

AGENCY INFORMATION GUIDE – IRO

This is the Information Guide of the Office of the Independent Review Officer (IRO). It is published in accordance with the requirements of the *Government Information (Public Access) Act 2009* (GIPA Act). The GIPA Act gives you the right to access government information. This is a guide to the information the IRO holds and how to access it.

PART ONE - INFORMATION ABOUT THE IRO

The IRO is an independent statutory office established under the *Personal Injury Commission Act 2020* (PIC Act). Simon Cohen is the current Independent Review Officer (Officer).

IRO functions

The statutory functions of the IRO as set out in section Schedule 5, Part 3, clause 6 of the *Personal Injury Commission Act 2020* are to:

- find solutions for persons injured at work or in motor vehicle accidents with complaints about their insurers.
- manage and administer the Independent Legal Assistance and Review Service (ILARS)
- conduct inquiries into matters arising in connection with the operation of the *Personal Injury Commission Act 2020* and the workers compensation and motor vehicle accident legislation.

The IRO also runs an extensive education program for various scheme stakeholders across NSW.

The IRO has corporate functions and obligations that we are required to fulfil to enable us to perform our statutory functions. These include the effective and efficient management of:

- finances
- staff
- procurement
- assets
- annual reporting
- information technology
- legislative compliance
- risk
- corporate governance.

These functions and obligations are conferred on the IRO under a number of statutory instruments (Acts). Some of the key Acts include:

- *Government Sector Employment Act 2013* – employment of staff
- *Government Information (Public Access) Act 2009* – publication of certain government information and granting access to other information

- *Privacy and Personal Information Protection Act 1998* – standards and requirements for collection and use of personal information
- *Health Records and Information Privacy Act 2002* – requirements for collection and use of health information
- *Work Health and Safety Act 2011* – requirements for healthy and safe work practices
- *Workplace Injury Management and Workers Compensation Act 1998* – injury management and return to work
- *Annual Reports (Departments) Act 1985* – requirements for annual reporting
- *Government Sector Finance Act 2018* – management and administration of financial affairs
- *Public Interest Disclosures Act 1994* – requirements for dealing with complaints under the Act.

We are supported to undertake many of these functions by the Department of Customer Service (DCS). The DCS AIG can be found here: <https://www.nsw.gov.au/customer-service/access-to-information/agency-information-guide>.

Each year we report on our activities over the course of the year through our Annual Report. See our website for all published Annual Reports to date.

IRO organisational structure

The Independent Review Officer is supported by an expert team, the IRO. The IRO is a separate public service agency under Schedule 1 of the *Government Sector Employment Act 2013* (GSE Act) and the Independent Review Officer is appointed as agency head. As the agency head, the Independent Review Officer is responsible for the budget and the general administration of the IRO, including employing and allocating staff to carry out our work.

We have three business units to assist the Independent Review Officer in the exercise of the functions of the IRO. These units are:

- The Solutions Group - investigates and solves complaints made by persons injured at work or in motor vehicle accidents about the acts or omissions of insurers. It also provides an information service with respect to claims of persons injured at work.
- The Independent Legal Assistance and Review Service (ILARS) - this function assess and manage applications for grants of funding from independent IRO Approved Lawyers (ALs) to provide legal advice and assistance to injured workers.
- The Strategy, Policy and Support Group - identifies, reports on and recommends solutions to emerging and systemic issues in the statutory compensation schemes by analysing data and supporting community and stakeholder education and engagement. It also provides financial, information technology and records management support for the IRO and procurement and other business services in conjunction with external providers.

Objectives of the IRO

The [IRO Direction 2020-22](#) may be accessed on the IRO website. It sets out the Mission, Priorities and underlying Strategies for transformation and improvement for the Independent Review Officer over the two years until December 2022.

The IRO will report on progress against the Direction 2020-22 in future Annual Reports which will be available on our website.

IRO Values

IRO Values include the values of the NSW public sector. These values are: **integrity, trust, service** and **accountability**. You can read more about these values at NSW Public Service Commission.

In addition to these public sector values, the IRO has developed its own specific values which represent our staff and what the IRO office stands for.

IRO Values are:

independence - we are impartial, fair and just

integrity - we act professionally with honesty, consistency and impartiality

trust - we build relationships based on mutual respect

service - we provide services with a focus on customer needs

accountability - we take responsibility for decisions and actions

expertise - we apply expert knowledge of personal injury compensation laws and systems

Effect of functions of the IRO on members of the Public

The Solutions Group aims to assist certain affected members of the public resolve their complaints against insurers or provide them with helpful information. The IRO seeks to address problems at a stage when things may be resolved quickly with a minimum of stress and without financial cost.

There are review procedures in place should the Solutions Group determine they cannot provide assistance [see IRO Complaints and Compliments Policy](#).

ILARS consider applications for legal funding and manage these grants. Grants of funding enable eligible members of the public injured at work obtain independent legal advice and assistance from IRO Approved Lawyers with respect to claims for workers compensation.

IRO Approved Lawyers are also able to seek a review should the IRO determine not to approve a grant or the extension of a grant for an injured person see [ILARS Funding Guidelines](#).

The IRO conducts inquiries and provides recommendations or comments on possible beneficial changes to the workers compensation and motor accident schemes, including possible changes to the law.

Public participation

The IRO welcomes public participation and feedback. You can make a comment or suggestion, participate in formulating policies or recommendations, or raise issues you feel are of concern to you or the public at large. You can do this by contacting the IRO. The IRO may on occasion, provide an opportunity for the public to make submissions on discussion papers and reports. When we seek submissions, we outline how you can participate on our website. You may provide feedback on the functions and policies of the IRO.

In particular, you may give feedback about:

- any aspect of our service
- a decision we make
- a practice, policy or procedure
- staff behaviour or conduct.

You can provide feedback by email, letter or telephone.

An important way to participate is to subscribe to our mailing lists, newsletters and social media pages by signing up [here](#).

Feedback and complaints about us

The IRO is committed to maintaining and improving the quality of our services through feedback from the people who use them. We value all feedback which can be in the form of complaints, feedback or compliments.

To contact us in this regard please visit the [complaints and feedback](#) page.

All feedback and complaints are dealt with confidentially and personal information is managed in accordance with the privacy protection principles in the *Privacy and Personal Information Protection Act 1998*.

Contact Us

For further information about us, you can contact the IRO as follows:

Email: privacy@iro.nsw.gov.au

Website: www.iro.nsw.gov.au

Telephone: 13 9476

Our location

We are located at:

Level 17, McKell Building 2-24 Rawson Place, Haymarket NSW 2000

COVID-19: The IRO is providing service as normal, however we are not currently taking in-person enquiries. We encourage you to contact us via email or phone.

PART TWO – INFORMATION WE HOLD

The IRO holds a range of information including:

- policy and planning documents
- documents on the internal administration of the IRO
- internal working papers of the IRO
- correspondence with NSW government agencies
- correspondence with the public
- correspondence with insurers and other stakeholders
- submissions, reports and research materials
- Information resources for stakeholders and the public
- personal and health information of persons injured at work or in motor accidents.
- legal information including legal advices, opinions and records of Personal Injury Commission and court proceedings.

How to access our information

We make information available under the GIPA Act in four ways:

- as open access information
- through proactive release of information
- through informal access
- in response to a formal access application

Open access information

Mandatory open access information (as provided for in sections 6 and 18 of the GIPA Act) is publicly available on the IRO's website free of charge. This information includes the following:

- [policy documents](#)
- [annual reports](#)
- [IRO Direction 2020 - 2022](#)
- this Agency Information Guide
- [submissions](#)
- [disclosure log of access applications](#)
- [statistical information](#)
- register of government contracts

Proactive release of information

The proactive release of information is a discretionary power to release information in any manner considered appropriate, free of charge or at the lowest reasonable cost (sections 7 & 72 of the GIPA Act).

We promote the release of newly published information, which may be of interest to the public. We regularly proactively release information that is available on the IRO's website. The information we may release in this way includes (and is not limited to):

- guidelines
- brochures
- bulletins
- fact sheets
- statistical information
- any other information which may be of interest to the public.

Relevant information is also available on <https://data.nsw.gov.au>.

How to access information we hold under the GIPA Act

The GIPA Act provides the public with a right to access government information and the IRO is committed to openness and transparency in line with the spirit of the GIPA Act.

Informal access

The GIPA Act authorises the release of government information in response to an informal request unless there is an overriding public interest against disclosure (section 8 of the GIPA Act).

If the information you seek is not available through our website, we may be able to release it to you informally without the need for a formal access application.

We generally provide the following types of information in response to an informal request:

- your personal information
- copies of correspondence sent to us by you
- applications and supporting documents sent to us by you
- documents that may have already been made public in some other way
- other reasonable requests for release of information that would not raise any potential public interest or privacy concerns.

This form of release does not require a fee or an application form. Information may be released with deletions, released subject to reasonable conditions, or released in a preferred form. We may impose conditions on the use or disclosure of information that we release in response to an informal request.

If you would like to make an informal request for information, please email the IRO Privacy Officers at privacy@iro.nsw.gov.au.

Formal access applications

If the information you are looking for is not published by us or available by informal request, you may wish to make a formal access application in writing under the GIPA Act. Formal

access applications are subject to application fees and processing charges. We will not release information if there is an overriding public interest against its disclosure.

You can make a formal application by completing a Government Information Public Access (GIPA) [online application form](#) or emailing gipa@customerservice.nsw.gov.au.

Information which may not be disclosed

The GIPA Act prescribes that some information held by us, which forms part of our complaint handling, review and investigative functions is excluded information.

This means that there is a conclusive presumption against the release of this information unless the release of the information has been consented to. An access application for this type of excluded information is considered an invalid access application under the GIPA Act. You can find out more about your right to information by visiting the Information Privacy Commissioner NSW website.

Disclosure log

We maintain a disclosure log under section 25 of the GIPA Act which documents the information we release in response to access applications, and that may be of interest to members of the public.

Our disclosure log provides a mechanism to further proactively release information to the public.

A regular review of our disclosure log provides a valuable opportunity to analyse data collected from across the IRO on requests for information and to identify trends and documents that could be released proactively. This allows us to update our AIG to reflect the released information.

Document number: 1

Version number: 1.0

Publication date: December 2021

Review policy: Every 12 months

Review date: December 2022