



**NSW
Resources
Regulator**

POLICY

INTEGRITY CLEARANCE

2020



Policy statement

The Resources Regulator's Integrity Framework was introduced to develop and advance the trust and confidence of Government, the regulated mining and petroleum sector and NSW communities in the Regulator's integrity. The framework is underpinned by four programs of continuous education and risk-control. This policy is the principal instrument of one of those: The Integrity Clearance program.

The regulated sector and NSW communities have a legitimate expectation that Resources Regulator employees are fit and proper persons to regulate the mining and petroleum industries and meet necessary standards of personal integrity. Our Integrity Clearance program is a sector- and function-specific risk-based control that seeks to identify integrity risks across a common set of measures of personal integrity, with the intent to mitigate any risks that are identified.

This policy applies to all current and future employees, and contractors engaged for greater than three months, assigned to roles within the Resources Regulator. The Executive Director may elect to apply this policy to a consultant.

Purpose and principles

The purpose of this policy is to:

- introduce controls which address identified integrity risks particular to the Resources Regulator;
- establish a requirement for employees to hold and maintain an integrity clearance;
- define rules for the methods and use of integrity clearance screening;
- set out the responsibilities and rights of persons to which this policy applies, and to those administering it; and
- embed governance arrangements that protect privacy and procedural fairness.

This policy is underpinned by the following principles:

- integrity clearance screening is to be conducted with transparency, procedural fairness and in an equitable and transparent manner, with minimal intrusion and in the absence of bias or assumptions;
- we recognise that different roles attract different degrees of integrity risk; the level and frequency of integrity clearance screening is to be scaled on a risk basis;
- informed consent, privacy and protection of personal information are critical; the strictest controls in the creation, dissemination, use, retention and disposal of personal information will apply.

This policy complies with the mandatory requirements of Australian Standard AS4811-2006: *Employment screening*.

Integrity risks for the Resources Regulator

In addition to integrity risks common to all public sector agencies, and to regulatory bodies in particular, the Resources Regulator attracts additional integrity risks due to the influence and economic importance of the mining and petroleum sectors we regulate. Those risks are compounded by the necessary cycling of employees with highly specialised skills and experience between the Resources Regulator and the regulated sectors.

The two primary integrity risks which arise from such factors are 'regulatory capture' and unmitigated (or insufficiently mitigated) conflicts of personal interests and official duties to the NSW Government. The catastrophic consequences of failing to identify and control integrity risks associated with the exercise of regulatory powers and functions over the NSW mining and petroleum sector were brought to light by the Independent Commission Against Corruption's [Operation Jasper/Acacia](#) investigation.

Key requirements

See Definitions for the construction of terms in this policy.

Legislation

Conditions of engagement

Section 54 of the *Government Sector Employment Act 2013* (GSE Act) provides for the engagement of a public service employee being made subject to conditions notified to the employee upon engagement. Such conditions may include (without limitation) security and other clearances.

Rule 8 of the *Government Sector Employment (General) Rules 2014* (GSE Rules) applies to employees whose engagement is made subject to such a condition and requires those employees to maintain those clearances.

Reporting charges and convictions for serious offences

Clause 9 of the *Government Sector Employment Regulation 2014* (GSE Regulation) requires employees who have been charged or convicted of a serious offence to report that fact in writing to the Secretary of the Department. "Serious offence" is an offence punishable by imprisonment for life or for 12 months or more (including an offence committed outside New South Wales that would be an offence so punishable if committed in New South Wales) (see section 69(1) of the GSE Act).

Reporting bankruptcy

Clause 10 of the GSE Regulation requires employees who have become bankrupt or made a composition, arrangement or assignment for the benefit of creditors, to report that fact in writing to the Secretary of the Department.

Policy

1. Requirement to have and maintain an integrity clearance

Recruitment candidates

- 1.1. Pursuant to section 54 of the GSE Act and rule 8 of the GSE Rules, it is a condition of engagement for employees assigned to roles at or after the effective date of this policy, to have and maintain an integrity clearance.
- 1.2. Clause 1.1 only applies to current employees where the employee has sought assignment to another Resources Regulator role on an ongoing basis.
- 1.3. When integrity clearance screening is required by clause 3, candidates need to consent to the carrying out of that screening by the Resources Regulator and any third-party provider contracted to conduct screening activity in accordance with this policy; unless a candidate provides such consent, their application will not be further considered.

Employees

- 1.4. At the effective date of this policy all current employees shall be subject to post-employment screening in accordance with clause 4.
- 1.5. Within 12 months of the effective date of this policy all current employees shall hold an integrity clearance and maintain an integrity clearance thereafter.
- 1.6. On each occasion when integrity clearance screening is required by clause 4, employees are to give their consent to the carrying out of the screening by the Resources Regulator and any third-party provider contracted to conduct screening activity in accordance with this policy.
- 1.7. Employees are to advise the Principal Integrity Officer, at the time of occurrence, of any significant change in personal circumstances that would affect their integrity clearance in ordinary circumstances. See Figure 1 for guidance on the types of events relevant to an integrity clearance.

2. Risk-based clearance screening

The level and frequency of integrity clearance screening is scaled on a risk basis:

REFERENCE	PURPOSE
Table 1	Describes which role types are assigned to each risk category
Table 2	Describes four key risk types (financial, regulatory, political and media)
Table 3	Scores the level of exposure each risk category has to each risk type
Table 4	Assigns subsequent risk exposure scores against clearance screening levels
Figure 1	Maps clearance screening levels against specific screening activities

- 2.1. If in doubt about the screening clearance level that applies to a particular role, the Principal Integrity Officer will advise.

- 2.2. Where substantive changes are made to a role (whether vacant or otherwise), the manager or senior executive is to obtain the Principal Integrity Officer's determination on the assignment of the role to a risk category in Table 1.
- 2.3. Where clause 2.2 applies and the risk category attracts a higher clearance screening level, employees assigned to that role are to be subject to any additional screening activities the revised risk category attracts, and subsequent reassessment of their integrity clearance determination.
- 2.4. Where an employee has resided outside Australia or its offshore territories for a period greater than 12 continuous months within the preceding five years, international checks will be required in addition to the national police check and qualifications screening activities (where ordinarily applicable).

3. Pre-employment screening

- 3.1. Hiring managers will not seek approval to appoint a candidate to a role until an integrity clearance certificate has been issued.
- 3.2. In addition to the role's corresponding screening level, a 'conduct and service' check is required for all candidates transferring from another NSW government sector entity where clause 3.1 applies.
- 3.3. Clause 3 does not apply to current Resources Regulator employees who apply for roles within the Resources Regulator.

4. Post-employment screening

Initial screening of current employees

- 4.1. On or after the effective date of this policy, all current employees are to be subject to initial integrity clearance screening when directed by the Principal Integrity Officer on behalf of the Executive Director.

Triggered rescreening

- 4.2. When employees are assigned to different roles and where the newly assigned role attracts a higher risk category, the balance of screening activities between the former and higher risk category is to be undertaken and a new integrity clearance determination made before the employee is assigned to the different role.
- 4.3. Employees may elect a higher initial screening level under clause 4.1 to avoid rescreening triggered by clause 4.2.
- 4.4. Where clause 4.2 applies and the higher risk category attracts Level 3 integrity clearance screening, qualifications checks will only be undertaken if the employee has claimed new qualifications since their most recent integrity clearance determination.
- 4.5. Clause 4.2 applies to ongoing reassignment, and temporary reassignment where the period of reassignment is expected to be greater than three months.
- 4.6. When an employee makes a mandatory report under clause 9 or 10 of the GSE Regulation, a new integrity clearance determination will be made following Level 3 screening activity.

Periodic rescreening

Screening activities are only valid at the point in time they are conducted. It is necessary to routinely rescreen employees at intervals which are based on assigned risk categories and the subsequent risks of undisclosed personal integrity concerns between initial screening and rescreening.

- 4.7. Employees assigned to the following clearance screening levels will undergo integrity clearance rescreening at the corresponding frequency after their most recent integrity clearance determination:
 - 4.7.1. Every five years for Level 1
 - 4.7.2. Every three years for Level 2
 - 4.7.3. Every two years for Level 3
- 4.8. Clause 4.7 excludes identity and qualifications screening activities (except where an employee has claimed new qualifications since their most recent integrity clearance determination).

5. Integrity clearances

See the Integrity Clearance Governance Group terms of reference.

Determining an integrity clearance

- 5.1. The ICGG will consider evidence arising from screening activity to determine whether a candidate or employee is a fit and proper person to exercise the duties of their assigned role, and subsequently endorse (or decline to endorse) an integrity clearance.
- 5.2. The ICGG Chair is to give written notice to a candidate or employee if the ICGG endorses an integrity clearance, setting out the screening level and validity period of the clearance.
- 5.3. The ICGG's authority to endorse (or decline to endorse) an integrity clearance is only delegable to a person acting in a member's substantive role.

Procedural fairness

- 5.4. In the event the ICGG intends not to endorse an integrity clearance for a candidate or employee, that person is to be notified, including reasons for the proposed decision.
- 5.5. Where clause 5.4 applies, the candidate or employee is to be given an opportunity to review the information the ICGG relied upon in forming a view about their integrity, and to show-cause (within seven days of being so notified) why an integrity clearance should be approved.
- 5.6. In the event the ICGG decides not to issue an integrity clearance to a candidate, having considered the candidate's representations (where applicable), the candidate is to be notified.

Review of a decision not to endorse an integrity clearance

- 5.7. Where clause 5.4 applies to employees and the ICGG decides not to endorse an integrity clearance, having considered the employee's representations (where applicable), the employee is to be notified, including reasons for the decision, and informed about their right to request a review of that decision.
- 5.8. Only the Executive Director Legal and Governance may, upon request from an employee, review a decision not to endorse an integrity clearance.

- 5.9. The Executive Director Legal and Governance may determine that an integrity clearance is to be endorsed or is to confirm the ICGG's decision.
- 5.10. In the event the Executive Director Legal and Governance confirms the ICGG's decision, the employee is to be notified, including reasons for the decision.

Final decision not to endorse an integrity clearance

- 5.11. In the event an integrity clearance is not endorsed for a candidate, the candidate may not be appointed.
- 5.12. In the event an integrity clearance is not endorsed for an employee and where clause 5.10 applies or the employee did not seek a review, all reasonable steps will be taken, in consultation with the employee and the Department's Chief People Officer, to reassign the employee to a role where the identified integrity risk/s can be appropriately managed.
- 5.13. Where clause 5.12 applies and the Executive Director is satisfied the integrity risk may be sufficiently managed by reassigning the employee within the Resources Regulator, a conditional notice of integrity clearance (noting the risk mitigation measures) shall be issued.

6. Privacy and personal information

The creation, dissemination, use, retention and disposal of integrity clearance personal information will be managed in accordance with the:

- *Privacy and Personal Information Protection Act 1998* (PPIP Act)
- *NSW Government information classification, labelling and handling guidelines*
- *General retention and disposal authority: administrative records (GA28)* ("the General Retention Authority")

Creation of and access to personal information

- 6.1. All integrity clearance personal information shall be created and disseminated digitally and secured in Personal Security Files in CM9.
- 6.2. The primary recipient and custodian of integrity clearance personal information is the Principal Integrity Officer.
- 6.3. Access to Personal Security Files shall be strictly limited on a need-to-know basis:

PARTY	PURPOSE OF ACCESS
Project Officer	To administer screening activity, including liaison with any engaged third-party provider
ICGG members	To make integrity clearance determinations
Executive Director Legal and Governance	To make integrity clearance determinations where an employee requests a review

- 6.4. The NSW Government dissemination limiting marker '**Sensitive: Personal**' is to be applied to all integrity clearance personal information.

- 6.5. The amount of personal information collected to perform integrity clearance screening is to be as minimal as reasonably practicable.
- 6.6. Employees may access and request correction of their own integrity clearance personal information, excluding opinions formed by the ICGG, Executive Director Legal and Governance or Secretary, which is not personal information under the PIPP Act.

Retention and disposal of personal information

- 6.7. National police check records are to be destroyed as soon as reasonably practicable after an integrity clearance determination is made under clause 5.1 or 5.9, in accordance with clause 15.10.2 of the General Retention Authority.
- 6.8. For candidates not appointed to a role, all integrity clearance personal information other than national police check records is to be destroyed after the minimum retention period in clause 15.10.1 of the General Retention Authority, being two years after recruitment to the role is finalised.
- 6.9. For employees, all integrity clearance personal information other than national police check records is to be destroyed after the minimum retention period in clause 15.14.2 of the General Retention Authority, being:
- 6.9.1. five years after separation from service; or
 - 6.9.2. six years after the date of the last clearance check on file, whichever is shorter.
- 6.10. For the purposes of this policy, 'clearance check' in clause 6.9.2 is construed as 'screening activity'.

Third-party providers

- 6.11. The Resources Regulator will only engage a third-party provider to conduct screening activity in accordance with this policy if that provider can demonstrate it is an Australian-owned and operated business.
- 6.12. The Resources Regulator will only engage a third-party provider that operates within the jurisdiction of Australian privacy laws.
- 6.13. The Resources Regulator will contractually require any third-party provider to destroy all records it controls about an employee (except identity documents obtained for the purpose of a national criminal records check), arising from an instruction from the Resources Regulator to conduct screening activities, within 30 days of completing those activities.
- 6.14. A third-party provider must destroy identity documents and records associated with national criminal records checks 12 months after the date those documents are submitted to the provider.

7. Exceptions

CLAUSE	EXCEPTION
5.1	The ICGG is to make an integrity clearance recommendation about the Executive Director in the absence of the Executive Director The ICGG is to make an integrity clearance determination about the Chief Inspector in the absence of the Chief Inspector

The ICGG is to make an integrity clearance determination about the Principal Integrity Officer in the absence of the Principal Integrity Officer

- 5.2 Only the Executive Director Legal and Governance or Deputy Secretary may endorse an integrity clearance about, and issue an integrity clearance certificate to, the Executive Director
- 5.8 The Executive Director Legal and Governance may delegate the authority to review a decision
- 5.8 The Executive Director Legal and Governance may refer a determination following a request for a review to the Secretary
- 6.2 ICGG members and the Project Officer may not access their own Personal Security Files

Effective date of policy

The effective date of this policy is the date this policy is approved.

Responsibilities

ROLE	RESPONSIBILITY
Project Officer	Program-manage the Integrity Clearance program
Principal Integrity Officer	Determine assignment of roles to risk categories Custodian of integrity clearance personal information Manage the 'show cause' process where integrity clearance not approved Manage requests for review of integrity clearance determinations
ICGG	Endorse (or decline to endorse) integrity clearance determinations The Chair shall give written notice of integrity clearances
Executive Director	Ownership of the Integrity Clearance program
Executive Director Legal and Governance	Upon request, perform reviews of integrity clearance determinations
Employees	Comply with key requirements of this policy, and associated reasonable instructions from the Principal Integrity Officer, Executive Director or Deputy Secretary

Hiring managers Notify the Project Officer when a candidate is selected for recommended appointment, before a recommendation is made to the Executive Director

Third-party provider Conduct screening activity under the direction of the Principal Integrity Officer, and in accordance with this policy
Create, disseminate, use, retain and destroy integrity clearance personal information in accordance with this policy and New South Wales and Commonwealth law

Breaches of the policy

Breaches of this policy will be dealt with in accordance with the Department's Code of Conduct and Ethics and Conduct and section 69 of the *Government Sector Employment Act 2013*.

Further information

For more information about this policy or procedure please email rr.clearance@planning.nsw.gov.au.

Related documents

Other policies that should be read in conjunction with this policy:

- [Code of Ethics and Conduct](#) (Public Service Commission)
- [Code of Ethics and Conduct](#) (Department)
- [Pecuniary interests in the regulated sector policy](#) (Resources Regulator)
- [NSW Government information classification, labelling and handling guidelines](#)
- [General retention and disposal authority: administrative records](#) (State Archives & Records)

Other documents that should be read in conjunction with this policy:

- [Australian Standard AS4811-2006: Employment screening](#) (Standards Australia)
- [Developing trust and confidence: White Paper on the case for an integrity framework](#) (Resources Regulator)
- [Integrity Framework](#) (Resources Regulator)

Approval

NAME	DATE	APPROVAL
ANTHONY KEON Executive Director, Resources Regulator	01/12/2019	Approved
MELANIE HAWYES A/Coordinator-General Environment, Energy and Science	03/12/2019	Approved

Version control

VERSION	DATE ISSUED	CHANGES
0.1	28/10/2019	Draft document for staff and union consultation
0.2	29/11/2019	Final draft document for the A/Coordinator-General's approval
1.0	03/12/2019	Approved policy
1.1	22/07/2020	Updated Departmental references to reflect transfer to Department of Regional NSW Updated clause 6.13 (and inserted clause 6.14) regarding retention of information for national police checks to comply with Commonwealth legislation

Document control

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Appendices

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Appendix 1

Relevant legislation

LEGISLATION	SECTION	TITLE
Criminal Records Act 1991	Part 2	Spent convictions
Government Sector Employment Act 2013	Part 2 Section 54 Section 69	Ethical framework for the government sector Conditions of employment Misconduct
Government Sector Employment Regulation 2014	Clause 9 Clause 10	Reporting charges and convictions for serious offences Employee to report bankruptcy
Government Sector Employment (General) Rules 2014	Rule 8 Part 8 Rule 46	Security and other clearances Misconduct – procedural requirements Ongoing conditions of employment
Independent Commission Against Corruption Act 1988	Section 7 Section 11	Corrupt conduct Duty to notify Commission of possible corrupt conduct
Privacy Act (Cwth)	Schedule 1	Australian Privacy Principles
Privacy and Personal Information Protection Act 1998	Division 1 Section 4	Principles Definition of “personal information”



[Section 4\(3\)\(j\)](#) Information that is not personal information



Appendix 2

Definitions

WORD	DEFINITION
Assigned to roles	Means assigned to a senior executive or non-executive role in the Division of Resources Regulator
Australian privacy laws	The <i>Privacy Act 1988</i> (Cwth) and <i>Privacy and Personal Information Protection Act 1998</i>
Candidate	A person who has applied for a role (on a casual, temporary or ongoing basis) within the Resources Regulator and is the preferred candidate for appointment
Conduct and service check	A check required by NSW government sector departments and agencies prior to offering a role to a candidate that is transferring in from another NSW government sector department or agency. This check involves directly verifying the candidate's role, length of service and history of misconduct findings with their current department or agency
Consultant	A person or company engaged to deliver consultancy or technical services for a discrete project or program
Contractor	A person engaged via a third-party labour-hire provider to fill a temporary role
Coordinator-General	Is the Coordinator-General, Environment, Energy and Science, Department of Planning, Industry and Environment
Current employees	Means employees assigned to Resources Regulator roles prior to the effective date of this policy
Department	Is the Department of Regional NSW
Deputy Secretary	Is the Deputy Secretary, Strategy, Delivery and Performance, Department of Regional NSW
Employee	Has the same meaning as a 'Public Service employee' in the <i>Government Sector Employment Act 2013</i> , who is assigned to a role within the Division of Resources Regulator
Executive Director	Is the Executive Director, Resources Regulator

Executive Director Legal and Governance	Is the General Counsel and Executive Director Legal and Governance, Department of Regional NSW
Integrity clearance	A clearance approved by the Executive Director for a candidate or employee, where determination has been made that the candidate's or employee's personal integrity meets the appropriate standard for the role that they are to be assigned (or are assigned to), at a point in time
Notice of integrity clearance	A written notice issued to a candidate or employee by the Executive Director to certify that an integrity clearance has been endorsed
Integrity clearance personal information	Means all personal information about a candidate or employee that is created, disseminated, used, retained or destroyed in association with this policy, including personal information recorded on any of the integrity clearance forms or templates appended to this policy
Integrity clearance screening	Means the screening activities listed in Figure 1.
Ongoing reassignment	Means: <ul style="list-style-type: none"> ▪ assignment of an employee to a different role within their classification of work, made under section 38 or 46 of the <i>Government Sector Employment Act 2013</i>; or ▪ assignment of an employee to a different role (irrespective of their previous classification of work or band), made under rule 20(1)(b) of the <i>Government Sector Employment (General) Rules 2014</i>
Personal information	Has the same meaning as defined by section 4 of the Privacy and Personal Information Protection Act 1998
Principal Integrity Officer	Is the Principal Integrity Officer who manages the Regulatory Integrity team in the Regulatory Operations branch of the Division of Resources Regulator
Project Officer	Is a Project Officer from the Regulatory Integrity team in the Regulatory Operations branch, or any other Project Officer reporting to the Principal Integrity Officer for the purposes of this policy
Regulated sector	Includes, but is not limited to, companies that hold an authorisation under the <i>Mining Act 1992</i> or petroleum titles under the <i>Petroleum (Onshore) Act 1991</i> or <i>Petroleum (Offshore) Act 1982</i> ; or are a mine or petroleum site operator under the <i>Work Health and Safety (Mines and Petroleum Sites) Act 2013</i> and <i>Work Health and Safety (Mines and Petroleum Sites) Regulation 2014</i>



Serious offence	Has the same meaning as 'serious offence' in section 69(1) of the <i>Government Sector Employment Act 2013</i>
Temporary reassignment	Means reassignment from an employee's current role to a different role on a temporary basis

Appendix 3

Table 1: Risk categories

RISK CATEGORY	ASSIGNED ROLES
Leadership	All roles that report directly to the Executive Director or Chief Inspector, and the Executive Director
Regulatory and licensing	<p>A person appointed as an inspector, mine safety officer or investigator under section 18 of the <i>Work Health and Safety (Mines and Petroleum Sites) Act 2013</i></p> <p>A person appointed as an inspector under section 361 of the <i>Mining Act 1993</i></p> <p>A role involved in the issuing and administration of licences and accreditations under the <i>Mining Act 1993</i>, <i>Work Health and Safety (Mines and Petroleum Sites) Act 2013</i> and <i>Work Health and Safety (Mines and Petroleum Sites) Regulation 2014</i></p>
Economic and commercial	<p>A role frequently involved in financial reporting or payment of invoices</p> <p>A role frequently involved in the engagement of, or contact with, commercial service providers</p> <p>All non-administrative roles assigned to the Mine Safety Technology Centre</p>
Managers and executive support	<p>All unit managers</p> <p>All Executive Assistants and project or administrative roles that directly support a senior executive</p>
Critical systems	A person with administrator privileges for critical systems such as ACES, CM9 and the Resources Regulator's website
General	A person assigned to a role not defined by any other risk category

Appendix 4

Table 2: Risk type

RISK TYPE	EXAMPLE OF RISK
Financial	Use of financial delegation to improperly authorise expenditure of Government funds, or use of access to systems or stakeholders to circumvent financial controls
Regulatory	Use of authority to exercise or influence regulatory functions in a manner that is non-compliant with regulatory controls; inconsistent with Government policy; for corrupt benefit; or otherwise unlawful
Reputation	Use of authority to make decisions or take actions (regulatory, financial, commercial, corporate, recruitment or employee-related) that could bring the Department, Minister and/or Government into disrepute
Sensitive information	Use of access to highly sensitive policy, regulatory or commercial information that, if unlawfully disseminated, could breach NSW Government information security policy

Appendix 5

Table 3: Risk exposure score

RISK EXPOSURE	FINANCIAL	REGULATORY	REPUTATION	SENSITIVE INFO	SCORE
Leadership	High	High	High	High	High
Regulatory and licensing	Low	High	High	High	High
Economic and commercial	High	Medium	High	Medium	High
Managers and executive support	Medium	Medium	Medium	Medium	Medium
Critical systems	Medium	Low	High	Medium	Medium
General	Low	Low	Low	Medium	Low

LIKELIHOOD	CONSEQUENCES				
	MINIMAL	MINOR	MODERATE	MAJOR	CATASTROPHIC
ALMOST CERTAIN	Medium	Significant	High	Extreme	Extreme
LIKELY	Medium	Medium	Significant	High	Extreme
POSSIBLE	Low	Medium	Significant	High	High
UNLIKELY	Low	Low	Medium	Significant	High
RARE	Low	Low	Medium	Significant	Significant

Appendix 6

Table 4: Clearance screening levels

RISK CATEGORY	RISK EXPOSURE SCORE	SCREENING LEVEL
	LOW	1
	MEDIUM	2
	HIGH	3
Leadership	HIGH	3
Regulatory and licensing	HIGH	3
Economic and commercial	HIGH	3
Managers and executive support	MEDIUM	2
Critical systems	MEDIUM	2
General	LOW	1

Appendix 7

Figure 1: Screening activity per level

SCREENING ACTIVITY	LEVEL 1	LEVEL 2	LEVEL 3	SUMMARY OF SCREENING ACTIVITY	PERFORMED BY
Identity check				Sighting of original evidence of identity. This check is bound to the national police check process.	Project Officer
National police check				Check of disclosable criminal history recorded by any Australian police force (or foreign police force where the employee has resided outside Australia for a period greater than 12 months in the last five years). Performed by a third-party provider that is accredited by the Australian Criminal Intelligence Commission.	Third-party provider
Personal interests declaration				Review of current conflicts of interest declaration; analysis of adequacy of declaration, consistency of declaration with the results of other screening activities, and sufficiency of any mitigation strategies in place.	Project Officer
Digital footprint check				An open-source search for potential adverse mention by official sources, including civil and criminal court registries (NSW and QLD) and anti-corruption commissions (NSW, QLD, VIC, SA, WA and NT); An open-source search for potential adverse mention by media, and of social media and public commentary forums to monitor compliance with the Department's social media guidance .	Project Officer
Company and board relationships check				Check of the Australian Securities and Investments Commission's registers for past and current relationships with mining-related companies (e.g. Director).	Third-party provider
Qualifications check				Check of all qualifications claimed by the employee when applying for their role; check is performed directly with the issuing institution/s.	Third-party provider

Bankruptcy check



Check of the Australian Financial Security Authority's National Personal Insolvency Index for discharged and undischarged bankruptcy and debt agreement administrations.

Third-party provider



Appendix 8

Integrity Clearance Governance Group terms of reference

Purpose

- The purpose of the Integrity Clearance Governance Group (ICGG) is to review evidence arising from screening activity undertaken in accordance with the to determine whether a candidate or employee is a fit and proper person to exercise the duties of their assigned role, and subsequently endorse (or decline to endorse) an integrity clearance.

Term

These terms of reference are effective from the date the policy is approved by the Secretary and will be ongoing until terminated by the Secretary.

Membership

NAME	TITLE	ROLE IN GROUP
Anthony Keon	Executive Director	Chair
Garvin Burns	Chief Inspector	Member
Glenn Primmer	Principal Integrity Officer	Member

Principles and responsibilities

ICGG members commit to:

- finalising integrity clearance determinations within seven days of receipt of an integrity clearance determination report, where all members agree to endorse an integrity clearance;
- finalising integrity clearance determinations within 14 days of receipt of an integrity clearance determination report, where at least one member declines to endorse an integrity clearance;
- finalising integrity clearance determinations within 14 days of receipt of a completed integrity clearance show-cause form; and

- make integrity clearance determinations impartially and reasonably; with regard to all available facts arising from screening activities properly undertaken; in the absence of bias (including 'confirmation bias'); and in accordance with the principles set out in section 5 of this policy.

Meetings

- All integrity clearance determination reports are to be initially reviewed by members digitally and in isolation of each other
- Where all members endorse an integrity clearance, a meeting is not required
- Where at least one member declines to endorse an integrity clearance, the ICGG is to meet to discuss the evidence arising from screening activity, associated risks and potential mitigation strategies, and make a final determination
- Where an employee shows cause in accordance with clause 5.5 of the policy, the ICGG is to meet to make a final determination
- A meeting quorum requires all members (or their delegate as authorised by clause 5.3 of the policy)
- Meetings may be held in person or via digital communications technology

Attendees

Only members of the ICGG may attend meetings, except where:

- the Chair invites a representative from the Department's Legal, Governance or Human Resources branch to provide technical advice; or
- an employee invited to show cause in accordance with clause 5.5 of the policy elects to make verbal representations to the ICGG

Resolutions

The ICGG is to reach decisions to endorse an integrity clearance by a simple majority.

In the event a majority vote is not made, the ICGG must decide not to endorse an integrity clearance.

ICGG resolutions, including reasons for decisions, are to be recorded in the final integrity clearance determination report.

Confidentiality

ICGG members must comply with the privacy and personal information requirements at clause 6 of the policy.

In the event an ICGG member becomes aware of a potential privacy breach they are to report the incident to the Chair.

Conflicts of interest

Each ICGG member is to declare any conflicts of interest (actual, potential or reasonably perceived) in relation to any of the matters before the ICGG, prior to a meeting or immediately upon identifying a conflict of interest.

Where a conflict is declared, the declaring member is to remove themselves from the meeting for the duration of discussion about the relevant matter (where a meeting is required) and recuse themselves from any votes associated with the matter.

Code of conduct

The ICGG will be governed by the Department's *Code of Ethics and Conduct* and any other relevant departmental policies or procedures.

Review

The effectiveness and membership of the ICGG will be reviewed after two years.

Appendix 9

Example notice of integrity clearance [ICS-NC]



The image shows a sample letter of integrity clearance. At the top left is the NSW Government logo and the text 'Planning, Industry & Environment'. At the top right is the NSW Resources Regulator logo. The date '21 August 2019' and 'Clearance No. 00001/1' are in the upper middle. The recipient is 'John Citizen' with email 'john.citizen@planning.nsw.gov.au'. The salutation is 'Dear John'. The subject is 'NOTICE OF INTEGRITY CLEARANCE'. The body text states that the Integrity Clearance Governance Group (ICGG) has endorsed the recipient's integrity clearance in accordance with clause 5.1 of the policy and the ICGG's terms of reference. It specifies that the clearance is at 'screening level 1' and is valid for five years. It also provides contact information for the Regulatory Integrity unit. The letter is signed by Anthony Keon, Executive Director of the Resources Regulator and ICGG Chair. A large, faint 'NSW GOVERNMENT' watermark is visible in the background.

 | Planning, Industry & Environment

NSW Resources Regulator

21 August 2019 Clearance No. 00001/1

John Citizen
By email: john.citizen@planning.nsw.gov.au

Dear John

NOTICE OF INTEGRITY CLEARANCE

I am writing as Chair of the Integrity Clearance Governance Group (ICGG) to give notice that, pursuant to clause 5.2 of the Resources Regulator *Integrity clearance screening policy* ("the policy"), the ICGG has endorsed your integrity clearance in accordance with clause 5.1 of the policy and the ICGG's terms of reference.

Your integrity clearance has been determined at **screening level 1**.

It is your responsibility to maintain this integrity clearance, which is valid for a period of five (5) years after the date of this notice, except where replaced or revoked in accordance with the policy.

If you have any questions about your integrity clearance, please contact the Regulatory Integrity unit via rr.integrity@planning.nsw.gov.au.

Yours sincerely


Anthony Keon
Executive Director
Resources Regulator
ICGG Chair

Appendix 10

Integrity clearance informed consent form [ICS-IC]

The informed consent form will be hosted in ACES as a dynamic webform, which will allow employees to select and complete the sections that are relevant to them. The dynamic webform will submit completed forms directly to the Regulatory Integrity mailbox – there will be no hard-copy forms created or retained.

The below PDF illustrates the available fields in the dynamic webform; double-click to open the full document:



**NSW
Resources
Regulator**

INFORMED CONSENT FORM

Integrity clearance screening

Personal particulars

LEGAL FIRST NAME	LEGAL LAST NAME	LEGAL MIDDLE NAME/S

ARE YOU ARE KNOWN BY ANY NAMES OTHER THAN YOUR LEGAL NAMES?

FIRST NAME	LAST NAME	MIDDLE NAME/S

PREFERRED PHONE	PREFERRED EMAIL

DATE OF BIRTH	TOWN/CITY OF BIRTH	NATION OF BIRTH

AUSTRALIAN CITIZEN?	PERMANENT RESIDENT?	DATE GRANTED

RESIDENTIAL ADDRESS – CURRENT

LINE 1:

LINE 2:

SUBURB:	STATE:	POSTCODE:

START DATE:

FORM: ICS-IC



1

Appendix 11

Integrity clearance decision report [ICS-DR]

Click image to open the full document:

NSW GOVERNMENT **NSW Resources Regulator**

DECISION REPORT

Integrity clearance screening

Employee

NAME	
EMPLOYEE NUMBER	

Employment status

STAGE	
TYPE	

Role details

	SUBSTANTIVE	TEMPORARY
ROLE TITLE		
ROLE NUMBER		
BRANCH		

Clearance level and screening

REQUIRED		ELECTED	
IDENTITY		NATIONAL POLICE RECORD	
PERSONAL INTERESTS		DIGITAL FOOTPRINT	
COMPANY RELATIONSHIPS		QUALIFICATIONS	
BANKRUPTCY		INTERNATIONAL CHECKS	

FORM: ICS-IC  1

Appendix 12

Integrity clearance show-cause form [ICS-SC]

Click image to open the full document:




SHOW-CAUSE FORM

Integrity clearance

Employee

NAME	
EMPLOYEE NUMBER	

Employment status

STAGE	Choose an item.
TYPE	Choose an item.

Role details

	SUBSTANTIVE	TEMPORARY
ROLE TITLE		
ROLE NUMBER		
BRANCH	Choose an item.	Choose an item.

Clearance level and screening

REQUIRED	Choose an item.	ELECTED	Choose an item.
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Reason for integrity clearance screening

TYPE	REASON/DETAILS	CLEARANCE NO.	PREVIOUS NO.
Choose an item.	Choose an item.		

FORM: ICS-IC

1



Appendix 13

Integrity clearance request for review form [ICS-RR]

Click image to open the full document:

The screenshot shows a form titled "REQUEST FOR REVIEW FORM Integrity clearance" from the NSW Resources Regulator. The form is divided into several sections:

- Employee**: Fields for NAME and EMPLOYEE NUMBER.
- Employment status**: Fields for STAGE and TYPE, both with dropdown menus.
- Role details**: A table with columns for SUBSTANTIVE and TEMPORARY, and rows for ROLE TITLE, ROLE NUMBER, and BRANCH.
- Clearance level and screening**: Fields for REQUIRED and ELECTED, both with dropdown menus.
- Reason for integrity clearance screening**: A table with columns for TYPE, REASON/DETAILS, CLEARANCE NO., and PREVIOUS NO., all with dropdown menus.

At the bottom of the form, it says "FORM: ICS-IC" and features the "Integrity" logo. A page number "1" is visible in the bottom right corner.