



STATE LIBRARY®  
NEW SOUTH WALES

**State Library of NSW**  
**Legislative Compliance Register**

**Updated: July 2018**

## **Statement of Commitment**

The State Library of NSW is committed to complying with its relevant legislative obligations. The State Librarian and the Executive Committee are responsible for ensuring compliance with legislation by all areas of the Library, with the Executive Members delegated the task of implementing the appropriate policies, procedures, guidelines, and/or actions to enable the Library to comply with the appropriate legislation. All staff and persons directly engaged by the Library are expected to comply with legislative requirements.

## **Introduction**

This *Legislative Compliance Register* contains only significant legislation which impacts upon the Library's operations and is directly relevant to its policies, procedures and guidelines. It describes sources of legislation in alphabetical order, summarises what is required of the Library, provides a short description of actions taken by the Library to ensure compliance, and nominates an Executive Member. The Executive Member (or delegate) is responsible for reading and understanding the relevant Acts to ensure compliance, submitting reports and communicating requirements to staff and management.

All Acts listed are New South Wales legislation unless post-scripted "(Cth)" to denote Australian Commonwealth Acts.

## **Additional Compliance Requirements**

The Library is also required to comply with government issued policies, circulars, guidelines and memoranda, and adopt relevant codes of best practice, guidelines, standards, strategies and protocols.

The sources of these requirements are listed in Appendix 1.

## **Monitoring**

The Director, Operations and Infrastructure & CFO has lead responsibility for monitoring the Register to ensure it is current and accurate. Executive Members should monitor legislation for changes to provisions. The Register is reviewed and updated annually in June-July and progress reported to the Audit and Risk Committee.

No.	Legislation	Executive Member
1.	Annual Reports (Statutory Bodies) Act 1984	PLE
2.	Annual Reports (Statutory Bodies) Regulation 2015	PLE
3.	Anti-Discrimination Act 1977	OID
4.	Australian Charities and Not-for-profits Commission Act 2012 (Cth) and Australian Charities and Not-for-profits Commission Regulation 2013 (Cth)	PLE
5.	Charities Act 2013 (Cth)	PLE
6.	Charitable Fundraising Act 1991 and Charitable Fundraising Regulation 2015	PLE
7.	Child Protection (Working with Children) Act 2012 and Child Protection (Working with Children) Regulation 2013	LIS, MLES and OID
8.	Classification (Publications, Films and Computer Games) Enforcement Act 1995	LIS and PLE
9.	Copyright Act 1879	LIS
10.	Copyright Act 1968 (Cth)	LIS, MLES and DXD
11.	Data Sharing (Government Sector) Act 2015	DXD
12.	Disability Discrimination Act 1992 (Cth)	LIS
13.	Disability Inclusion Act 2014 and Disability Inclusion Regulation 2014	LIS
14.	Firearms Act 1996 and Firearms Regulation 2017	LIS
15.	Government Advertising Act 2011 and Government Advertising Regulation 2012	PLE
16.	Government Information (Public Access) Act 2009 and Government Information (Public Access) Regulation 2009	DXD
17.	Government Sector Employment Act 2013	SL and OID
18.	Government Sector Employment Regulation 2014	SL and OID
19.	Government Sector Employment (General) Rules 2014	SL and OID
20.	Health Records and Information Privacy Act 2002	OID and DXD
21.	Heritage Act 1977	OID
22.	Income Tax Assessment Act 1997 (Cth)	OID
23.	Independent Commission Against Corruption Act 1988	OID
24.	Library Act 1939	SL, PLE and LIS
25.	Library Regulation 2010	SL, PLE and LIS
26.	Ombudsman Act 1974	OID
27.	Privacy and Personal Information Protection Act 1998	DXD and OID
28.	Protection of Movable Cultural Heritage Act 1986 (Cth)	LIS
29.	Public Authorities (Financial Arrangements) Act 1987	OID

No.	Legislation	Executive Member
30.	Public Finance and Audit Act 1983, Public Finance and Audit Regulation 2015 and Treasurer's Directions	OID
31.	Public Interest Disclosures Act 1994 and Public Interest Disclosures Regulation 2011	OID
32.	Smoke-free Environment Act 2000 and Smoke-free Environment Regulation 2016	OID
33.	State Records Act 1998 and State Records Regulation 2015	SL and DXD
34.	Surveillance Devices Act 2007	DXD and OID
35.	Work Health and Safety Act 2011	SL and OID
36.	Work Health and Safety Regulation 2017	SL and OID
37.	Workers Compensation Act 1987, Workers Compensation Amendment Act 2015 and Workers Compensation Regulation 2016	SL and OID
38.	Workplace Injury Management and Workers Compensation Act 1998	SL and OID
39.	Workplace Surveillance Act 2005 and Workplace Surveillance Regulation 2017	DXD and OID

Key:

SL –State Librarian

PLE - Executive Director, Public Libraries & Engagement

LIS – Executive Director, Library & information Services & Dixson Librarian

MLES – Mitchell Librarian & Director, Education & Scholarship

DXD – Director, Digital Experience & CIO

OID – Director, Operations & Infrastructure & CFO

## Compliance Register

No	Legislation / Regulation	Key Requirements / Provisions	Governance Commentary / Actions taken to ensure Compliance	Executive Member
1.	<b>Annual Reports (Statutory Bodies) Act 1984</b>	Library Council Annual Report to be submitted to the Minister within four months after financial year end for tabling in Parliament. Report to comprise: <ul style="list-style-type: none"> <li>• Audited financial statements</li> <li>• Report on operations for the financial year then ended</li> <li>• Letter of submission to the appropriate Minister</li> <li>• Reports to be available to the public.</li> </ul>	The Library ensures the audited financial report forms part of the compliance components.  Reporting compliance requirements are regularly reviewed and through a detailed signoff process assures these measures are incorporated into each Annual Report.	PLE
2.	<b>Annual Reports (Statutory Bodies) Regulation 2015</b>	Details specific requirements for inclusion in the Annual Report.	Compliance requirements are provided to each content provider with a detailed delivery schedule and follow up by the officer responsible for collating the Annual Report and submission to the Minister for tabling in Parliament by statutory deadline.  The President of Library Council signs the letter of submission.	PLE
3.	<b>Anti-Discrimination Act 1977</b>	Prescribes that it is unlawful to discriminate in employment and certain other areas, such as provision of goods and services and education on the basis of: <ul style="list-style-type: none"> <li>• Race</li> <li>• Sex</li> <li>• Transgender status</li> <li>• Marital or domestic status</li> <li>• Disability status</li> <li>• Person's responsibilities as a carer</li> <li>• Homosexuality</li> <li>• Age.</li> </ul>	The Code of Ethics and Conduct incorporates standards of behaviour and non-discrimination. The Grievance Handling and Dispute Resolution Policy, the Harassment and Bullying Free Policy and the Draft Cultural Diversity Strategy 2016 to 2019 support the Act.	OID
4.	<b>Australian Charities and Not-for-profits Commission Act 2012 (Cth) and Australian Charities and</b>	The Act sets out the objects and functions of the ACNC, as well as the framework for the registration and regulation of charities. The requirements include governance standards,	The State Library of NSW Foundation is registered with the ACNC. The Library submits its Annual Information Statement and ensures that accountabilities and the fundraising	PLE

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	<b>Not-for-profits Commission Regulation 2013 (Cth)</b>	record keeping, submission of the Annual Information Statement and annual financial reports.  The ACNC regulations provide more detailed requirements in relation to the ACNC Register, financial reporting and governance standards.	framework are consistent with ACNC guidelines and requirements.	
5.	<b>Charities Act 2013 (Cth)</b>	The Charities Act introduces a statutory definition of charity and charitable purpose that sets out more clearly the common law meaning of charity and clarifies some areas of uncertainty. The Charities Act applies from 1 January 2014.	The State Library of NSW Foundation fundraising framework is consistent with the definitions in the Act.	PLE
6.	<b>Charitable Fundraising Act 1991 and Charitable Fundraising Regulation 2015</b>	Details requirements for proper and efficient management and administration of charitable fundraising appeals including keeping and auditing of accounts and measures to prevent deception of the public who support fundraising.  Requires periodic returns to the Minister for Innovation and Better Regulation and annual auditing of accounts.  The Regulation informs fundraising processes and management.	The Foundation is a controlled entity of the Library Council of NSW as a not-for-profit organisation. Its accounts are consolidated as part of the NSW total state sector accounts.  The governance structure consists of a Foundation Board with a subset of Trustees. Both groups meet regularly to approve expenditure according to donations received and projects submitted by the Library.  The State Library of NSW Foundation fundraising framework includes appropriate management strategies.  The Library accurately receipts donations in a timely fashion and acquits the funds according to the conditions of the gift.	PLE
7.	<b>Child Protection (Working with Children) Act 2012 and Child Protection (Working with Children) Regulation 2013</b>	Employers must require and verify a working with children check for all workers involved in child related work, and report to the Children's Guardian details of any child-related worker found to have engaged in offences or misconduct involving children.  The Regulation prescribes the process and format for notifications regarding breaches of child protection legislation to the Children's Guardian.	The Code of Ethics and Conduct addresses requirements for staff who have direct contact with children. Role Descriptions for those roles directly involved with child related work require appropriate clearance. A Working with Children check is required for all staff employed in relevant roles at the time of appointment.  Information & Access staff meet this provision by ensuring that a teacher from the visiting school supervises all school visits and is in attendance at all times. Other I&A staff who	LIS MLES OID

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			occasionally work with children also ensure that a teacher is always present.	
8.	<b>Classification (Publications, Films and Computer Games) Enforcement Act 1995</b>	<p>Gives effect to the national scheme for the classification of publications, films and computer games (National Classification Code) under the Commonwealth Act by providing for enforcement of classification decisions and prohibitions on publishing (including sale, exhibition, distribution and demonstration) of films, publications and computer games. Includes advertising and age restrictions.</p> <p>Section 53 provides exemptions for the State Library of NSW and local libraries (within the Library Act 1939) to provide access to or loan MA classified material provided display and borrowing limitations are complied with.</p>	<p>Client Code of Conduct details the expected standards of behaviour from clients including complying with this Act.</p> <p>The Children's Policy Guidelines for NSW Public Libraries support the requirements of the Act.</p> <p>Collection material falling into this category is not on display and requests to view this material are controlled.</p> <p>Updating of catalogue records to note classifications for collection material falling into this category has been identified in the relevant branch work plan.</p>	LIS PLE
9.	<b>Copyright Act 1879</b>	<p>A copy of all books, maps, prints and engravings published in NSW must be deposited at the State Library, the University of Sydney Library and the Library of the NSW Parliament. Authorised officers of the libraries must acknowledge receipt upon delivery.</p>	<p>A person duly authorised to receive the item provides a receipt in writing. Application of the Act is an important means of collection acquisition as referenced in the Collection Acquisition Policy and Collection Development Policy.</p>	LIS
10.	<b>Copyright Act 1968 (Cth)</b>	<p>Provisions include:</p> <ul style="list-style-type: none"> <li>• Nature, ownership and duration of copyright by authors and creators</li> <li>• Moral rights of performers, authors of literary, dramatic, musical or artistic works or cinematograph films</li> <li>• Fair dealing and reproduction limits and procedures for libraries and archives, and by clients</li> <li>• Copying provisions for preservation and use purposes</li> <li>• Making of accessible format versions for people with disabilities</li> <li>• Provide a fixed term of protection for unpublished works</li> <li>• Infringements, offences and penalties</li> <li>• Inspection rights of copyright holders.</li> </ul>	<p>The Copyright Policy, Film/ Moving Image at the Library Policy, Publishing Items Policy, and InterLibrary Lending Policy ICT apply. The Australia InterLibrary Resource Sharing (ILRS) Code also supports the Act.</p> <p>The Copyright Policy and additional information on the website make clear the Library's commitment to its copyright obligations, and provides information to clients on their responsibilities regarding re-use.</p> <p>The Client Code of Conduct, Internet Usage Policy, and Website Registered Users Terms of Use describe the acceptable standards of behaviour from clients including complying with the Act.</p>	LIS DXD MLES

No	Legislation / Regulation	Key Requirements / Provisions	Governance Commentary / Actions taken to ensure Compliance	Executive Member
			<p>The Copyright Policy, Internet Usage Policy, Publishing Items Policy, Website Registered Users Terms of Use and Client Code of Conduct are available on the intranet and website.</p> <p>From 1 January 2019, additional information will be added to a catalogue record advising on the new rules for access, in response to copyright changes that end the out-dated concept of perpetual copyright for unpublished collection material.</p> <p>Other policies that the Library has in place to ensure compliance are:</p> <ol style="list-style-type: none"> <li>1. Code of Ethics &amp; Conduct</li> <li>2. Collections policies/ strategies/ procedures</li> <li>3. Digital Preservation Policy</li> <li>4. Employee Use of ICT Policy</li> <li>5. Staff Loans Policy</li> <li>6. Takedown Policy.</li> </ol> <p>The Library has an Intellectual Property and Copyright committee, with a remit to:</p> <ul style="list-style-type: none"> <li>• Review Library policy and procedures relating to intellectual property issues to ensure they are appropriate, provide a consistent experience for readers and are within the boundaries of legislation and/or reasonable risk.</li> <li>• Review rights statements used in catalogue records and on the Library website to ensure consistency and transparency</li> <li>• Establish guidelines for the implementation of 'acceptable risk' policies for intellectual property questions.</li> </ul>	



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			<ul style="list-style-type: none"> <li>• Maintain awareness of developments in copyright legislation and other intellectual property frameworks such as creative commons</li> <li>• Provide guidance to Library projects where rights determinations are required</li> <li>• Initiate and oversee the development of briefing papers for legal advice on complex copyright matters for approval by the State Librarian</li> </ul>	
11.	<b>Data Sharing (Government Sector) Act 2015</b>	Promotes and facilitates the sharing of government sector data with the government Data Analytics Centre and between other government sector agencies and includes data sharing safeguards.	<p>The Library recognises the requirements and provisions in the Act, and is in the process of provisioning better API access to our collection records and digital assets.</p> <p>An EDRMS in use, a mature information management practice, and contemporary data capabilities discipline will support the Library's prompt response to corporate data requests.</p>	DXD
12.	<b>Disability Discrimination Act 1992 (Cth)</b>	Provides protection to everyone in Australia against discrimination based on disability, in relation to all areas of life including employment, education, access to premises, provision of goods, services and facilities.	The Library's Disability Inclusion Action Plan is a comprehensive strategy document that ensures actions are in place to meet the requirements of the Act.	LIS
13.	<b>Disability Inclusion Act 2014 and Disability Inclusion Regulation 2014</b>	<p>Public authorities (including the Library Council of NSW) must have a disability inclusion action plan which details the authority's services and provisions for people with disability. Includes the preparation, consultation and reporting on the plan, including to the Minister.</p> <p>The Regulation defines the Library Council of NSW as a "public authority" for the purposes of the Act.</p>	<p>The Disability Inclusion Action Plan 2016-2019: <i>Providing accessible and inclusive collections and services</i> comprises strategies and actions consistent with the requirements of the Act. The plan:</p> <ul style="list-style-type: none"> <li>• Was developed following consultation with the Library's Inclusion Advisory Committee, the NSW Disability Council, and a range of people with disability, including representatives of the Multicultural Disability Advocacy Association and Department of Premier and Cabinet</li> <li>• Was revised to include updates on the Library's commitments, endorsed by Executive in December 2017 and provided to NSW Disability Council in March 2018</li> </ul>	LIS

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			<ul style="list-style-type: none"> <li>Is published on the Library website, listed on the NSW Disability Council webpage and registered with the Australian Human Rights Commission.</li> </ul>	
14.	<b>Firearms Act 1996 and Firearms Regulation 2017</b>	<p>Requires holding of a licence or permit to possess or use firearms, and conditions of use only in accordance with the licence.</p> <p>The Regulation describes compliance requirements of government agencies.</p>	The firearms and other prohibited weapons held in the Library's collection are secured and managed appropriately and the relevant licences are current.	LIS
15.	<b>Government Advertising Act 2011 and Government Advertising Regulation 2012</b>	<p>Includes guidelines for government advertising campaigns, including prohibitions on political advertising.</p> <p>The Regulation exempts the State Library from restrictions on Government advertising campaigns during pre-election periods and for campaigns costing less than \$50,000.</p>	The Library is part of a peer-review network through the Department of Premier and Cabinet, which sets financials limits for campaigns. Campaigns over \$50K in total spend are presented to peer review for endorsement.	PLE
16.	<b>Government Information (Public Access) Act 2009 and Government Information (Public Access) Regulation 2009</b>	<p>Prescribes agencies to proactively release government information to the public, giving the public an enforceable right to access government information and defining restrictions to such access.</p> <p>Describes the types of government information to which agencies must provide access; what should be released; how the public may access information and rights of review.</p> <p>The Regulation includes agencies' reporting obligations.</p>	<p>The Library is committed to providing and facilitating access to government information. The Right To Information section on the website contains the Agency Information Guide and other prescribed information; directs clients to Right To Information Contact Officer details and forms to apply for access to information.</p> <p>The Code of Ethics and Conduct, Information Security Policy, Employee Use of ICT Policy and Security Systems Surveillance Policy support implementation and management and the requirements.</p>	DXD
17.	<b>Government Sector Employment Act 2013</b>	Provides the legislative basis for employment of NSW Public Service employees (including senior executives). Includes the ethical framework for the government sector; rules, entitlements and conditions of appointment, engagement and termination of agency heads, senior executives and employees.	The Library's employment framework and practices; Code of Ethics and Conduct; Human Resources and Administrative Delegations, and all related HR policies are an appropriate model to ensure the legislation is implemented.	SL OID

No	Legislation / Regulation	Key Requirements / Provisions	Governance Commentary / Actions taken to ensure Compliance	Executive Member
		The Library Council of NSW Staff Agency is listed as a Public Service Agency in Part 2 of Schedule 1.		
18.	<b>Government Sector Employment Regulation 2014</b>	General provisions relating to employment, leave, allowances and workforce diversity.	The Library's employment framework and practices; Code of Ethics and Conduct; Human Resources and Administrative Delegations, and all related HR policies are an appropriate model to ensure the legislation is implemented.	SL OID
19.	<b>Government Sector Employment (General) Rules 2014</b>	The Rules deal with additional operational and procedural employment matters and carry mandatory requirements around workforce management (performance management, misconduct, merit-based employment).	The Library's employment framework and practices; Code of Ethics and Conduct; Human Resources and Administrative Delegations, and all related HR policies are an appropriate model to ensure the legislation is implemented.	SL OID
20.	<b>Health Records and Information Privacy Act 2002</b>	Public sector agencies and other organisations must comply with the Health Privacy Principles to protect the privacy of an individual's health information.	The Code of Ethics and Conduct; the Privacy Management Plan, Records and Information Management Policy and the Web Privacy Statement confirm the Library's commitment to protecting health information in the collections and corporate records.  The Privacy section on the website directs clients to privacy related resources and details for contacting the Privacy Contact Officer.	OID DXD
21.	<b>Heritage Act 1977</b>	Describes requirements and limitations on conservation, maintenance and repair of State heritage; establishes the State Heritage Register and the Heritage Council of NSW.	The State Library of NSW is listed on the State Heritage Register.  The Conservation Management Plan and supporting Heritage Asset Maintenance Strategy (with scheduled program of activities) meet the requirements of the Act.	OID
22.	<b>Income Tax Assessment Act 1997 (Cth)</b>	Prescribes the taxation responsibilities and entitlements of individuals and organisations.	Requirements are met through the appropriate management and oversight of taxation related matters	OID
23.	<b>Independent Commission Against Corruption Act 1988</b>	Defines corrupt conduct and the duties and requirements of agencies and staff to report and manage reported matters.	The Library provides training and awareness of corruption prevention and monitors compliance through the Code of Ethics and Conduct, Library Council of NSW Code of Conduct, Enterprise Risk Management Policy, Fraud and Corruption	OID

No	Legislation / Regulation	Key Requirements / Provisions	Governance Commentary / Actions taken to ensure Compliance	Executive Member
		Establishes the Independent Commission Against Corruption, its responsibilities, powers and processes.	Prevention Policy, and Gifts and Benefits Policy and Procedure.	
24.	<b>Library Act 1939</b>	Establishes the Library Council of NSW, its objects, duties and powers; the State Library of NSW; the role of the State Librarian and provisions for local authorities regarding local public libraries. Legislates local authority subsidy provided by the Minister and administered by the Library Council.	<p>The Library's guiding legislation.</p> <p>The key provisions are defined in the Library Council of NSW Terms of Reference.</p> <p>All policies, guidelines and procedures relating to the Library's collections, facilities and services and provisions of access by clients comply and support the Act.</p> <p>Provision of subsidies and grants, guidelines and other advice on and for public libraries are directed by the Act.</p>	SL PLE LIS
25.	<b>Library Regulation 2010</b>	<p>Enables the Library Council and public libraries to makes rules to regulate and establish conditions of use of their facilities, services or collections.</p> <p>Sets the level of per capita subsidy provided to local libraries and administered by the Library Council.</p>	<p>Policies and procedures for clients and others using the collections, services or facilities are made within the provisions of the Regulation. Of particular relevance are the Access to Original Material and Rare Printed Material Policy, Accessibility Policy, Client Code of Conduct, Register to use the Library Policy, Terms and Conditions of Venue Hire and Website Disclaimer.</p> <p>The Policy on the Use of the State Library Under the Library Regulation 2010 supports the administration of the Regulation including Part 3, Clause 17, 'Library users may be directed to leave'.</p> <p>The Regulation governs the provision of subsidies to public libraries which the Library Council recommends annually to the Minister. Library Council Guidelines for public libraries provide guidance on aspects of the Act and Regulation.</p> <p>The Library Regulation 2018 will come into effect on 1 September 2018.</p>	SL PLE LIS

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26.	<b>Ombudsman Act 1974</b>	Establishes the Ombudsman and the public's right to complain about a public authority. Includes processes and requirements for making a complaint, investigation and agencies' obligations to cooperate and provide information and documents.	Requirements are addressed through the Code of Ethics and Conduct.  The Library responds to complaints in accordance with the Ombudsman guidelines and the Complaint Handling Policy.	OID
27.	<b>Privacy and Personal Information Protection Act 1998</b>	Defines 'personal information' and the Information Protection Principles and requirements of agencies in the management and use of personal information in compliance with the Principles.  Agencies must have a Privacy Management Plan detailing privacy policies and practices, internal review provisions and how privacy and personal information is protected. The Privacy Management Plan must be provided to the Information and Privacy Commissioner and privacy matters reported in the Annual Report.	The Library is committed to strict adherence to the Information Privacy Principles in the management of the collections and corporate information. The Privacy Management Plan meets the requirements of the Act. The Privacy section on the website directs clients to various resources, including the Privacy Management Plan, the Web Privacy Statement, and details for contacting the Privacy Contact Officer.  The Code of Ethics and Conduct, Employee Use of ICT Policy and Web Privacy Statement address privacy issues. Client contact policies and procedures also incorporate privacy matters as appropriate.	DXD OID
28.	<b>Protection of Movable Cultural Heritage Act 1986 (Cth)</b>	Defines relevant objects on the National Cultural Heritage Control List and provides for permits and exemptions on the movement of cultural heritage by collecting institutions, including libraries. Includes provisions for loans of cultural heritage between collecting/ cultural institutions.	The Outgoing Loans Policy and Guidelines & Conditions for Outgoing Loans and support the Act.  The Library holds a General Permit and reports annually to the Federal Ministry of the Arts on collection items temporarily exported overseas for the purpose of loan for exhibition.	LIS
29.	<b>Public Authorities (Financial Arrangements) Act 1987</b>	Defines financial accommodation (borrowing or raising money), financial adjustment (e.g. options and futures) and joint financing arrangement (e.g. lease) including procedures, approvals and compliance requirements of public authorities.	The accounting framework and procedures, including financial management priorities and processes are strictly managed under the Act.	OID
30.	<b>Public Finance and Audit Act 1983, Public Finance</b>	Prescribes requirements for effective financial management, including systems of internal control over financial and	The Library Council of NSW is listed as a Statutory Body in Schedule 2.	OID

No	Legislation / Regulation	Key Requirements / Provisions	Governance Commentary / Actions taken to ensure Compliance	Executive Member
	<b>and Audit Regulation 2015 and Treasurer's Directions</b>	<p>related operations and effective internal audit. Includes provisions for preparation and annual auditing of financial statements by the Auditor General.</p> <p>The Regulation and Treasurer's Directions detail the processes and requirements for financial management and reporting.</p>	<p>The accounting framework and procedures, including financial management priorities and processes are strictly managed under the Act.</p> <p>The Financial Delegations Policy, Instrument of Financial Delegations and Release of Funds, Human Resources and Administrative Delegations, Collection Acquisitions Policy, Collection Development Policy, Collection Storage Access Policy, Collection Storage and Service Delivery Policy, Preservation Policy, Corporate Credit Card Policy, P-cards Policy, Post Overseas Travel Reporting Policy, Pricing and Discount Policy Library Shop, Procurement Policy and Treasury Risk Management Policies support the Act and provide the means for effective financial management and compliance.</p>	
31.	<b>Public Interest Disclosures Act 1994 and Public Interest Disclosures Regulation 2011</b>	<p>Details requirements for agencies to manage, investigate, and report public interest disclosures including the need for a policy, to provide training and advice to staff and protect staff from reprisals. Requires a compliance report to be included in the Annual Report.</p> <p>The Regulation details the required information to be included in a biannual report to the Ombudsman.</p>	<p>The Public Interest Disclosures Policy and Procedures, Code of Ethics and Conduct and Privacy Management Plan are consistent with the requirements of the Act.</p> <p>All reporting requirements are met.</p> <p>Appropriate HR policies and procedures, and staff awareness raising are in place.</p>	OID
32.	<b>Smoke-free Environment Act 2000 and Smoke-free Environment Regulation 2016</b>	<p>Defines smoke-free areas, exempt areas and prohibitions on smoking.</p> <p>The Regulation provides definitions and guidance to assist compliance.</p>	<p>The Smoke-Free Workplace Policy complies and implementation of the requirements is closely monitored.</p>	OID
33.	<b>State Records Act 1998 and State Records Regulation 2015</b>	<p>Details agencies' records management and record keeping responsibilities; the compliance requirements of public offices and the powers and responsibilities of the State Records Office.</p> <p>Section 10 commits the State Librarian to ensure compliance.</p>	<p>The Library Council is identified as a State Collecting institution in the Act.</p> <p>The Records and Information Management Policy, Electronic Document Management Policy, Employee Use of ICT Policy,</p>	SL DXD

No	Legislation / Regulation	Key Requirements / Provisions	Governance Commentary / Actions taken to ensure Compliance	Executive Member
		The Regulation provides guidelines on normal administrative practice.	Information Security Policy and Code of Ethics and Conduct provide the framework for implementation.	
34.	<b>Surveillance Devices Act 2007</b>	Prescribes the prohibitions and procedures regarding the installation, use and maintenance of listening, optical and other surveillance devices and the use, communication or publication of protected information.	The Security Systems Surveillance Policy ensures the Library implements the Act's requirements.	DXD OID
35.	<b>Work Health and Safety Act 2011</b>	Duties relating to health and safety at work including elimination or minimisation of risks and provision of information, education and training.  Responsibilities of employers and employees to provide a safe workplace.	The Library is committed to the safety of all workers and visitors through the Safety Management System, which includes WHS Policy, Management Plan, and procedural framework.  Other related policies are: Enterprise Risk Management Framework and Policy, Injury Management Policy and the Accident, Incident Reporting and Investigation Policy and Procedure and WHS Consultation Policy. The Library strives for continual improvement and progressively higher standards of work health and safety.  The Code of Ethics and Conduct also addresses WHS issues and responsibilities.	SL OID
36.	<b>Work Health and Safety Regulation 2017</b>	Requirements for: <ul style="list-style-type: none"> <li>• Managing risk to health and safety</li> <li>• Implementing, maintaining and reviewing risk control measures</li> <li>• Providing and maintaining facilities</li> <li>• Providing information, training and instruction</li> <li>• Hazard reduction and management.</li> </ul>	The Safety Management System includes Risk Management procedure, Risk Assessment guidelines, Hazard Information and Workplace Inspection guidelines; requirements for training, audits and inspections to be carried out to ensure compliance and a comprehensive suite of Safe Working Procedures in line with Code of Practice.  These cover both general procedures e.g. manual handling, use of mobile shelving units, and trolley management and division specific procedures e.g. retrieval of maps, retrieve and return books to the Mitchell stacks, use of hazardous chemicals, operating the shrink binding machine and operating the guillotine.	SL OID

No	Legislation / Regulation	Key Requirements / Provisions	Governance Commentary / Actions taken to ensure Compliance	Executive Member
37.	<b>Workers Compensation Act 1987; Workers Compensation Amendment Act 2015 and Workers Compensation Regulation 2016</b>	Includes protection of injured workers, compensation and liabilities. The Regulation include requirements of return-to-work plans and processes for claims management	The Library focuses on a positive collaborative approach through its Injury Management Policy and Return to Work Procedure, with the key aim of identifying suitable duties for injured staff.	SL OID
38.	<b>Workplace Injury Management and Workers Compensation Act 1998</b>	Establishes a workplace injury management and workers compensation system including employer obligations and development of an Employer's Injury Management Plan and maintenance of register of injuries.	The Safety Management System (specifically the Accident, Incident Reporting and Investigation Policy and Procedure) requires the senior WHS consultant to notify the Library's insurer within 48 hours of the occurrence of a work related injury.  The Injury Management Policy requires staff to comply with this requirement. The Enterprise Risk Management Policy provides for a risk management approach to workplace injury management.  The senior WHS Consultant maintains a register of injuries and reports through the Annual Report.	SL OID
39.	<b>Workplace Surveillance Act 2005 and Workplace Surveillance Regulation 2017</b>	Requirements and prohibitions on workplace surveillance of employees, including information to be made available, provisions and reporting.  The Regulation provides templates for forms to be used under the Act.	Procedures for managing video surveillance records are documented in the Security Systems Surveillance Policy.  All staff involved in the storage, security and disposal of video surveillance records are governed by the State Records Act (1998) and the Library's Electronic Document Management Policy.	DXD OID

Version	Date approved	Approved by	Brief description
1.0	25/7/2018	Executive Committee	Annual review and updates.



Policy No: PD/54

TRIM File No: 56971

Policy owner/sponsor:

Director, Operations and Infrastructure & CFO

Branch contact:

Governance and Risk Specialist

Approved by:

Executives Committee

Date approved:

25/7/2018

Next review:

June/July 2019

## **Appendix 1**

### **Additional Compliance Requirements**

Sources of government issued policies, circulars, guidelines and memoranda:

- Audit Office of NSW
- Australian Accounting Standards Board
- Create NSW
- Information and Privacy Commission NSW
- NSW Aboriginal Affairs – Plan and framework
- NSW Department of Finance, Services and Innovation
- NSW Department of Premier and Cabinet
- NSW ICT Strategy (NSW Department of Finance, Services and Innovation)
- NSW Industrial Relations
- NSW Ombudsman
- NSW Public Service Commission
- NSW Treasury
- State Records Authority (NSW)

Sources of codes of best practice, guidelines, standards, strategies and protocols

- Aboriginal & Torres Strait Islander Library & Information Resource Network (ATSILIRN) ([atsilirn.aiatsis.gov.au](http://atsilirn.aiatsis.gov.au))
- Australian Library and Information Association (ALIA) ([www.alia.org.au](http://www.alia.org.au))
- Building Code of Australia
- International Federation of Library Associations and Institutions (IFLA) ([www.ifla.org](http://www.ifla.org))
- International Organization for Standardization (ISO) ([www.iso.org](http://www.iso.org))
- National and State Libraries Australasia (NSLA) ([www.nsl.org.au](http://www.nsl.org.au))