

Job Keeper Program Strategic and Shared Risk Report

Version 1 for endorsement 21 July 2020

Risk # and Name	Risk	Key Risk Source	Key Risk Impact	Risk Ownership		Key Controls	Current Consequence	Current Likelihood	Current Risk Rating
				Accountable Officer	Responsible Officer				
1. Data for decision making	Timely and quality data is not available to inform ongoing decisions about the design, delivery and performance of the program	The short timeframes of the first stages of the program did not allow for a comprehensive data capture, analysis and reporting framework supported by IT systems to be developed early	The quality of analysis and advice to support decisions about the program's policy and delivery throughout the program, but particularly at the mid-point review.	TSY: Belinda Robertson	TSY: §22 ATO: §22 FWC: Ailsa Carruthers FWO: Daniel Crick	All: · JobKeeper governance forums · Pre-data release approval processes (both to other agencies or externally) TSY: · Prioritising data needs from the ATO each week to obtain data of most importance first · Use of existing data from the ATO as well as JobKeeper specific data to combine data sets · Use of caveats to explain the data and any weaknesses in its reliability · Cross checking with internal and external data sets · Use of ABS datasets, including COVID-19 related datasets ATO: · ATO data analysis through Smarter Data FWC/FWO: · Use of existing systems to provide timely, quality data on JobKeeper calls and interactions	Moderate	Likely	Medium
2. Identifying emerging risks and issues	Responsible entities do not actively seek to identify emerging risks, issues and unintended consequences associated with the program and have mechanisms in place to enable a timely and appropriate response	The time imperative of the program to reach the milestone of the first payment provided less time for agencies to perform effective due diligence	Reduced capacity to act which may result in risks being realised and unintended consequences that have with greater impact	TSY: Philippa Brown	TSY: Belinda Robertson (Operations) TSY: Michelle Rak (Policy) ATO: §22 FWC: Ailsa Carruthers FWO: Daniel Crick AGD: §22 CFPC: §22	All: · Risk management and JobKeeper risk logs in each responsible entity · Implementing the JobKeeper Strategic and Shared Risk framework · JobKeeper Strategic and Shared Risk Management Strategy & Risk Log · Risk and Integrity and Working Group activities · IDC oversight, discussion of risks and sharing of information · Endorsed Escalation path of risks and issues · Media and industry reports TSY: · Mid-term program review ATO: · ATO program delivery risk and governance activities AGD: · AGD JobKeeper steering committee oversight of internal JobKeeper risk register	Moderate	Likely	Medium
3. Harmonising	Failure to achieve a shared management approach across responsible entities on: risk management, communications, compliance and fraud management, employer and employee experience, workforce, data management and program performance management	Successful design and delivery of the program requires the actions of multiple agencies	Program performance suffers, issues occur, program outcomes are negatively impacted	TSY: Philippa Brown	TSY: Belinda Robertson AGD: §22 ATO: James O'Halloran FWC: Ailsa Carruthers FWO: Daniel Crick	All: · Reporting and sharing of information at the IDC and working groups · COO committee · Formal and informal operational working groups between agencies · Use of pre-existing relationships between agencies for similar activities · Articulation of difference in statutory frameworks and compliance requirements ATO: · Various program wide strategies · Portfolio Management Office · JobKeeper Program Board AGD: · AGD JobKeeper steering committee	Moderate	Possible	Medium
4. External Communications	Communications fail to respond to stakeholder needs throughout the life of the program	A large and broad range of stakeholders in a fast-paced program with a short life cycle but with the potential to change depending on the government's health response to COVID-19	Confusion among stakeholders, resulting in increased number of calls/queries and criticism of government	TSY: Philippa Brown	TSY: Belinda Robertson ATO: §22 FWC: Ailsa Carruthers FWO: Daniel Crick	All: · Governance framework across entities (i.e. Eligibility and Implementation Working Group) · Review and approval processes (at times at the MO level) · Communications and digital teams · Regular engagement and consultation within agencies and across agencies to ensure consistency, avoid confusion/duplication, and ensure clear user pathways ATO: · JK specific Communications Strategy · Monitoring of media and intel from complaints and client enquiries FWO: · Functional enhancements to digital services to improve user experience, adding search and translation functionality and a virtual assistant	Major	Possible	Medium

DRAFT

<p>5. Internal Communications</p>	<p>Failure to communicate internally on key decisions and events that concern other responsible entities</p>	<p>The program is delivered across a number of entities with Treasury being the key accountable agency and with oversight responsibilities</p>	<p>Reduced capacity to act or prepare for something, decreased trust between groups, poor coordination resulting in inefficiencies, poor documentation of decisions and therefore their defensibility</p>	<p>TSY: Philippa Brown</p>	<p>TSY: Belinda Robertson AGD: §22 ATO: §22 FWC: Ailsa Carruthers FWO: Daniel Crick</p>	<p>All: · IDC and working groups · Timely of retrospective reporting of decisions · Archive and record keeping specialised teams and processes · Regular engagement and consultation within agencies and across agencies to ensure consistency, avoid confusion/duplication, and ensure clear user pathways AGD: · AGD JK steering committee ATO: · JK specific internal Communications Strategy · ATO communication quality review and approval processes · Communications and digital team processes for internal communications and intranet website updates</p>	<p>Major</p>	<p>Unlikely</p>	<p>Medium</p>
<p>6. Employer experience</p>	<p>Failure to effectively manage the experience of employers and be responsive to emerging issues</p>	<p>Changing concerns, risks and issues for employers as the program (and COVID-19 environment) progresses</p>	<p>Exacerbation of what already is a stressful situation for businesses</p>	<p>ATO: James O'Halloran</p>	<p>ATO: §22 FWC: Ailsa Carruthers FWO: Daniel Crick</p>	<p>All: · Discussion/reports from media and industry groups · Statistics on complaints, queries, applications etc. and trends analysis ATO: · Client experience pathway for the employer: pathway outlines how the employer engages with the program to ensure there are no gaps · Monitoring of social media, complaints and disputes · Ensuring system capacity could operate with high demand for clients · Review and dispute resolution pathway · Appropriate compliance response for inadvertent errors · Call centre scripting and staff training material available for all staff · Agile workforce for peak demand periods FWC: · FWC dispute resolution FWO: · Regularly updating live website materials to provide customers with consistently reviewed advice · Coaching and quality assurance mechanisms for frontline staff, including sample call monitoring</p>	<p>Major</p>	<p>Possible</p>	<p>Medium</p>
<p>7. Employee experience</p>	<p>Failure to effectively manage the experience of employees, including complaints management, and be responsive to emerging issues</p>	<p>Changing concerns, risks and issues for employees as the program (and COVID-19 environment) progresses</p>	<p>Exacerbation of what already is a stressful situation for individuals</p>	<p>TSY: Philippa Brown AGD: Alison Durbin</p>	<p>ATO: §22 FWC: Ailsa Carruthers FWO: Daniel Crick</p>	<p>All: · Discussion/reports from media and industry groups · Statistics on complaints, queries, applications etc. and trends analysis · Updating call centre scripts to manage new or growing areas of interest · Seeking clarification of each entities roles and responsibilities regarding types of queries FWC: · FWC dispute resolution FWO: · Regularly updating live website materials to provide customers with consistently reviewed advice · Coaching and quality assurance mechanisms for frontline staff, including sample call monitoring ATO · Escalation processes for issues that are best dealt with by FWC/FWO including call centre scripting cleared by FW for simple matters</p>	<p>Major</p>	<p>Possible</p>	<p>Medium</p>
<p>8. Low-level non-compliance</p>	<p>Failure to manage low-level non-compliance will negatively impact the objectives of the program</p>	<p>Time constraints on preparation (i.e. risk assessment, planning and due diligence activities) due to the time imperatives of an emergency measure</p>	<p>Businesses and individuals are put under unreasonable financial stress due to the requirement to pay money back; financial loss to the government; financial loss and grievances for employees, reputational damage,</p>	<p>ATO: Sandra Farhat</p>	<p>TSY: §22 ATO: §22 FWC: Ailsa Carruthers FWO: Daniel Crick AGD: §22 CFPC: §22</p>	<p>All: · Penalties, powers and raising awareness of them · Education, guidance, instructions TSY/ATO: · Policy design such as restricting applicants to those with an ABN prior to 12 March · Program design such as payment in arrears ATO: · Form design and auto validation controls · Automation of the assessment to create accuracy and consistency of assessment · For manual assessments of unusual scenarios: training and a manual for assessors and checkers · Raising awareness of the compliance/response activity that the ATO will be doing · Use of existing controls within the compliance team, STP, regular reporting throughout the program · Compliance program, including Risk profiling to target activities, data matching, compliance reviews, tax audits, compliance notices · 'Tip offs' line</p>	<p>Moderate</p>	<p>Likely</p>	<p>Medium</p>

						<ul style="list-style-type: none"> · Testing and assurance on automated assessments · Risk based tolerance levels applied for considered approaches based on risk modelling FWC/ATO/FWO: <ul style="list-style-type: none"> · Passing on requests/enquires to the right agency regarding issues of potential non-compliance FWO/FWC: <ul style="list-style-type: none"> · Passing of information to the ATO from FWO and FWC concerning potential issues of business non-compliance FWO: <ul style="list-style-type: none"> · A risk-based and proportionate response to requests for assistance which prioritises advice, education and support to promptly resolve inadvertent non-compliance, with compliance tools to be used where appropriate FWC: <ul style="list-style-type: none"> · Call centre, email and application form for assistance · Settling disputes relating to JobKeeper enabling directions including the power to make an order 			
9. Fraud and corruption	Failure to manage fraud and corruption will negatively impact the objectives of the program	Time constraints on preparation (i.e. fraud risk assessment, planning and due diligence activities) due to the time imperatives of an emergency measure	Financial loss, reputational damage, imbalance in industries, instances of payments not being made to intended businesses and individuals (employee exploitation and cheating)	ATO: Sandra Farhat	<p>TSY: §22 ATO: §22 FWC: Ailsa Carruthers FWO: Daniel Crick AGD: §22 CFPC: §22</p>	<p>Most of the above, but also including:</p> <p>All:</p> <ul style="list-style-type: none"> · Identification of extraordinary fraud risks arising from the COVID-19 environment · Avenues to escalate suspected fraud activities to the relevant agencies <p>ATO:</p> <ul style="list-style-type: none"> · Use of existing controls within the fraud systems, policies and workforce · Continuously reviewed risk modelling that targets suspected fraudsters · JobKeeper fraud risk assessment · Security and access controls including audit logging of changes to back account details · Serious Financial Crimes Taskforce (SFCT) · Procedures to monitor and action referrals and tip offs in place <p>ATO/AUSTRAC/Banks:</p> <ul style="list-style-type: none"> · Suspect monetary report <p>AGD/AUSTRAC/ASIC/ATO:</p> <ul style="list-style-type: none"> · Information to assist in identifying fraud activity is shared with the ATO <p>AGD/AFP/ATO:</p> <ul style="list-style-type: none"> · Ongoing engagement through Covid-19 Counter Fraud Taskforce, to oversight and address suspected or actual fraud in COVID19 response measures (Steering committee and Sub-group, Operational Intelligence Group). <p>ATO/AFP/CDPP:</p> <ul style="list-style-type: none"> · Charging employers with an offence and court proceedings 	Major	Unlikely	Medium
10. Policy objectives	The JobKeeper Program does not achieve its policy intent of supporting businesses to maintain their connection with employees as part of the government's health response to the COVID-19 outbreak	Policy and program design and responding to constantly changing and uncertain pandemic situation.	Greater economic impact and burden on the welfare system. As such, businesses have a slower recovery or cease to exist as a result of the economic downturn associated with COVID-19 which will impact employees through loss of income from job losses or reduced hours.	TSY: Philippa Brown	<p>TSY: Michelle Rak AGD: Alison Durbin ATO: §22</p>	<p>All/external organisations</p> <ul style="list-style-type: none"> · Program related data and reporting <p>TSY:</p> <ul style="list-style-type: none"> · Problem Analysis using existing economic data · Cabinet submission development process (including risk assessment, analysis of program constraints and priorities, Comparison of like programs in other countries) · Consideration of interactions with other programs including · Consultation process to obtain input from internal and external parties · Cabinet review process · Key policy settings (such as building in flexibility, broad based program) <p>TSY/AGD/ATO</p> <ul style="list-style-type: none"> · Legislative process that requires legal and departmental review before going through to parliamentary processes (or otherwise) before royal assent · Key program design settings including early as possible payment date <p>AGD</p> <ul style="list-style-type: none"> · Changes to the Fair Work Act to permit JobKeeper enabling directions to stand down, change duties and location of work, and permit agreements re change of days and hours of work · Minister's power to exclude specified employers from using FW Act JobKeeper provisions <p>TSY/ATO:</p> <ul style="list-style-type: none"> · A mechanism to check that ATOs interpretation/definition is correct · Mid-program review/evaluation of the program 	Major	Unlikely	Medium

DRAFT

<p>11. Sharing of sensitive data</p>	<p>Failure to facilitate access to program information for agencies with compliance and dispute resolution functions will mean the objectives of the program, and individual workplace participants, will be negatively impacted</p>	<p>Agencies with legislative responsibility to monitor business' compliance with the payment guarantee and to resolve disputes between employers and employees who are participating in the JobKeeper program lack access to information on which businesses and individuals are recipients</p> <p>The passing of legislation to allow exchange of detailed information from ATO to FWC and FWO will reduce the risk but the mechanisms for information exchange will continue to be a source</p>	<p>Objectives, investigations and individual workplace participants will be negatively impacted (source of evidence for orders that are binding - employees not receiving their entitlements) resulting in loss of confidence in the program</p>	<p>ATO: Tyson Fawcett</p>	<p>ATO: §22 FWO: Daniel Crick FWC: Ailsa Carruthers</p>	<p>AGD & ATO: · Primarily: Legislation was introduced to parliament to allow for this information to be shared, although the earliest it could be passes is the August sitting period ATO: · Smarter data, MOUs, privacy impact assessment statement · Existing processes and protocols for data sharing arrangements FWO: · Seeking information from employees and employers to resolve disputes or referring people to the FWC, ATO or other organisations where appropriate · Privacy Impact Assessment · Confining information requests to critical information or information not otherwise readily obtainable FWC: · FWC has access to Fortress as a secure email system for data exchange regarding individual employers and their employees · Requests will only be for individual data, not bulk data · Existing protocols and training concerning data breaches</p>	<p>Moderate</p>	<p>Likely</p>	<p>Medium</p>
<p>12. Privacy risk</p>	<p>ATO JobKeeper eligibility and payment data is not managed in compliance with Privacy legislation and policy, across responsible entities</p>	<p>Sharing between government agencies of sensitive information including personal information and businesses in receipt of JobKeeper and their compliance behaviours; and, cyber and IT security incidents</p>	<p>Privacy breaches impacting on individuals, business' reputation and the Commonwealth's reputation</p>	<p>TSY: Belinda Robertson</p>	<p>TSY: §22 ATO: §22 FWO: Daniel Crick FWC: Ailsa Carruthers</p>	<p>All: · Entities own enterprise wide data and privacy governance and risk management frameworks ATO: · MOUs or other agreements on how to share and manage the data from JobKeeper · Abridged MOU with Services Australia · Legislation with controls stipulated · Privacy impact assessment FWO: · MOU with ATO for information sharing · Privacy statement · Privacy impact assessment · Existing protocols and training concerning data handling FWC: · FWC has access to Fortress as a secure email system for data exchange regarding individual employers and their employees · Requests will only be for individual data, not bulk data · Existing protocols and training concerning data breaches</p>	<p>Moderate</p>	<p>Unlikely</p>	<p>Medium</p>

JobKeeper Program Shared Risk Matrix and Likelihood and Consequence List

		CONSEQUENCE				
		Insignificant	Minor	Moderate	Major	Extreme
LIKELIHOOD	Almost Certain	Low	Medium	High	Severe	Severe
	Likely	Low	Low	Medium	High	Severe
	Possible	Low	Low	Medium	Medium	High
	Unlikely	Very Low	Low	Low	Medium	High
	Rare	Very Low	Very Low	Low	Low	Medium

RATING	LIKELIHOOD DESCRIPTION
Almost Certain	The risk is almost certain to eventuate within the foreseeable future
Likely	The risk will probably eventuate within the foreseeable future
Possible	The risk may eventuate within the foreseeable future
Unlikely	The risk may eventuate at some time but not likely to occur in the foreseeable future
Rare	The risk will only eventuate in exceptional circumstances or as a result of a combination of unusual events

RATING	CONSEQUENCE DESCRIPTION
Extreme	Criticism resulting in a major loss of confidence. Severe reputational damage. Critical failure in security. Extreme financial loss
Major	Criticism creates a period of adverse publicity. Significant reputational damage. Failure in security has a major impact. Significant financial loss
Moderate	Criticism creates a short period of negative publicity. Reputational damage. Failure in security has a moderate impact. Moderate financial loss
Minor	Criticism does not result in widespread publicity. Failure in security has minor impact. Minor financial loss
Insignificant	Criticism does not require any further action. Failure in security has an insignificant impact. Insignificant financial loss