



information
and privacy
commission
new south wales

Information Commissioner - Executed Instrument of Delegation to Staff

October 2023



Instrument of Delegation

Government Information (Information Commissioner) Act 2009 (NSW)

Government Information (Public Access) Act 2009 (NSW)

Public Interest Disclosures Act 2022 (NSW)

I, Elizabeth Tydd, Information Commissioner, under section 13 of the *Government Information (Information Commissioner) Act 2009* (GIIC Act), revoke all previous delegations made under that Act and delegate the exercise and performance of matters arising under, or incidental to the functions, authorities, duties and powers set out in Schedule 1, 2 and 3 to this instrument, to the officers set out in those schedules.

The Information Commissioner has such functions as may be conferred or imposed on the Commissioner under the GIIC Act or any other Act: section 14, GIIC Act.


This instrument delegates the functions, authorities, duties and powers of the Information Commissioner under:

- the GIIC Act
- the *Government Information (Public Access) Act 2009* (NSW) (GIPA Act)
- the *Public Interest Disclosures Act 2022* (NSW)

The delegates may not sub-delegate.

This instrument takes effect from the date it is executed. It consists of this page and 17 pages containing Schedules 1, 2 and 3.

This delegation will continue until revoked notwithstanding the termination of my term of office as Information Commissioner.



Elizabeth Tydd
Information Commissioner

Date: 13 October 2023

Instrument of Delegation – Schedule 1

Government Information (Information Commissioner) Act 2009 (NSW)

Section	Description of Function/ Power	Officer
Section 15(c)	Determine procedures to be followed in exercising Commissioner's functions under the GIC Act, including the procedures to be followed at an inquiry or investigation conducted by the Commissioner.	Director, Business Improvement Director, Investigation and Reporting Director, Legal Counsel and Regulatory Advice Manager, Investigation and Review Manager, Complaints and Proactive Compliance
Section 16	Engage the services of any person for the purpose of obtaining expert assistance for the purposes of the exercise of any of the Commissioner's functions.	Director, Business Improvement Director, Investigation and Reporting Director, Legal Counsel and Regulatory Advice Manager, Investigation and Review Manager, Systems and Corporate Services Manager, Communication and Corporate Affairs Manager, Complaints and Proactive Compliance Senior Policy Officer Senior Regulatory Officer Legal Officer
Section 18(1)	Decide to deal with a complaint or to decline to deal with a complaint.	Director, Investigation and Reporting Director, Legal Counsel and Regulatory Advice Manager, Investigation and Review Manager, Complaints and Proactive Compliance Senior Policy Officer Senior Regulatory Officer

Section	Description of Function/ Power	Officer
		Legal Officer Regulatory Officer
Section 18(2)	Make preliminary inquiries for the purposes of deciding how to deal with a complaint and request further information from the complainant.	Director, Investigation and Reporting Director, Legal Counsel and Regulatory Advice Manager, Investigation and Review Manager, Complaints and Proactive Compliance Senior Policy Officer Senior Regulatory Officer Legal Officer Regulatory Officer
Section 19(1)(a)-(c)	Deal with a complaint by taking appropriate measures to assist in the resolution of the complaint.	Director, Investigation and Reporting Director, Legal Counsel and Regulatory Advice Manager, Investigation and Review Manager, Complaints and Proactive Compliance Senior Policy Officer Senior Regulatory Officer Legal Officer Regulatory Officer
Section 19(2)	Deal with a complaint by investigating the complaint under Division 3 of the GIIC Act.	Director, Investigation and Reporting Director, Legal Counsel and Regulatory Advice Manager, Investigation and Review Manager, Complaints and Proactive Compliance Legal Officer
Section 20	Give notice to the complainant of the Commissioner's decision on whether to deal with the complaint and (if the Commissioner decides to deal with the	Director, Investigation and Reporting Director, Legal Counsel and Regulatory Advice

Section	Description of Function/ Power	Officer
	complaint) how the complaint is to be dealt with.	Manager, Investigation and Review Manager, Complaints and Proactive Compliance Legal Officer
Section 21(1)	Investigate and report on the exercise of any functions of agencies under the GIPA Act, including the systems, policies and practices of agencies that relate to their functions under the GIPA Act.	Director, Investigation and Reporting Director, Legal Counsel and Regulatory Advice Manager, Investigation and Review Manager, Complaints and Proactive Compliance Senior Policy Officer Senior Regulatory Officer Legal Officer
Section 21(2)	Report to the Minister responsible for any agency to which the report relates and to the principal officer of an agency that is the subject of the report.	Director, Investigation and Reporting Director, Legal Counsel and Regulatory Advice Manager, Investigation and Review Manager, Complaints and Proactive Compliance Senior Policy Officer
Section 22(1)	Give notice to the complainant and the agency of the decision to investigate.	Director, Investigation and Reporting Director, Legal Counsel and Regulatory Advice Manager, Investigation and Review Manager, Complaints and Proactive Compliance Senior Policy Officer Senior Regulatory Officer Legal Officer Regulatory Officer

Section	Description of Function/ Power	Officer
Section 22(2)	Discontinue an investigation of a complaint at any time and give notice of the discontinuance of an investigation to the complainant and the agency concerned.	Director, Investigation and Reporting Director, Legal Counsel and Regulatory Advice Manager, Investigation and Review Manager, Complaints and Proactive Compliance Legal Officer
Section 23(2)	Give an opportunity to make submissions on the matter the subject of the investigation.	Director, Investigation and Reporting Director, Legal Counsel and Regulatory Advice Manager, Investigation and Review Manager, Complaints and Proactive Compliance Senior Policy Officer Senior Regulatory Officer Legal Officer
Section 23(3)	Inform a person of the substance of the grounds of adverse comment about that person and give the person the opportunity to make submissions before making an adverse comment about that person in any report.	Director, Investigation and Reporting Director, Legal Counsel and Regulatory Advice Manager, Investigation and Review Manager, Complaints and Proactive Compliance Legal Officer
Section 23(4)	Where an investigation report is to be published that makes adverse comment, inform the Minister responsible for the agency and consult the Minister, if required.	Director, Investigation and Reporting Director, Legal Counsel and Regulatory Advice Manager, Investigation and Review Manager, Complaints and Proactive Compliance
Section 24(1)	Report to the Minister responsible for the agency, principal officer of the agency and (where applicable) Secretary of the Premier's Department about any conduct of	Director, Investigation and Reporting

Section	Description of Function/ Power	Officer
	an investigated agency that constitutes a failure to exercise functions properly in accordance with the GIPA Act.	Director, Legal Counsel and Regulatory Advice Manager, Investigation and Review Manager, Complaints and Proactive Compliance
Section 24(2)	Give a copy of the report to the complainant and the agency to whose conduct the report relates.	Director, Investigation and Reporting Director, Legal Counsel and Regulatory Advice Manager, Investigation and Review Manager, Complaints and Proactive Compliance Senior Policy Officer Senior Regulatory Officer Legal Officer
Section 24(3)	Request the agency notify the Commissioner of any action taken or proposed in consequence of the report.	Director, Investigation and Reporting Director, Legal Counsel and Regulatory Advice Manager, Investigation and Review Manager, Complaints and Proactive Compliance Senior Policy Officer Senior Regulatory Officer Legal Officer
Section 25	Require an agency to give a statement of information or a copy of any record or produce any record or other thing.	Director, Investigation and Reporting Director, Legal Counsel and Regulatory Advice Manager, Investigation and Review Manager, Complaints and Proactive Compliance Legal Officer

Section	Description of Function/ Power	Officer
Section 26	Enter and inspect any premises occupied or used by an agency and inspect any record or thing in or on the premises.	Director, Investigation and Reporting Director, Legal Counsel and Regulatory Advice Manager, Investigation and Review Manager, Complaints and Proactive Compliance Senior Policy Officer Senior Regulatory Officer Legal Officer Regulatory Officer
Section 28(1)	Apply to the Supreme Court for an injunction to prevent contravention of the GIPA Act.	Director, Investigation and Reporting Director, Legal Counsel and Regulatory Advice
Section 28(2)	Apply to the Supreme Court for an injunction if a person has refused or failed, is refusing or failing or is proposing to refuse or fail, to do any act or thing that the person is required to do under the GIPA Act.	Director, Investigation and Reporting Director, Legal Counsel and Regulatory Advice
Section 28(5)	Bring proceedings by way of judicial review in connection with the exercise of the functions of an agency under the GIPA Act.	Director, Investigation and Reporting Director, Legal Counsel and Regulatory Advice
Section 29(1)	Make or hold inquiries for the purposes of an investigation.	Director, Investigation and Reporting Director, Legal Counsel and Regulatory Advice
Section 29(3)	Determine the amount to be paid to a witness to the inquiry.	Director, Investigation and Reporting Director, Legal Counsel and Regulatory Advice Manager, Investigation and Review Manager, Complaints and Proactive Compliance
Section 31	Furnish information to the Ombudsman.	Director, Investigation and Reporting

Section	Description of Function/ Power	Officer
		Director, Legal Counsel and Regulatory Advice Manager, Investigation and Review Manager, Complaints and Proactive Compliance Senior Policy Officer Senior Regulatory Officer Legal Officer Regulatory Officer
Section 31A	Furnish information to Children's Guardian	Director, Investigation and Reporting Director, Legal Counsel and Regulatory Advice Manager, Investigation and Review Manager, Complaints and Proactive Compliance Senior Policy Officer Senior Regulatory Officer Legal Officer Regulatory Officer
Section 32	Furnish information to the Director of Public Prosecutions, the Independent Commission Against Corruption or the Law Enforcement Conduct Commission.	Director, Investigation and Reporting Director, Legal Counsel and Regulatory Advice Manager, Investigation and Review Manager, Complaints and Proactive Compliance Legal Officer
Section 33(1)	Furnish information to an agency or make comments in respect to a complaint against or relating to the agency.	Director, Investigation and Reporting Director, Legal Counsel and Regulatory Advice Manager, Investigation and Review Manager, Complaints and Proactive Compliance

Section	Description of Function/ Power	Officer
		Senior Policy Officer Senior Regulatory Officer Legal Officer
Section 33(2)	Furnish information to an agency if satisfied that the information concerned is relevant to the functions, policies, procedures or practices of that agency and does not disclose personal or health information.	Director, Investigation and Reporting Director, Legal Counsel and Regulatory Advice Manager, Investigation and Review Manager, Complaints and Proactive Compliance Senior Policy Officer Legal Officer
Section 35(2)	Disclose information to the Privacy Commissioner in the course of consulting with the Privacy Commissioner under section 94 of the GIPA Act before making a recommendation against a decision of an agency that there is an overriding public interest against disclosure of the information.	Director, Investigation and Reporting Director, Legal Counsel and Regulatory Advice Manager, Investigation and Review Manager, Complaints and Proactive Compliance Senior Policy Officer Senior Regulatory Officer Legal Officer
Section 40(2)	Decide to deal with a matter (about which the Ombudsman has consulted) as a complaint under the GIC Act.	Director, Investigation and Reporting Director, Legal Counsel and Regulatory Advice Manager, Investigation and Review Manager, Complaints and Proactive Compliance

Instrument of Delegation – Schedule 2

Government Information (Public Access) Act 2009 (NSW)

Section	Description of Function/ Power	Officer
Section 12(3)	Issue guidelines about public interest considerations in favour of the disclosure of government information, for the assistance of agencies.	Director, Investigation and Reporting Director, Legal Counsel and Regulatory Advice
Section 14(3)	Issue guidelines about public interest considerations against the disclosure of government information, for the assistance of agencies.	Director, Investigation and Reporting Director, Legal Counsel and Regulatory Advice
Section 14(4)	Consult with the Privacy Commissioner before issuing any guideline under section 14(4) about a privacy-related public interest consideration (clause 3(a) or (b) of the Table to section 14).	Director, Investigation and Reporting Director, Legal Counsel and Regulatory Advice Manager, Investigation and Review Manager, Complaints and Proactive Compliance
Section 17(a)	Promote public awareness and understanding of the GIPA Act and to promote the objects of the Act.	Director Business Improvement Director, Investigation and Reporting Director, Legal Counsel and Regulatory Advice Manager, Investigation and Review Manager, Complaints and Proactive Compliance Manager Communication and Corporate Affairs Senior Policy Officer Senior Regulatory Officer Legal Officer Regulatory Officer Regulatory Support Officer
Section 17(b)	Provide information, advice, assistance and training to agencies and the public on any matters relevant to the GIPA Act.	Director Business Improvement Director, Investigation and Reporting

Section	Description of Function/ Power	Officer
		Director, Legal Counsel and Regulatory Advice Manager, Investigation and Review Manager, Complaints and Proactive Compliance Senior Policy Officer Senior Regulatory Officer Legal Officer Regulatory Officer Regulatory Support Officer
Section 17(c)	Assist agencies in connection with the exercise of their functions under this Act, including by providing services to assist with the lodgement, handling and processing of access applications.	Director Business Improvement Manager Systems and Corporate Services Director, Investigation and Reporting Director, Legal Counsel and Regulatory Advice Manager, Investigation and Review Manager, Complaints and Proactive Compliance Senior Policy Officer Senior Regulatory Officer Legal Officer Regulatory Officer
Section 17(d)	Issue guidelines and other publications for the assistance of agencies in connection with their functions under the GIPA Act.	Director Business Improvement Manager Systems and Corporate Services Director, Investigation and Reporting Director, Legal Counsel and Regulatory Advice Manager Investigation and Review Manager, Complaints and Proactive Compliance
Section 17(e)	Issue guidelines and other publications for the assistance of the public in connection	Director, Investigation and Reporting

Section	Description of Function/ Power	Officer
	with their rights under the GIPA Act (including rights of review).	Director, Legal Counsel and Regulatory Advice Manager Investigation and Review Manager, Complaints and Proactive Compliance
Section 17(f)	Review decisions of agencies under Part 5 of the GIPA Act.	Director, Investigation and Reporting Director, Legal Counsel and Regulatory Advice Manager, Investigation and Review Manager, Complaints and Proactive Compliance Senior Policy Officer Senior Regulatory Officer Legal Officer Regulatory Officer
Section 17(g)	Monitor, audit and report on the exercise by agencies of their functions under, and compliance with, the GIPA Act.	Director, Investigation and Reporting Director, Legal Counsel and Regulatory Advice Manager, Investigation and Review Manager, Complaints and Proactive Compliance Senior Policy Officer Senior Regulatory Officer Legal Officer Regulatory Officer
Section 17(h)	Make reports and provide recommendations to the Minister about proposals for legislative and administrative changes to further the objects of the GIPA Act.	Director, Investigation and Reporting Director, Legal Counsel and Regulatory Advice
Section 20	Consult with Chief Executive of the Office of Local Government regarding mandatory provisions for agency information guide.	Director, Investigation and Reporting Director, Legal Counsel and Regulatory Advice

Section	Description of Function/ Power	Officer
Section 22(1)	Request agencies consult on the proposed agency information guide (AIG) or amendment to the AIG.	Director, Investigation and Reporting Director, Legal Counsel and Regulatory Advice Manager, Investigation and Review Manager, Complaints and Proactive Compliance Senior Policy Officer Senior Regulatory Officer Legal Officer Regulatory Officer
Section 22(2)	Issue guidelines and model AIGs for the assistance of agencies in connection with AIGs.	Director, Investigation and Reporting Director, Legal Counsel and Regulatory Advice Manager, Investigation and Review Manager, Complaints and Proactive Compliance
Section 51(3)(d)	Direct for inclusion in acknowledgement of access application details of rights of review in connection with access applications.	Director, Investigation and Reporting Director, Legal Counsel and Regulatory Advice Manager, Investigation and Review Manager, Complaints and Proactive Compliance Senior Policy Officer Senior Regulatory Officer Legal Officer Regulatory Officer
Section 66(3)	Publish guidelines about reductions in processing charges for the assistance of agencies.	Director, Investigation and Reporting Director, Legal Counsel and Regulatory Advice Manager, Investigation and Review

Section	Description of Function/ Power	Officer
		Manager, Complaints and Proactive Compliance
Section 89(1), 92A(1)	Review of reviewable decision.	Director, Investigation and Reporting Director Legal Counsel and Regulatory Advice Manager, Investigation and Review Manager, Complaints and Proactive Compliance Senior Policy Officer Senior Regulatory Officer Legal Officer Regulatory Officer
Section 89(3)	Exercise any function of the Information Commissioner under the GIPA Act for the purposes of or in connection with the review of a reviewable decision of an agency.	Director, Investigation and Reporting Director Legal Counsel and Regulatory Advice Manager, Investigation and Review Manager, Complaints and Proactive Compliance Senior Policy Officer Senior Regulatory Officer Legal Officer Regulatory Officer
Section 92	Make recommendations on review.	Director, Investigation and Reporting Director, Legal Counsel and Regulatory Advice Manager, Investigation and Review Manager, Complaints and Proactive Compliance Senior Policy Officer Senior Regulatory Officer Legal Officer Regulatory Officer

Section	Description of Function/ Power	Officer
Section 92A(1)	Determine that all information necessary for review has, in fact, been received.	Director, Investigation and Reporting Director, Legal Counsel and Regulatory Advice Manager, Investigation and Review Manager, Complaints and Proactive Compliance Senior Regulatory Officer
Section 92A(2)	Extend review period and notify agency of extension.	Director, Investigation and Reporting Director, Legal Counsel and Regulatory Advice Manager Investigation and Review Manager, Complaints and Proactive Compliance
Section 92A(4)	Notify applicant of the completion of the review and of any recommendations made to the agency.	Director, Investigation and Reporting Director, Legal Counsel and Regulatory Advice Manager Investigation and Review Manager, Complaints and Proactive Compliance Senior Regulatory Officer Regulatory Officer
Section 93(1), (82(4) recommend internal review)	Recommend that the agency reconsider the decision and make a new decision as if the decision reviewed had not been made.	Director, Investigation and Reporting Director, Legal Counsel and Regulatory Advice Manager, Investigation and Review Manager, Complaints and Proactive Compliance Senior Policy Officer Senior Regulatory Officer Legal Officer

Section	Description of Function/ Power	Officer
		Regulatory Officer
Section 94(1)	Make a recommendation against a decision of an agency that there is an overriding public interest against disclosure of government information.	Director, Investigation and Reporting Director, Legal Counsel and Regulatory Advice Manager, Investigation and Review Manager, Complaints and Proactive Compliance Senior Policy Officer Senior Regulatory Officer Legal Officer Regulatory Officer
Section 94(2)-(3)	Consult with the Privacy Commissioner before making a recommendation under section 94 about a decision that concerns a privacy-related public interest consideration (clause 3(a) or (b) of the Table to section 14). Disclose information to the Privacy Commissioner in the course of consulting.	Director, Investigation and Reporting Legal Counsel and Regulatory Advice Manager, Investigation and Review Manager, Complaints and Proactive Compliance Senior Regulatory Officer Legal Officer Regulatory Officer
Section 95	Make a recommendation that any general procedure of an agency in relation to dealing with access applications be changed to conform to the requirements of the GIPA Act or to further the objects of the Act.	Director, Investigation and Reporting Director, Legal Counsel and Regulatory Advice Manager, Investigation and Review Manager, Complaints and Proactive Compliance Senior Policy Officer Senior Regulatory Officer Legal Officer Regulatory Officer
Section 96	Refuse to review or to deal further with a review of a decision of an agency if satisfied of certain matters.	Director, Investigation and Reporting

Section	Description of Function/ Power	Officer
		Director, Legal Counsel and Regulatory Advice Manager, Investigation and Review Manager, Complaints and Proactive Compliance
Section 99	Refer a decision of an agency (with the applicant's consent) to NCAT for an administrative review.	Director, Investigation and Reporting Director, Legal Counsel and Regulatory Advice
Section 104	Appear and be heard in any proceedings before NCAT (and proceedings on an appeal in respect of any such proceedings).	Director, Investigation and Reporting Director, Legal Counsel and Regulatory Advice Manager, Investigation and Review Manager, Complaints and Proactive Compliance Senior Policy Officer Senior Regulatory Officer Legal Officer
Section 110(5)	Make an application for a restraint order against a person in respect of an access application.	Director, Investigation and Reporting Director, Legal Counsel and Regulatory Advice Manager Investigation and Review Manager, Complaints and Proactive Compliance
Section 130(2)	Assist the Minister and provide advice in connection with review of the GIPA Act.	Director, Investigation and Reporting Director Legal Counsel and Regulatory Advice Senior Policy Officer Legal Officer
Section 131(2)	Assist the Joint Committee and provide advice in connection with the review of public interest provisions.	Director, Investigation and Reporting

Section	Description of Function/ Power	Officer
		Director, Legal Counsel and Regulatory Advice Manager, Investigation and Review Manager, Complaints and Proactive Compliance Senior Policy Officer Legal Officer

Instrument of Delegation – Schedule 3

Public Interest Disclosures Act 2022 (NSW)

Section	Description of Function/ Power	Officer
Section 55 and 56	Investigate a voluntary public interest disclosure.	Director, Investigation and Reporting Director, Legal Counsel and Regulatory Advice
Section 57(3)	Consider the views of an integrity agency before referring a voluntary public interest disclosure.	Director, Investigation and Reporting Director, Legal Counsel and Regulatory Advice
Section 83	Provide information relating to a public interest disclosure to another agency.	Director, Investigation and Reporting Director, Legal Counsel and Regulatory Advice