • ensure that any reproduction of information acknowledges the source, • co-operate with surveys conducted by collecting 	Low	Manager, Communications & Corporate Affairs		

		societies to assess fees payable for Crown use (s183A).				
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		
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 work, 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 Section 60 & 61.	Low	Chief Executive Officer Executive Officer	The IPC has prepared a Disability Action Plan.	
3.8	Fringe Benefits Tax Act 1986	IPC and the Chief Executive Officer are responsible for paying tax if their employees receive fringe benefits. Privacy Commissioner : No compliance obligations	Low	Executive Officer	IPC is registered for FBT purposes. An annual estimate of FBT is made and quarterly returns are received from the A.T.O. for completion. Annually, the shared corporate services provider, DAGJ, specifies requirements in relation to FBT calculation and reporting. Quarterly and Annual returns are followed up with IPC by DAGJ staff.	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:	Low	Executive Officer	Ditto.	

		<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). <p>Privacy Commissioner : No compliance obligations</p>				
3.10	A New Tax System (Goods And Services Tax) Act 1999	If registered or required to be registered, IPC, the Information Commissioner and the Privacy Commissioner must give to the Commissioner a GST return for each tax period (Chapter 1 Part 2-7). They must also ensure invoices are GST compliant.	Low	Executive Officer	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 request compliant invoices where necessary. Invoices for payment are processed and sent to our shared corporate services provider for processing. Monthly GST reports are provided by DAGJ for review. DAGJ submits BAS returns.	Monthly
3.11	Income Tax Assessment Act 1986	<p>The employer, of IPC staff must:</p> <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	Executive Officer	Effected under payroll services provided by DAGJ under shared corporate services arrangements. This is to be	Annual

		Privacy Commissioner: No compliance obligations			verified by an attestation by DAGJ, as part of an annual certification process.	
3.12	Racial Discrimination Act 1975	<p>IPC and the Chief Executive Officer must not:</p> <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; or • dismiss a person from his or her employment; • 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 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>	Low	Chief Executive Officer Executive Officer		
3.13	Sex Discrimination Act 1984	The IPC, the Information Commissioner and the Privacy Commissioner must not discriminate on the basis of a person's sex, marital status, pregnancy, potential pregnancy or breastfeeding, in provision of goods and services and facilities, administration of Commonwealth laws and programs and requests for information.	Low	Chief Executive Officer Executive Officer		
3.14	Spam Act 2003	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	Low	Manager, Communications & Corporate Affairs		

		(s18). 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).				
3.15	Superannuation Guarantee (Administration) Act 1992	The employer, of IPC staff is bound to pay a set, minimum level of superannuation each year for each IPC employee. The rate is currently 9% for all employers, as of 1 July 2002. Privacy Commissioner : No compliance obligations	Low	Executive Officer	DAGJ Service Level Agreement	
3.16	Taxation Administration Act 1996	It is the responsibility of IPC, the Information Commissioner and the Privacy Commissioner 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, the Information Commissioner and the Privacy Commissioner 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	Executive Officer	DAGJ keeps records relating to this Act for IPC	