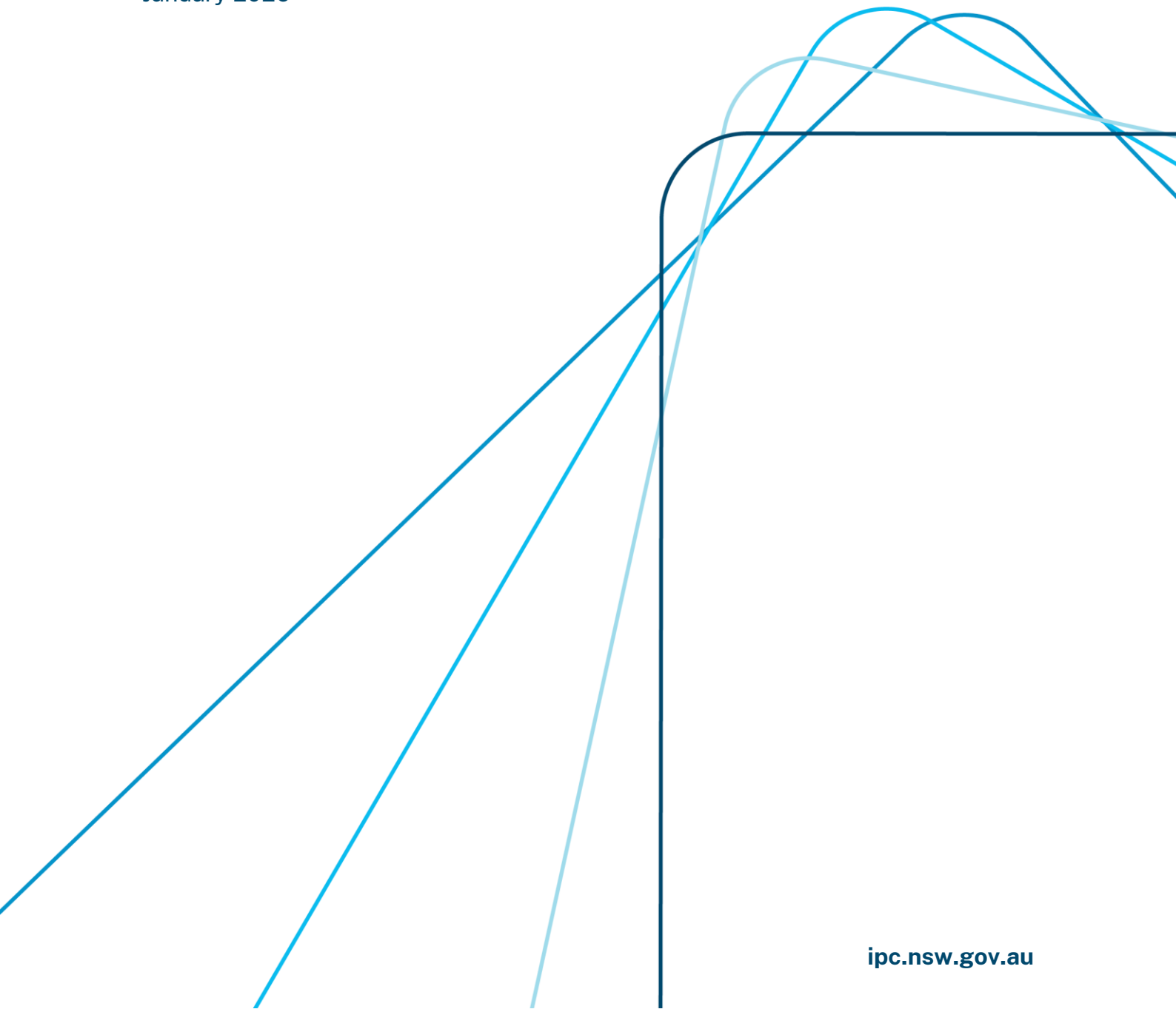
Information and Privacy Commission NSW

Information Commissioner Instrument of Delegation to Staff

January 2026



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Instrument of Delegation

Government Information (Information Commissioner) Act 2009 (NSW)

Government Information (Public Access) Act 2009 (NSW)

Public Interest Disclosures Act 2022 (NSW)

I, Emeritus Professor Rosalind Croucher AM, Information Commissioner, under section 13 of the *Government Information (Information Commissioner) Act 2009* (NSW) (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.

Emeritus Professor Rosalind Croucher AM

Information Commissioner

Date: 15 January 2026

Schedule 1

Government Information (Information Commissioner) Act 2009

Function/ Power	Investigations and Review						Communications and Corporate Affairs						Legal Counsel and Regulatory Advice		
	RSO	RO	SRO	MIR	MCPC	AC	DPSSO	BOC	CPO	MCCA	MSCS	DCSBI	SPO /PPO	SL	DRAGC
Section 15(c) Determine procedures to be followed in exercising Commissioner's functions under the GIIC Act, including the procedures to be followed at an inquiry or investigation conducted by the Commissioner.				X	X	X						X			X
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.			X	X	X	X				X	X	X	X	X	X
Section 18(1) Decide to deal with a complaint or to decline to deal with a complaint.		X	X	X	X	X							X	X	X

Function/ Power	Investigations and Review						Communications and Corporate Affairs						Legal Counsel and Regulatory Advice		
	RSO	RO	SRO	MIR	MCPC	AC	DPSSO	BOC	CPO	MCCA	MSCS	DCSBI	SPO /PPO	SL	DRAGC
Section 18(2) Make preliminary inquiries for the purposes of deciding how to deal with a complaint and request further information from the complainant.		X	X	X	X	X							X	X	X
Section 19(1)(a)–(c) Deal with a complaint by taking appropriate measures to assist in the resolution of the complaint.		X	X	X	X	X							X	X	X
Section 19(2) Deal with a complaint by investigating the complaint under Division 3 of the GIIC Act.				X	X	X								X	X

Function/ Power	Investigations and Review						Communications and Corporate Affairs						Legal Counsel and Regulatory Advice		
	RSO	RO	SRO	MIR	MCPC	AC	DPSSO	BOC	CPO	MCCA	MSCS	DCSBI	SPO /PPO	SL	DRAGC
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 complaint) how the complaint is to be dealt with.				X	X	X								X	X
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.			X	X	X	X							X	X	X
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.				X	X	X							X		X

Function/ Power	Investigations and Review						Communications and Corporate Affairs						Legal Counsel and Regulatory Advice		
	RSO	RO	SRO	MIR	MCPC	AC	DPSSO	BOC	CPO	MCCA	MSCS	DCSBI	SPO /PPO	SL	DRAGC
Section 22(1) Give notice to the complainant and the agency of the decision to investigate.		X	X	X	X	X							X	X	X
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.				X	X	X								X	X
Section 23(2) Give an opportunity to make submissions on the matter the subject of the investigation.			X	X	X	X							X	X	X

Function/ Power	Investigations and Review						Communications and Corporate Affairs						Legal Counsel and Regulatory Advice		
	RSO	RO	SRO	MIR	MCPC	AC	DPSSO	BOC	CPO	MCCA	MSCS	DCSBI	SPO /PPO	SL	DRAGC
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.				X	X	X								X	X
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.				X	X	X									X

Function/ Power	Investigations and Review						Communications and Corporate Affairs						Legal Counsel and Regulatory Advice		
	RSO	RO	SRO	MIR	MCPC	AC	DPSSO	BOC	CPO	MCCA	MSCS	DCSBI	SPO /PPO	SL	DRAGC
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 an investigated agency that constitutes a failure to exercise functions properly in accordance with the GIPA Act.				X	X	X									X
Section 24(2) Give a copy of the report to the complainant and the agency to whose conduct the report relates.			X	X	X	X							X	X	X
Section 24(3) Request the agency notify the Commissioner of any action taken or proposed in consequence of the report.			X	X	X	X							X	X	X

Function/ Power	Investigations and Review						Communications and Corporate Affairs						Legal Counsel and Regulatory Advice		
	RSO	RO	SRO	MIR	MCPC	AC	DPSSO	BOC	CPO	MCCA	MSCS	DCSBI	SPO /PPO	SL	DRAGC
Section 25 Require an agency to give a statement of information or a copy of any record or produce any record or other thing.				X	X	X								X	X
Section 26 Enter and inspect any premises occupied or used by an agency and inspect any record or thing in or on the premises.		X	X	X	X	X							X	X	X
Section 28(1) Apply to the Supreme Court for an injunction to prevent contravention of the GIPA Act.						X									X

Function/ Power	Investigations and Review						Communications and Corporate Affairs						Legal Counsel and Regulatory Advice		
	RSO	RO	SRO	MIR	MCPC	AC	DPSSO	BOC	CPO	MCCA	MSCS	DCSBI	SPO /PPO	SL	DRAGC
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.						X									X
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.						X									X
Section 29(1) Make or hold inquiries for the purposes of an investigation.						X									X
Section 29(3) Determine the amount to be paid to a witness to the inquiry.				X	X	X									X

Function/ Power	Investigations and Review						Communications and Corporate Affairs						Legal Counsel and Regulatory Advice		
	RSO	RO	SRO	MIR	MCPC	AC	DPSSO	BOC	CPO	MCCA	MSCS	DCSBI	SPO /PPO	SL	DRAGC
Section 31 Furnish information to the Ombudsman.		X	X	X	X	X							X	X	X
Section 31A Furnish information to Children's Guardian		X	X	X	X	X							X	X	X
Section 32 Furnish information to the Director of Public Prosecutions, the Independent Commission Against Corruption or the Law Enforcement Conduct Commission.		X	X	X	X	X								X	X
Section 33(1) Furnish information to an agency or make comments in respect to a complaint against or relating to the agency.				X	X	X							X	X	X

Function/ Power	Investigations and Review						Communications and Corporate Affairs						Legal Counsel and Regulatory Advice		
	RSO	RO	SRO	MIR	MCPC	AC	DPSSO	BOC	CPO	MCCA	MSCS	DCSBI	SPO /PPO	SL	DRAGC
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.				X	X	X							X	X	X
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.				X	X	X							X	X	X

Function/ Power	Investigations and Review						Communications and Corporate Affairs						Legal Counsel and Regulatory Advice		
	RSO	RO	SRO	MIR	MCPC	AC	DPSSO	BOC	CPO	MCCA	MSCS	DCSBI	SPO /PPO	SL	DRAGC
Section 40(2) Decide to deal with a matter (about which the Ombudsman has consulted) as a complaint under the GIIC Act.				X	X	X									X

Schedule 2

Government Information (Public Access) Act 2009

Function/ Power	Investigations and Review						Communications and Corporate Affairs						Legal Counsel and Regulatory Advice		
	RSO	RO	SRO	MIR	MCPC	AC	DPSSO	BOC	CPO	MCCA	MSCS	DCSBI	SPO/PPO	SL	DRAGC
Section 12(3) Issue guidelines about public interest considerations in favour of the disclosure of government information, for the assistance of agencies.						X									X
Section 14(3) Issue guidelines about public interest considerations against the disclosure of government information, for the assistance of agencies.						X									X

Function/ Power	Investigations and Review						Communications and Corporate Affairs						Legal Counsel and Regulatory Advice		
	RSO	RO	SRO	MIR	MCPC	AC	DPSSO	BOC	CPO	MCCA	MSCS	DCSBI	SPO/PPO	SL	DRAGC
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).				X	X	X									X
Section 17(a) Promote public awareness and understanding of the GIPA Act and to promote the objects of the Act.	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Section 17(b) Provide information, advice, assistance and training to agencies and the public on any matters relevant to the GIPA Act.	X	X	X	X	X	X							X	X	X

Function/ Power	Investigations and Review						Communications and Corporate Affairs						Legal Counsel and Regulatory Advice		
	RSO	RO	SRO	MIR	MCPC	AC	DPSSO	BOC	CPO	MCCA	MSCS	DCSBI	SPO/PPO	SL	DRAGC
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.	X	X	X	X	X	X							X	X	X
Section 17(d) Issue guidelines and other publications for the assistance of agencies in connection with their functions under the GIPA Act.				X	X	X				X	X	X			X
Section 17(e) Issue guidelines and other publications for the assistance of the public in connection with their rights under the GIPA Act (including rights of review).				X	X	X						X			X

Function/ Power	Investigations and Review						Communications and Corporate Affairs						Legal Counsel and Regulatory Advice		
	RSO	RO	SRO	MIR	MCPC	AC	DPSSO	BOC	CPO	MCCA	MSCS	DCSBI	SPO/PPO	SL	DRAGC
Section 17(f) Review decisions of agencies under Part 5 of the GIPA Act.		X	X	X	X	X							X	X	X
Section 17(g) Monitor, audit and report on the exercise by agencies of their functions under, and compliance with, the GIPA Act.		X	X	X	X	X							X	X	X
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.						X									X
Section 20 Consult with Chief Executive of the Office of Local Government regarding mandatory provisions for agency information guide.						X									X

Function/ Power	Investigations and Review						Communications and Corporate Affairs						Legal Counsel and Regulatory Advice		
	RSO	RO	SRO	MIR	MCPC	AC	DPSSO	BOC	CPO	MCCA	MSCS	DCSBI	SPO/PPO	SL	DRAGC
Section 22(1) Request agencies consult on the proposed agency information guide (AIG) or amendment to the AIG.		X	X	X	X	X							X	X	X
Section 22(2) Issue guidelines and model AIGs for the assistance of agencies in connection with AIGs.				X	X	X									X
Section 51(3)(d) Direct for inclusion in acknowledgement of access application details of rights of review in connection with access applications.		X	X	X	X	X							X	X	X
Section 66(3) Publish guidelines about reductions in processing charges for the assistance of agencies.				X	X	X									X
Sections 89(1), 92A(1) Review of reviewable decision		X	X	X	X	X							X	X	X

Function/ Power	Investigations and Review						Communications and Corporate Affairs						Legal Counsel and Regulatory Advice		
	RSO	RO	SRO	MIR	MCPC	AC	DPSSO	BOC	CPO	MCCA	MSCS	DCSBI	SPO/PPO	SL	DRAGC
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.		X	X	X	X	X							X	X	X
Section 92 Make recommendations on review		X	X	X	X	X							X	X	X
Section 92A(1) Determine that all information necessary for review has, in fact, been received.				X	X	X									X
Section 92A(2) Extend review period and notify agency of extension				X	X	X									X
Section 92A(4) Notify applicant of the completion of the review and of any recommendations made to the agency.		X	X	X	X	X									X

Function/ Power	Investigations and Review						Communications and Corporate Affairs						Legal Counsel and Regulatory Advice		
	RSO	RO	SRO	MIR	MCPC	AC	DPSSO	BOC	CPO	MCCA	MSCS	DCSBI	SPO/PPO	SL	DRAGC
Section 93(1) Recommend that the agency reconsider the decision and make a new decision as if the decision reviewed had not been made.		X	X	X	X	X							X	X	X
Section 94(1) Make a recommendation against a decision of an agency that there is an overriding public interest against disclosure of government information.		X	X	X	X	X							X	X	X
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.		X	X	X	X	X								X	X

Function/ Power	Investigations and Review						Communications and Corporate Affairs						Legal Counsel and Regulatory Advice		
	RSO	RO	SRO	MIR	MCPC	AC	DPSSO	BOC	CPO	MCCA	MSCS	DCSBI	SPO/PPO	SL	DRAGC
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.		X	X	X	X	X							X	X	X
Section 96 Refuse to review or to deal further with a review of a decision of an agency if satisfied of certain matters.				X	X	X									X
Section 99 Refer a decision of an agency (with the applicant's consent) to NCAT for an administrative review.						X									X

Function/ Power	Investigations and Review						Communications and Corporate Affairs						Legal Counsel and Regulatory Advice		
	RSO	RO	SRO	MIR	MCPC	AC	DPSSO	BOC	CPO	MCCA	MSCS	DCSBI	SPO/PPO	SL	DRAGC
Section 104 Appear and be heard in any proceedings before NCAT (and proceedings on an appeal in respect of any such proceedings).			X	X	X	X							X	X	X
Section 110(5) Make an application for a restraint order against a person in respect of an access application.				X	X	X									X
Section 130(2) Assist the Minister and provide advice in connection with review of the GIPA Act.						X							X	X	X
Section 131(2) Assist the Joint Committee and provide advice in connection with the review of public interest provisions.				X	X	X							X	X	X

Schedule 3

Public Interest Disclosures Act 2022

Function/ Power	Investigations and Review						Communications and Corporate Affairs						Legal Counsel and Regulatory Advice		
	RSO	RO	SRO	MIR	MCPC	AC	DPSSO	BOC	CPO	MCCA	MSCS	DCSBI	SPO/PPO	SL	DRAGC
Section 29 Deeming a disclosure a voluntary public interest disclosure						X						X			X
Section 34 Referrals of information relating to detrimental action offences						X						X			X
Section 49 Agency obligation on receipt of disclosures – cease to deal						X						X			X
Section 54(2) Consult the Ombudsman or another integrity agency in relation to action or proposed action to deal with a voluntary public interest disclosure.			X	X	X	X				X	X	X			X

Function/ Power	Investigations and Review						Communications and Corporate Affairs						Legal Counsel and Regulatory Advice		
	RSO	RO	SRO	MIR	MCPC	AC	DPSSO	BOC	CPO	MCCA	MSCS	DCSBI	SPO/PPO	SL	DRAGC
Sections 55 and 56 Investigate a voluntary public interest disclosure.						X						X			X
Section 57 Consider, consult if required and refer a voluntary public interest disclosure.						X						X			X
Section 64(2) Identifying information of the maker of the voluntary public interest disclosure is not to be disclosed						X						X			X

Key

Team	Acronym	Role title (or equivalent)
Investigations and Review	RSO	Regulatory Support Officer
	RO	Regulatory Officer
	SRO	Senior Regulatory Officer
	MIR	Manager, Investigations and Reviews
	MCPC	Manager, Complaints and Proactive Compliance
	AC	Assistant Commissioner, Reviews and Compliance
Communications and Corporate Affairs	DPSSO	Data Projects and System Support Officer
	BOC	Business Operations Coordinator
	CPO	Communication and Promotion Officer
	MCCA	Manager, Communications and Corporate Affairs
	MSCS	Manager, Systems and Corporate Services
	DCSBI	Director, Corporate Services and Business Improvement
Legal Counsel and Regulatory Advice	SPO	Senior Policy Officer
	PPO	Principal Policy Officer
	SL	Senior Lawyer
	DRAGC	Director, Regulatory Advice and General Counsel