



information  
and privacy  
commission  
new south wales

# Legislative Compliance Register

Updated June 2025



## Contents

1. Risk allocation.....	3
2. Summary of Responsibilities in key risk areas (Extreme or moderate risks).....	5
3. Group 1 – Legislation of particular application.....	7
4. Group 2 – State instruments of general application.....	20
5. Group 3 – Commonwealth Legislation .....	38

# Introduction

The Legislative Compliance Register records legislation that confers on the IPC responsibilities relating to information access and privacy oversight in NSW, as well as significant legislation that imposes compliance requirements on the IPC due to its status as a NSW public service agency employing staff. It details how compliance with the obligations of this legislation is managed. Each provision is allocated a risk rating using the risk matrix found on pages 2-3. Areas of Extreme or Moderate risk are highlighted on page 4. The register is reviewed annually, and the Executive Team completes an annual attestation that effective management systems and processes are in place to manage legislative obligations.

## 1. Risk allocation

### Risk likelihood

Some events happen once in a lifetime. Others can happen almost every day. Analysing risks requires an assessment of their frequency of occurrence.

When rating risk it is essential that the approach is consistent. The following table provides broad descriptions used to support risk likelihood ratings.

Rating	Likelihood of Occurrence
<b>Almost Certain</b>	The risk will occur several times over a short period, say 6 months
<b>Likely</b>	The risk may occur once or twice a year
<b>Possible</b>	Risk might occur once in a period of several years
<b>Rare</b>	A risk that is relatively unknown, and has not been experienced to date.

### Risk consequence

The outcomes of a risk event or situation expressed qualitatively or quantitatively, being a loss, injury, disadvantage or gain. Consequences can range from 'low' to 'very high' and are expressed in terms of financial consequence, customer service/business continuity, regulatory/legal, reputation & image and human resource. It is important to consider consequences as more than just financial as often an operational risk event may not result in a financial loss however other intangible assets of the IPC may be affected (e.g. reputation and image, loss of staff etc).

Rating	Consequence of Occurrence
<b>Very High</b>	Loss of ability to sustain ongoing operations. An event that would cause operations to be substantially disrupted resulting in severe impact upon public image and reputation
<b>High</b>	Significantly reduced ability to achieve corporate objectives, impacting our overall business operations, e.g. short term loss of service
<b>Medium</b>	Disruption to normal operations with a moderate effect on the achievement of objectives, e.g. temporary loss of service and/or processing capability
<b>Low</b>	No impact on the achievement of objectives- readily resolvable by management with no consequence to the business

## Risk Matrix

		Consequence Level			
		Low	Med	High	V High
Likelihood Level	Almost Certain	10	11	15	16
	Likely	4	9	13	14
	Possible	3	7	8	12
	Rare	1	2	5	6
	Residual risk Levels				
		Extreme			
		Moderate			
		Low			

Group	Action required	Risk Escalation
12-16 <b>Extreme</b>	Action required Risks that cannot be accepted or tolerated and require treatment	To Information Commissioner, to develop and monitor control strategy
5-11 <b>Moderate</b>	Potential action Risks that will be treated as long as the costs do not outweigh the benefits. As Low As Reasonably Practicable (ALARP), refer to ISO31000	Managed at functional or service group level Escalated to the relevant direct report to the Information Commissioner for information
1-4 <b>Low</b>	No Action Acceptable risks requiring no further treatment. May only require periodic monitoring	No action Monitoring within the functional area or business unit

## 2. Summary of Responsibilities in key risk areas (Extreme or moderate risks)

Information Commissioner	CEO	Privacy Commissioner	Director, Investigation & Reporting	Director, Corporate Services and Business Improvement	Director, Regulatory Advice and General Counsel &
<p><b>LEGAL AND ADMINISTRATIVE LAW</b></p> <p><b>1.1 Government Information (Information Commissioner) Act 2009</b> (s20-24, s36-39)</p> <p><b>1.2 Government Information (Public Access) Act 2009</b> (s7, s16, s20-21, s25-26)</p> <p><b>1.6 Public Interest Disclosures Act 2022 (Part 2 &amp; Part 5)</b></p> <p><b>2.12 Ombudsman Act 1974</b> (s18, s26, s45)</p>	<p><b>LEGAL AND ADMINISTRATIVE LAW</b></p> <p><b>1.2 Government Information (Public Access) Act 2009</b> (s7, s16, s20-21, s25-26, s125)</p> <p><b>1.4 Health Records and Information Privacy Act 2002</b> (s11, s63, Sch 1)</p> <p><b>1.5 Privacy and Personal Information Protection Act 1998</b> (s8-19, s32-33, s53-54, s59E-G, s59J(2), s59M(1), s59N-O, s59Q, s59W - X)</p> <p><b>1.6 Public Interest Disclosures Act 2022 (Part 2, 4, 5)</b></p> <p><b>2.12 Ombudsman Act 1974</b> (s18, s26, s45)</p>	<p><b>LEGAL AND ADMINISTRATIVE LAW</b></p> <p><b>1.4 Health Records and Information Privacy Act 2002</b> (s43-45, s11, Sch 1)</p> <p><b>1.6 Public Interest Disclosures Act 2022 (Part 2, Part 5)</b></p> <p><b>2.12 Ombudsman Act 1974</b> (s18)</p> <p><b>HUMAN RESOURCES</b></p> <p><b>2.14 Work Health and Safety Act 2011</b></p>	<p><b>LEGAL AND ADMINISTRATIVE LAW</b></p> <p><b>1.1 Government Information (Information Commissioner) Act 2009</b> (s20-24)</p> <p><b>1.4 Health Records and Information Privacy Act 2002</b> s43-45</p> <p><b>HUMAN RESOURCES</b></p> <p><b>2.14 Work Health and Safety Act 2011</b></p>	<p><b>LEGAL AND ADMINISTRATIVE LAW</b></p> <p><b>1.1 Information (Information Commissioner) Act 2009</b> (s36-39)</p> <p><b>1.2 Government Information (Public Access) Act 2009</b> (s7, s16, s20-21, s25-26, s125)</p> <p><b>1.5 Privacy and Personal Information Protection Act 1998</b> (s8-19, 32-33, 53-54 &amp; 59)</p> <p><b>HUMAN RESOURCES</b></p> <p><b>2.2 Government Sector Employment Act 2013</b> (s13)</p> <p><b>2.6 Government Sector Employment Act 2013</b> (s67)</p>	<p><b>LEGAL AND ADMINISTRATIVE LAW</b></p> <p><b>1.1 Government Information (Information Commissioner) Act 2009</b> (s36-39)</p> <p><b>1.6 Public Interest Disclosures Act 2022 (Part 2 &amp; Part 5)</b></p> <p><b>HUMAN RESOURCES</b></p> <p><b>2.14 Work Health and Safety Act 2011</b></p>

Information Commissioner	CEO	Privacy Commissioner	Director, Investigation & Reporting	Director, Corporate Services and Business Improvement	Director, Regulatory Advice and General Counsel &
	<p><b>HUMAN RESOURCES</b></p> <p><b>2.2</b> Government Sector Employment Act 2013 (s13)</p> <p><b>2.5 &amp; 2.6</b> Government Sector Employment Act 2013 (s43, s45-47, s64, s66-70)</p> <p><b>2.14</b> Work Health and Safety Act 2011</p> <p><b>INFORMATION AND TECHNOLOGIES</b></p> <p><b>2.13</b> State Records Act 1998</p>			<p><b>2.14</b> Work Health and Safety Act 2011</p> <p><b>INFORMATION AND TECHNOLOGIES</b></p> <p><b>2.13</b> State Records Act 1998</p>	

## Group 1 – Legislation of particular application

Ref.	Instrument	Obligations	Risk Levels (Extreme/ Moderate/ Low)	Responsible Position	How we address this	Review timeframe
1.1	<b>Government Information (Information Commissioner) Act 2009 (GIIC Act)</b>	<b>Obligations of Information Commissioner</b> (as Information Commissioner)  <i>Complaints and investigations</i> <ul style="list-style-type: none"><li>Give notice to complainants of decision on whether and how their complaint is to be dealt with (s20),</li><li>Report to the responsible Minister and principal officer of any agency to which an investigation report relates (s21),</li><li>Give notice to a complainant of a decision to investigate or to discontinue an investigation (s22),</li><li>Give notice to an agency of the Commissioner's decision to investigate a complaint about the agency or to discontinue an investigation (s22),</li><li>Give the agency the opportunity to make submissions, if practicable (s23),</li><li>Give the complainant the opportunity to make submissions (s23).</li></ul>	Moderate	Information Commissioner  Director, Investigation & Reporting	Through clear instrument of delegations to staff (see website <a href="http://www.ipc.nsw.gov.au/information-commissioner-instrument-delegation">http://www.ipc.nsw.gov.au/information-commissioner-instrument-delegation</a> ).  Through Complaints, Reviews and Investigation Policy.	Annual
		<i>Adverse comment</i> <ul style="list-style-type: none"><li>Inform affected persons and give them an opportunity to make submissions before publication of an investigation report containing adverse comment on their conduct (s23),</li><li>Inform the responsible Minister before publication of an investigation report containing adverse comment on an agency's conduct (s23),</li><li>Consult the Minister if requested (s23).</li></ul>	Moderate	Information Commissioner  Director, Investigation & Reporting	Currently through templates and in delegations, going forward, through updated complaints management policy and information about processes on website eg. Fact Sheet.	Annual

Ref.	Instrument	Obligations	Risk Levels (Extreme/ Moderate/ Low)	Responsible Position	How we address this	Review timeframe
		<p><i>Investigation Reports</i></p> <ul style="list-style-type: none"> <li>Report to the responsible Minister and the principal officer if making a finding that conduct of an agency constitutes failure to exercise its functions properly in accordance with any provision of the GIPA Act (s24),</li> <li>Report to the Secretary of the Department of Premier and Cabinet if the conduct is that of a Public Service employee (s24).</li> </ul>	Moderate	Information Commissioner  Director, Investigation & Reporting	Currently through templates and in delegations, going forward, through Operations manual, and information about processes on website.	Annual
		<p><i>Annual reporting and other reporting</i></p> <ul style="list-style-type: none"> <li>Prepare an annual report of the Commissioner's work and activities as soon as practicable after 30 June,</li> <li>Include the annual report on the Commissioner's work and activities in the annual report of the IPC, and furnish it to the Presiding Officer of each House of Parliament,</li> <li>Provide a copy of the annual report on the Commissioner's work and activities to the Minister,</li> <li>Prepare and publish an annual report on the operation of the GIPA Act as soon as practicable after 30 June and furnish the report to the Presiding Officer of each House of Parliament,</li> <li>Provide a copy of the annual report on the operation of the GIPA Act to the Minister,</li> <li>Provide the Minister with a copy of any special report made by the Commissioner to Parliament (s36 - 39).</li> </ul>	Moderate  Information Commissioner  Director, Regulatory Advice and General Counsel  Director Corporate Services and Business Improvement	Work plan of Director Regulatory Advice and General Counsel  Work plan of Director Corporate Services and Business Improvement.	Annual	

Ref.	Instrument	Obligations	Risk Levels (Extreme/ Moderate/ Low)	Responsible Position	How we address this	Review timeframe
1.2	<b>Government Information (Public Access) Act 2009 (GIPA Act)</b>	<p><b>Obligations of Chief Executive Officer IPC</b></p> <p><i>Proactive and informal release of information</i></p> <ul style="list-style-type: none"> <li>review program for the proactive release of government information at least annually (s7),</li> <li>provide a reasonable level of advice and assistance to a person who requests or proposes to request access to government information (s16),</li> <li>make government information publicly available as provided by agency information guide (AIG) (s20),</li> <li>review AIG and adopt a new AIG at least annually (s21),</li> <li>keep a disclosure log (s 25, 26).</li> </ul>	Moderate	Information Commissioner/CEO  Director, Corporate Services and Business Improvement	<p>Monitor via IPC policy register for annual publication.</p> <p>IPC GIPA corporate policy and procedure manual – inclusion in the annual report and website publication.</p>	Annual
		<p><i>Government contracts register</i></p> <ul style="list-style-type: none"> <li>keep a government contracts register that records specified information, within 45 days after the contract becomes effective (s 27 -31),</li> <li>amend the register within 45 days of a material variation becoming effective (s33),</li> <li>ensure that a copy of their government contracts register is published online and available in any other manner they decide to make open access information publicly available (s35).</li> </ul>	Low	Director, Corporate Services and Business Improvement	<p>As part of review of activities to be included in the annual report.</p> <p>Contracts register <a href="https://www.ipc.nsw.gov.au/about-us/accepting-ipc-information/register-government-contracts">https://www.ipc.nsw.gov.au/about-us/accepting-ipc-information/register-government-contracts</a>.</p>	Annual
	<b>Government Information (Public Access) Act 2009</b>	<p><i>Annual reports</i></p> <ul style="list-style-type: none"> <li>prepare an annual report on the agency's obligations under GIPA Act for submission to the Minister within 4 months after the end of each reporting year (s125(1)),</li> </ul>	Moderate	Director, Corporate Services and Business Improvement	Included in IPC Annual Report.	Annual

Ref.	Instrument	Obligations	Risk Levels (Extreme/ Moderate/ Low)	Responsible Position	How we address this	Review timeframe
	<b>Government Information (Public Access) Regulation 2018 (GIPA Regulation)</b>	<ul style="list-style-type: none"> <li>provide a copy of the IPC report to the Information Commissioner (section 125(1)) [even though it is the Information Commissioner's own report],</li> <li>in accordance with clause 8 of the GIPA Regulation the report is to include specified information as set out in clause 8(a)-(d) of the GIPA Regulation.</li> </ul> <p>NB a report under section 125 can be included in the annual report required to be prepared under the annual reporting legislation—see <i>Division 7.3 of the Government Sector Finance Act 2018</i></p>				
	<b>Government Information (Public Access) Act 2009</b>  <b>Continued</b>	<p><b>Obligations of Minister</b></p> <ul style="list-style-type: none"> <li>review the GIPA Act to determine whether its policy objectives remain valid and whether the terms of the Act remain appropriate for securing those objectives, within 5 years of assent (November 2018) table a report on the outcome of the review in each House of Parliament by within 12 months after the end of the 5-year period (s130).</li> </ul>	Low	Information Commissioner to advise/remind Minister and assist Minister in fulfilling Minister's obligations	Review will be led by DCJ/DCS.	

Ref.	Instrument	Obligations	Risk Levels (Extreme/ Moderate/ Low)	Responsible Position	How we address this	Review timeframe
1.3	<b>Government Sector Finance Act 2018</b>	<p><b>Obligations of Chief Executive Officer IPC</b></p> <ul style="list-style-type: none"> <li>ensure that expenditure of money for the agency is done in a way that is authorised, meaning it is done in accordance with a delegation or subdelegation from a person with power regarding the expenditure of the money or under the authority of the <i>Government Sector Finance Act 2018</i> or any other law (section 5.5 of the <i>Government Sector Finance Act 2018</i>).</li> <li>in administering any grant, must not knowingly breach a mandatory requirement contained in a Grants Administration Guide – s10.3A.<sup>1</sup></li> </ul> <p><b>Obligations of officers of IPC</b></p> <ul style="list-style-type: none"> <li>ensure that the officer's expenditure of money for the State or a GSF agency is in a way that is authorised.</li> </ul>	Low	Information Commissioner/ CEO  Director, Corporate Services and Business Improvement	Delegations are regularly reviewed.  IPC's annual funding is incorporated into the appropriation to the Minister for the services of the Department of Customer Service, which then provides a grant in accordance with the amounts set out in the Budget papers.	Monthly

<sup>1</sup> The IPC does not currently administer any grants.

Ref.	Instrument	Obligations	Risk Levels (Extreme/ Moderate/ Low)	Responsible Position	How we address this	Review timeframe
1.4	<b>Health Records and Information Privacy Act 2002</b>	<b>Obligations of Chief Executive Officer IPC</b> <ul style="list-style-type: none"> <li>comply with the Health Privacy Principles in relation to health-related information regarding employees<sup>2</sup> and any other person in relation to whom they hold health-related information (s11 and Sch 1),</li> <li>comply with requirements of the Privacy Commissioner to provide information about its arrangements to enable it to comply with the Health Privacy Principles and demonstrating the means of implementation (s63).</li> </ul>	Moderate	Chief Executive Officer/ Information Commissioner  Director, Corporate Services and Business Improvement	Review and update of IPC Privacy Management Plan (PMP)	Annual
		<b>Additional obligations of Privacy Commissioner</b> <ul style="list-style-type: none"> <li>comply with the Health Privacy Principles in relation to any person in relation to whom they hold health related information (s11 and Sch 1),</li> <li>advise a complainant of the reasons for deciding not to deal with a complaint against a private sector person<sup>3</sup> (s43(3)) or for ceasing to deal with the complaint (s44(3)),</li> <li>notify the complainant and the respondent if they determine that a complaint has been resolved to his or her satisfaction and take no further action on the complaint (s45(3)).</li> </ul>	Moderate	Privacy Commissioner  Director, Corporate Services and Business Improvement  Director, Investigation & Reporting	Delegations, IPC case management procedures and policies and Data Breach Policy and Guidelines.	Annual

<sup>2</sup> The Privacy Commissioner has no employees.

<sup>3</sup> Conduct by a public sector agency that is contrary to a Health Privacy Principle or health privacy code of practice that applies to the agency is declared by the Act to be conduct to which Part 5 (Review of certain conduct) of the *Privacy and Personal Information Protection Act 1998* applies (section 21).

1.5	<b>Privacy and Personal Information Protection Act 1998</b>	<b>Obligations of Chief Executive Officer IPC</b> <ul style="list-style-type: none"> <li>comply with the 12 Information Protection Principles in relation to personal information regarding employees (the Privacy Commissioner has none) and clients (where relevant) (ss8-19),</li> <li>comply with any applicable privacy code of practice (s32),</li> <li>prepare and implement a privacy management plan (s33),</li> <li>notify the Privacy Commissioner as soon as practicable after receiving an application for an internal review of their conduct (ss 53, 54),</li> <li>keep the Privacy Commissioner informed of the progress of the internal review (s54(1)(b)),</li> <li>inform the Privacy Commissioner of the findings of the review and the action proposed to be taken by them in relation to the matter (s54(1)(c)).</li> <li>Assess and mitigate harm of a data breach (s59E-59G)</li> <li>Decide whether a data breach is an eligible data breach (s59J(2))</li> <li>Immediately notify Privacy Commissioner of eligible data breach (s59M(1))</li> <li>Notify affected individuals (s59N-O)</li> <li>Provide further information to Privacy Commissioner about an eligible data breach (s59Q)</li> <li>Notify Privacy Commissioner if exemption for serious risk of harm to health and safety is applied or exemption for compromised cyber security is applied (s59W -s59 X)</li> </ul>	Moderate	Director, Corporate Services and Business Improvement	Application of PMP and Privacy Internal Review Guidelines.	Annual
			Moderate	Director, Corporate Services and Business Improvement	Data Breach Policy Privacy Commissioner Guidelines	As required

Ref.	Instrument	Obligations	Risk Levels (Extreme/ Moderate/ Low)	Responsible Position	How we address this	Review timeframe
		<ul style="list-style-type: none"> <li>Keep a Register of Public Notifications on agency website (s59P)</li> <li>Prepare and publish Data Breach Policy (s59ZD)</li> <li>Prepare and maintain an internal register for eligible data breaches (s59ZE)</li> </ul>	Low	<p>Director, Corporate Services and Business Improvement</p>	<p>Public Notifications Register and Policy on website</p> <p>Internal Register maintained by Manager Systems and Corporate Services</p>	Annual
		<p><b>Additional obligations of Privacy Commissioner</b></p> <ul style="list-style-type: none"> <li>Publish information on the Privacy Commissioner's website about how to access the notification made by a public sector agency [s59P(5)]</li> <li>Before publishing a report that makes an adverse comment about a public sector agency, the Privacy Commissioner must inform the Minister responsible for the agency [s59ZC(4)]</li> </ul>	<p>Low</p> <p>Low</p>	<p>Director, Corporate Services and Business Improvement</p> <p>Privacy Commissioner</p>	<p>Website</p> <p>Through templates and in delegations, going forward,</p>	As required
1.6	<b>Public Interest Disclosures Act 2022</b>	<p><b>Obligations of Information Commissioner, Privacy Commissioner, and Chief Executive Officer</b></p> <ul style="list-style-type: none"> <li>have a PID policy (s42) that must set out the IPC procedures for dealing with the matters specified in s 43 (1), including: <ul style="list-style-type: none"> <li>dealing with voluntary PIDs,</li> <li>taking steps to minimise the risk of detrimental action,</li> </ul> </li> </ul>	Moderate	<p>Chief Executive Officer/ Information Commissioner</p>	<p>An IPC internal PID policy for public interest disclosures made by staff of IPC.</p> <p>Internal guidance for PIDs reporting government information contravention</p>	Annual

Ref.	Instrument	Obligations	Risk Levels (Extreme/ Moderate/ Low)	Responsible Position	How we address this	Review timeframe
		<ul style="list-style-type: none"> <li>○ taking appropriate corrective action, record-keeping and reporting,</li> <li>○ establishing internal oversight of the IPC's compliance with the PID Act.</li> <li>• the PID policy must specify the responsibilities of the Commissioners, CEO and disclosure officers, and the managers of any public officials associated with the IPC (s43(2))</li> <li>• the PID policy must identify the IPC's disclosure officer(s)</li> <li>• ensure that: <ul style="list-style-type: none"> <li>a) the staff of IPC are aware of how to make a voluntary PID, the IPC PID policy and that a person dissatisfied with how a voluntary PID has been dealt with may be entitled to take further action (s.48(1)),</li> <li>b) ensure that the Information Commissioner, Privacy Commissioner, disclosure officer and a manager of a public official associated with the IPC receive training on their responsibilities and the IPC's PID policy (s 48(2)), and</li> <li>c) the IPC complies with the PID Act, and the IPC's PID policy (s6)</li> </ul> </li> <li>• provide a report to the Ombudsman for each 12-month period ending on 30 June, to be provided by 30 July each year, giving information about: <ul style="list-style-type: none"> <li>○ voluntary PIDs received by the IPC</li> <li>○ action taken to deal with voluntary PIDs</li> </ul> </li> </ul>		Privacy Commissioner  Director, Regulatory Advice and General Counsel  Director Investigation and Reporting/Director , Regulatory Advice and General Counsel	to Information Commissioner  Internal guidance for PIDs reporting privacy contravention to Privacy Commissioner  All staff assigned e- learning modules to complete. Refreshed training will be required at 3 year intervals.  Online reporting 12 monthly on PID Data as required by Ombudsman and data also reported in annual report to meet	

Ref.	Instrument	Obligations	Risk Levels (Extreme/ Moderate/ Low)	Responsible Position	How we address this	Review timeframe
		<ul style="list-style-type: none"> <li>○ measures taken to promote a culture that encourages PIDs on compliance with obligations under this Act. (s78, and PID Regulation))</li> <li>● receive reports of public interest disclosures of government information contraventions</li> <li>● receive reports of public interest disclosures of privacy contraventions</li> <li>● must not disclose information that might identify or tend to identify a person who has made a voluntary PID <b>unless</b> a) the person consents in writing, b) their identity is already known due to voluntary self-identification, c) following consultation with the maker the IPC considers it necessary to protect a person from detriment, d) disclosure to an affected person is necessary, e) identifying information has previously been lawfully published, f) disclosure is to a doctor or psychologist providing care to the maker, g) disclosure is for the purpose of court or tribunal proceedings, h) disclosure is necessary to deal effectively with the PID or i) disclosure is otherwise in the public interest (s64)</li> <li>● must ensure that the maker of a voluntary PID has access to the IPC's PID policy by giving them a copy, directing them to the relevant website or intranet page or otherwise making access available</li> <li>● must ensure that the maker of a voluntary PID is informed of the following as soon as reasonably practicable (s59): <ul style="list-style-type: none"> <li>○ that Part 5, Division 2 applies to the IPC's handling of the PID</li> </ul> </li> </ul>		Director, Regulatory Advice and General Counsel	<p>obligation to report to responsible Minister/s.</p> <p>Processes in place for the handling of PIDs</p>	

Ref.	Instrument	Obligations	Risk Levels (Extreme/ Moderate/ Low)	Responsible Position	How we address this	Review timeframe
		<ul style="list-style-type: none"> <li>○ how the IPC is dealing or proposes to deal with the PID</li> <li>○ the reasons for deciding not to investigate, not to refer or to cease investigating a PID</li> <li>○ the details of any referral</li> <li>○ updates on the progress of any investigation (at least every 3 months)</li> <li>○ on completion of an investigation into serious wrongdoing, a description of the results of the investigation and details of corrective action taken, proposed or recommended</li> <li>○ any other matters required by the PID Act or the IPC's PID Policy to be communicated to the maker.</li> <li>● provide information or documents for audit and monitoring purposes (s75).</li> </ul>		Director, Regulatory Advice and General Counsel	As required	

Ref.	Instrument	Obligations	Risk Levels (Extreme/ Moderate/ Low)	Responsible Position	How we address this	Review timeframe
	<b>Public Interest Disclosures Regulation 2022</b>	<p><b>Obligations of the Chief Executive Officer, Information Commissioner and Privacy Commissioner,</b></p> <ul style="list-style-type: none"> <li>• New staff (and any other public officials associated with the IPC) must be given a copy of the PID Policy, directed to the relevant page on the intranet or IPC website, or otherwise informed how to access the PID policy.</li> <li>• The Information Commissioner, Privacy Commissioner, disclosure officer and a manager of a public official associated with the IPC must receive training on their responsibilities and the IPC's PID policy required by section 48(2) of the PID Act: <ul style="list-style-type: none"> <li>◦ Within a reasonable time of becoming associated with the agency; and</li> <li>◦ No later than 31 March 2024 or 3 months after the person has commenced their role with the IPC (whichever is later)</li> </ul> </li> <li>• The annual return required by s 78 of the PID Act must include the information set out in clause 5 of the regulation.</li> </ul>	Low	<p>Director, Regulatory Advice and General Counsel</p> <p>Director, Regulatory Advice and General Counsel</p>	<p>New starters provided with information on how to access the IPC PID policy</p> <p>All new starters assigned e-learning modules to complete. Refresher training for all staff is completed every 2 years.</p> <p>All staff completed initial training in November 2023</p> <p>Online reporting 12 monthly on PID Data as required by Ombudsman and data also reported in annual report to meet obligation to report to responsible Minister/s.</p>	Annual

Ref.	Instrument	Obligations	Risk Levels (Extreme/ Moderate/ Low)	Responsible Position	How we address this	Review timeframe
1.7	<b>Digital Restart Fund Act 2020</b>	<p><b>Obligations of Information Commissioner and Privacy Commissioner</b></p> <ul style="list-style-type: none"> <li>provide advice to the Minister as to the effect, if any, that a project seeking funding under the Act may have on:             <ol style="list-style-type: none"> <li>access to government information under the GIPA Act, and</li> <li>the protection of personal information under the PPIP Act or health information under the HRIP Act. (s10).</li> </ol> </li> </ul>	Low	Information Commissioner/ Privacy Commissioner  Director, Regulatory Advice and General Counsel	Workplan of Director, Regulatory Advice and General Counsel	Annual

### 3. Group 2 – State instruments of general application

Ref.	Instrument	Obligations	Risk Rating (Extreme/ Moderate /Low)	Responsible Position	How we address this	Review timeframe
2.1	<b>Anti-Discrimination Act 1977</b>	<p>It is unlawful to discriminate on the basis of a person's race, including colour, nationality, descent and ethnic, ethno-religious or national origin, sex, including pregnancy and breastfeeding, marital or domestic status, disability, homosexuality, age, transgender status, and carer's responsibilities. Sexual harassment and vilification on the basis of race, homosexuality, transgender status or HIV/AIDS status are also prohibited under this Act.</p> <p>This includes discrimination in employment and provision of goods and services.</p>	Low	<p>Chief Executive Officer</p> <p>Director, Corporate Services and Business Improvement</p>	<p>IPC Code of Conduct</p> <p>IPC and Departmental policies</p>	Annual
2.2	<p><b>Government Sector Employment Act 2013</b></p> <p><b>Comply with Directions of Public Service Commissioner</b></p>	Chief Executive Officer has specific obligations under the Act in relation to terms and conditions of employment and recruitment practices etc., including compliance with directions of the Public Service Commissioner (section 13).	Moderate	<p>Chief Executive Officer</p> <p>Director, Corporate Services and Business Improvement</p>	Effectuated by oversight of agency recruitment and related personnel practices by Department of Customer Service under shared corporate services arrangements.	Annual

Ref.	Instrument	Obligations	Risk Rating (Extreme/ Moderate /Low)	Responsible Position	How we address this	Review timeframe
2.3	<b>Government Sector Employment Act 2013</b> <b>General obligations</b>	Chief Executive Officer has specific obligations under the Act: <ul style="list-style-type: none"> <li>exercise employer functions in relation to the employees of the IPC (s31)</li> <li>may delegate functions (s32).</li> </ul>	Low	Chief Executive Officer	IPC has human resources management policies and procedures in place, including adopting those <a href="#">established by DCS</a> where IPC is procuring HR services under a Memorandum of Understanding, and in accordance with the Crown Employees Award HR delegations are in place.	Annual

Ref.	Instrument	Obligations	Risk Rating (Extreme/ Moderate /Low)	Responsible Position	How we address this	Review timeframe
2.4	<p><b>Government Sector Employment Act 2013</b></p> <p><b>Government Sector Employment Regulation 2014</b></p> <p><b>Government Sector Employment Rules 2014</b></p>	<p><b>Chief Executive Officer</b> has specific obligations under the Act in relation to senior executives:</p> <ul style="list-style-type: none"> <li>employ senior executives within the band determined for senior executives (s37)</li> <li>may assign senior executives within the agency (s38)</li> <li>employ senior executives under a written contract (s39) with remuneration and benefits specified in the contract as identified in s40 and clauses 36 to 39 of the <i>Government Sector Employment Regulation 2014</i>.<sup>4</sup></li> <li>may terminate senior executive (s41).</li> </ul> <p>The Government Sector Employment Rules 2014 (42 to 51 and Schedule 1) outline additional provisions in relation to senior executives including:</p> <ul style="list-style-type: none"> <li>Agency head must provide a written report to the Public Service Commissioner after terminating a senior executive providing a summary of the process and the reasons for termination (Rule 42)</li> <li>Using the prescribed model contract of employment (Rule 43 and Schedule 1)</li> </ul>	Low	Chief Executive Officer	<p>IPC applies DCS policies and procedures and seeks advice as needed.</p> <p>IPC Code of Conduct</p> <p>IPC Performance management system and Performance Agreements.</p>	Annual

<sup>4</sup> Senior executives must declare in writing their private interests that have the potential to influence, or could be perceived to influence, decisions. A declaration is mandatory and must be updated annually. PSC circular - [PSC 2015-08 Declaration of private interests – supplementary information \(nsw.gov.au\)](http://pssc.2015-08 Declaration of private interests – supplementary information (nsw.gov.au))

Ref.	Instrument	Obligations	Risk Rating (Extreme/ Moderate /Low)	Responsible Position	How we address this	Review timeframe
2.5	<b>Government Sector Employment Act 2013</b>  <b>Non-executive employees</b>	<p><b>Obligations of Chief Executive Officer</b> in relation to non-executive employees:</p> <ul style="list-style-type: none"> <li>• May employ non-executive employees in the kinds of employment specified in s43, in classifications of work (s45), and assign to roles (s46)</li> <li>• May terminate on grounds outlined in s47</li> <li>• May second or transfer employees (s64)</li> <li>• May temporarily assign staff between the IPC and other relevant bodies (s66)</li> <li>• Is responsible for dealing with unsatisfactory performance including taking action in accordance with the GSE rules in relation to unsatisfactory performance (s68)</li> <li>• Is responsible for dealing with misconduct of employees including complying with the GSE rules (s69)</li> <li>• May suspend an employee from duty pending a decision in relation to misconduct criminal charge or corrupt conduct (s70)</li> </ul>	Moderate	Chief Executive Officer	<p>IPC applies DCS policies and procedures and the Crown Employees Award.</p> <p>IPC Human Resources Delegations</p> <p>Seeks advice as needed.</p> <p>IPC Code of Conduct</p> <p>Performance agreements</p>	Annual

Ref.	Instrument	Obligations	Risk Rating (Extreme/ Moderate /Low)	Responsible Position	How we address this	Review timeframe
2.6	<b>Government Sector Employment Act 2013</b>  <b>Performance Management systems (section 67)</b>	<p><b>Chief Executive Officer</b> is responsible for developing and implementing performance management system with respect to employees</p> <p>Core requirements of system set out in GSE Rules – rule 35(1):</p> <ul style="list-style-type: none"> <li>a) set and clarify expectations for employees</li> <li>b) guide and review employee performance</li> <li>c) develop employee capability</li> <li>d) recognise employee achievements</li> <li>e) improve employee performance</li> <li>f) resolve unsatisfactory employee performance</li> <li>g) evaluate and strengthen practices.</li> </ul>	Moderate	<p>Chief Executive Officer</p> <p>Director, Corporate Services and Business Improvement</p>	<p>DCS performance management system implemented and linked to business plan. Staff have performance agreement and development plans reviewed in line with business plan priorities.</p>	Annual
2.7	<b>Government Sector Employment Rules 2014</b>	<p><b>Chief Executive Officer</b> is responsible for:</p> <ul style="list-style-type: none"> <li>• Determining probation periods for persons in ongoing employment (GSE Rule 5)</li> <li>• Specifying evidence of formal qualifications (GSE Rule 7)</li> <li>• Health assessments (GSE Rule 9)</li> <li>• Converting temporary or term employment to ongoing employment (GSE Rule 12)</li> <li>• Determining excess non-executive employees (GSE Rule 13)</li> <li>• Considering any submissions before terminating non-executive employees (GSE Rule 14)</li> </ul>	Low	<p>Chief Executive Officer</p>	<p>DCS Human resource management policy and procedures.</p> <p>IPC Human Resources Delegations</p> <p>IPC Code of Conduct</p> <p>IPC performance agreements</p>	Annual

Ref.	Instrument	Obligations	Risk Rating (Extreme/ Moderate /Low)	Responsible Position	How we address this	Review timeframe
		<ul style="list-style-type: none"> <li>Applying merit-based employment rules in regard to types of assessment, talent pools and kinds of employment (GSE Rules 16 to 23).</li> <li>Reviewing promotion decisions if requested (GSE Rules 24 and 25)</li> <li>Applying GSE Rules 29 to 34 in relation to transfers and secondments of employees including reviews of employer-initiated transfers or secondments (rule 34)</li> <li>Apply the rule for dealing with unsatisfactory performance (rule 36)</li> <li>Applying the procedural requirement rules for misconduct (GSE Rules 37 to 41).</li> </ul> <p>Note certain reviews of decisions can be undertaken by other senior executives.</p>				

Ref.	Instrument	Obligations	Risk Rating (Extreme/ Moderate /Low)	Responsible Position	How we address this	Review timeframe
2.8	<b>Public Service Commissioner Directions (issued under section 13 Government Sector Employment Act)</b>	<p><b><u>No 1 of 2023</u></b></p> <p><b>Chief Executive Officer</b> to implement a workplace sexual harassment prevention policy by 1 March 2024.</p> <p><b><u>No. 1 of 2022</u></b></p> <p><b>Chief Executive Officer</b> to implement minimum standards for the management of gifts and benefits by 1 November 2022 and to require employees to comply with those standards.</p> <p><b><u>No. 2 of 2022</u></b></p> <p>Chief Executive Officer to implement <a href="#">The Code of Ethics and Conduct for NSW government sector</a> employees by 1 November 2022 and to require employees to comply with the Code.</p>	Low	Chief Executive Officer Director, Corporate Services and Business Improvement	<p>IPC Prevention of Sexual Harassment in the Workplace Policy</p> <p>Application of Gifts and Benefits Policy. Also addressed in IPC Code of Conduct</p> <p>All staff to be required to sign a declaration that they will comply with the Code.</p> <p>Senior executives make written declaration of private financial, business, personal or other interests annually</p>	<p>July 2027</p> <p>Annual</p> <p>Annual</p>
2.9	<b>Government Sector Finance Act 2018 (GSF Act)</b>	<p><b>Obligations of Chief Executive Officer as accountable authority for the IPC</b></p> <p>(Treasurer's Directions/Policies ongoing)</p> <ul style="list-style-type: none"> <li>• develop and maintain policies and procedures, within their GSF Agency, regarding the financial</li> </ul>	Low	Chief Executive Officer Director, Corporate	The IPC observes the provisions of this Act with the support of Department of Customer Service under shared corporate service arrangements.	Annual

Ref.	Instrument	Obligations	Risk Rating (Extreme/ Moderate /Low)	Responsible Position	How we address this	Review timeframe
		<p>management of the agency and compliance with the Act. This includes ensuring that the government officers of the GSF Agency are accountable for their actions under the Act (sections 3.6 and 3.7)</p> <ul style="list-style-type: none"> <li>• establish and maintain effective policies regarding internal control, assurance and risk management and procedures appropriate to the agency. Ensure the integrity of financial and performance information and ensure that the agency is compliant with the GSF Act (section 3.6)</li> <li>• ensure that records are kept regarding relevant performance information and make that information available, on request, to the Treasurer or responsible Minister. The Accountable Authority may, if a reasonable reason is provided, decline such a request as specified in s9.6 (sections 8.2, 9.5(1) and 9.6)</li> <li>• perform functions delegated by the responsible ministers under an instrument of delegation (Attorney General and Minister for Customer Service), subdelegate to staff if required (sections 9.9, 9.9(5) and 9.11)</li> <li>• be consulted on certain aspects of the Treasurer's directions (with respect to the payment of financial distributions to Treasurer) (section 5.4(3))</li> <li>• must not make a gift of government property unless the property was acquired or produced for use as a gift, the gift has been authorised by the Treasurer in writing, the gift is made in</li> </ul>		<p>Services and Business Improvement</p>	<p>IPC receives funding by way of grants from Department of Customer Service, and these are managed by Department in accordance with the provisions of the GSF Act.</p> <p>Financial delegations in place.</p>	

Ref.	Instrument	Obligations	Risk Rating (Extreme/ Moderate /Low)	Responsible Position	How we address this	Review timeframe
		<p>accordance with Treasurer's directions or the gift was authorised by or under any law) (section 5.6)</p> <ul style="list-style-type: none"> <li>enter into financial agreements that the agency is authorised to enter into and be responsible for ensuring that the agency complies with the Treasurer's directions in respect of use of financial services (sections 6.15(8) and 6.22(3))</li> <li>cannot do anything on behalf of their agency that would contravene Part 6 Financial Services and Arrangements if it were done directly by the agency (section 6.1(2))</li> <li>may open, close or operate banking accounts on behalf of the agency (section 6.19)</li> <li>prepare, submit and publish an annual report in the form required by the Act and the <i>Annual Reports (Departments) Regulation 2015</i> and report to Parliament rather than to the Minister,</li> </ul> <p><b>Obligations of Information Commissioner</b></p> <p>Annual report should be included in the IPC annual report - s36 GIIC Act; and procedure for reporting s39 of the GIIC Act).</p> <p><b>Obligations of Privacy Commissioner</b></p> <p>Annual report to be included in the IPC annual report - s61A PPIP Act.</p> <p><b>Additional obligations of IPC</b> for annual reporting - note not a legislative requirement but arises from the <i>NSW Cyber Security Policy</i>:</p> <ul style="list-style-type: none"> <li>Part 4: Cyber Security must be addressed in the IPC annual report. Template is provided by Cyber Security NSW. The attestation must also</li> </ul>	Low	<p>Manager Communications &amp; Corporate Affairs</p> <p>Director, Corporate Services and Business Improvement</p> <p>Manager, Systems and Corporate Services</p>	<p>By producing the Annual Reports in the required format and by the required date.</p> <p>Included in annual report.</p>	

Ref.	Instrument	Obligations	Risk Rating (Extreme/ Moderate /Low)	Responsible Position	How we address this	Review timeframe
		<p>be provided to Cyber Security NSW. (Division 7.3)</p> <ul style="list-style-type: none"> <li>• responsible for record keeping in relation to their agencies' financial arrangements (section 6.22(8) and Division 9.1) This includes ensuring that records are kept in respect of the GSF agency's transactions, cashflows, financial position and financial performance (section 7.5)</li> <li>• must prepare information for use in Budget papers in accordance with Treasurer's directions (section 4.5)</li> <li>• prepare and give financial statements to the Auditor-General in the time frame and in the form designated by the Australian Accounting Standards, GSF Act, Treasurer's directions and regulations (sections 7.6(1) and (3); 7.1(1))</li> <li>• if directed to, prepare special purpose financial reports in accordance with provisions of the directions (section 7.9(3))</li> <li>• ensure that the annual reporting information for the GSF Agency is prepared and presented, and made public, in a timeframe and format designated by the GSF Act, regulations and Treasurer's directions, including for former GSF Agencies (sections 7.12 and 7.14)</li> <li>• review delegations and sub delegations in accordance with any requirements prescribed by the regulations to written directions given by the responsible ministers (section 9.11(8))</li> </ul>			Financial Statements are prepared by DCS	

Ref.	Instrument	Obligations	Risk Rating (Extreme/ Moderate /Low)	Responsible Position	How we address this	Review timeframe
		<ul style="list-style-type: none"> <li>as a person handling government resources under the GSF Act to whom the civil recovery provisions apply, will:</li> <li>incur a debt to the Crown if they contravene provisions about the gifting of government property where the contravention was dishonest, or the result of misconduct, or a deliberate or serious disregard of reasonable standards of care (section 9.15)</li> <li>incur a debt to the Crown if a loss of government resources or related money has occurred and the person caused or contributed to the loss by misconduct or a deliberate or serious disregard of reasonable standards of care (section 9.16).</li> <li>a debt incurred is recoverable by the Treasurer, but proceedings can only be commenced with the concurrence of the Attorney General (section 9.18)</li> </ul> <p><b>Obligations of IPC officers and the Privacy Commissioner</b></p> <ul style="list-style-type: none"> <li>comply with Treasurer's directions, which may confer administrative functions on government officers (section 3.4)</li> <li>take reasonable care so that the officer's use of government resources or related money is efficient, effective and prudent (Accountability) (section 3.7)</li> <li>should: (a) place the public interest over private interest, and (b) not use the officer's position (or information acquired in exercise of the functions</li> </ul>	Low	Director, Corporate Services and Business Improvement  Privacy Commissioner  Director, Regulatory Advice and General Counsel		

Ref.	Instrument	Obligations	Risk Rating (Extreme/ Moderate /Low)	Responsible Position	How we address this	Review timeframe
		<p>of that position) improperly for financial or personal gain (Integrity) (section 3.7)</p> <ul style="list-style-type: none"> <li>should: (a) ensure that any real or perceived conflicts of interest are avoided or effectively managed, and (b) disclose to the appropriate entity, as soon as possible, any direct or indirect material conflict of interest of the officer that relates to the affairs of the GSF Agency (Transparency) (section 3.7)</li> <li>ensure that expenditure of money for the State or GSF Agency is in a way that is “authorised”. Expenditure will be “authorised” where it is done (i) in accordance with a valid delegation or subdelegation, or (ii) authorised by any other law. (section 5.5 and division 9.2)</li> <li>cannot make a gift of government property unless: the property was acquired or produced for use as a gift; the gift has been authorised by the Treasurer in writing; the gift is made in accordance with Treasurer’s directions; or the gift was authorised by or under any law (section 5.6)</li> <li>exercise functions delegated to them by the responsible ministers or accountable authority (division 9.2)</li> <li>as a ‘person handling government resources’ under the GSF Act, IPC staff will:</li> <li>incur a debt to the Crown if they contravene provisions around the gifting of government property and where the contravention was the result of dishonesty, misconduct, or a deliberate</li> </ul>		Director, Investigation and Reporting		

Ref.	Instrument	Obligations	Risk Rating (Extreme/ Moderate /Low)	Responsible Position	How we address this	Review timeframe
		<p>or serious disregard of reasonable standards of care (section 9.15).</p> <ul style="list-style-type: none"> <li>incur a debt to the Crown if a loss of government resources or related money has occurred, and the person caused or contributed to the loss by misconduct, or a deliberate or serious disregard of reasonable standards of care (section 9.16).</li> <li>a debt incurred is recoverable by the Treasurer, but proceedings can only be commenced with the concurrence of the Attorney General (or his/her delegate) (section 9.18).</li> </ul>				
2.10	<i>Independent Commission Against Corruption Act 1988</i>	<p><b>Obligations of Chief Executive Officer IPC</b></p> <p>The Chief Executive Officer has a duty to report to the Independent Commission Against Corruption any matter that the person suspects on reasonable grounds concerns or may concern corrupt conduct.(s11)</p>	Low	Chief Executive Officer	Make reports as required	
2.11	<i>Modern Slavery Act 2018</i>	<p><b>Obligations of Chief Executive Officer IPC</b></p> <p>The annual report is to include a statement of the action taken in relation to a significant issue raised by the Anti-slavery Commissioner and a statement of steps taken to ensure that goods and services procured by and for the agency were not the product of modern slavery (s31).</p>	Low	Director, Corporate Services and Business Improvement	Included in Annual Report	Annual
2.12	<i>Multicultural NSW Act 2000</i>	<p><b>Obligations of Chief Executive Officer and the IPC</b></p> <p>Observe and implement the principles of multiculturalism in conducting its affairs (s3) and comply with the Multicultural Policies and Services Program Framework</p>	Low	Chief Executive Officer  Director, Corporate Services and	Draft Program Framework has been developed by Multicultural NSW and has been circulated to agencies for feedback	Annual

Ref.	Instrument	Obligations	Risk Rating (Extreme/ Moderate /Low)	Responsible Position	How we address this	Review timeframe
				Business Improvement		
2.13	<b><i>Ombudsman Act 1974</i></b>	<p><b>Obligations of IPC, Information Commissioner and Privacy Commissioner</b></p> <p>The IPC, the Information Commissioner and the Privacy Commissioner must give the Ombudsman information, documents and copies of documents required by the Ombudsman for the purposes of an investigation (s18).</p> <p>The Information Commissioner as head of the IPC, must notify the Ombudsman, on request, of any action taken or proposed in consequence of the Ombudsman's report on an investigation (s26(5)).</p> <p>If the IPC, the Information Commissioner and the Privacy Commissioner have entered into a complaint referral arrangement under section 42 or an information sharing arrangement under section 43 they must ensure that copies of the arrangement are made available for public inspection at each of its offices (s45).</p>	Moderate	<p>Chief Executive Officer</p> <p>Information Commissioner</p> <p>Privacy Commissioner</p>	<p>Memorandum of Understanding between Information Commissioner and Ombudsman; Memorandum of Understanding between Privacy Commissioner and Ombudsman</p> <p>Publication of MOUs on the IPC website.</p>	<p>Reviewed in 2020 (Information Commissioner MOU) and 2021 (Privacy Commissioner MOU)</p> <p>Schedule for review every three years or as required</p>

Ref.	Instrument	Obligations	Risk Rating (Extreme/ Moderate /Low)	Responsible Position	How we address this	Review timeframe
2.14	<b>State Records Act 1998</b>	<p>IPC, the Chief Executive Officer must meet recordkeeping obligations under the Act, including:</p> <ul style="list-style-type: none"> <li>make and keep full and accurate records of business activities,</li> <li>ensure the safe custody and preservation of records under their control,</li> <li>maintain a records management program in conformity with State Records Authority standards and codes of best practice,</li> <li>make arrangements with the State Records Authority for monitoring by that Authority of their records management program (ss 10, 11 &amp; 12).</li> </ul> <p>IPC is required to make records not in use available to Museums of History NSW (ss 27,28, &amp; 29).</p>	Moderate	<p>Chief Executive Officer</p> <p>Director, Corporate Services and Business Improvement</p>	<p>Records Management Policy and Records management procedures</p> <p>Managing records included in Work Plan of Director, Corporate Services and Business Improvement</p> <p>IPC Disposal Authority (14/11/2019)</p> <p>Mandatory Reporting to State Records on recordkeeping program</p>	Ongoing
2.15	<b>Work Health and Safety Act 2011</b>	<p><b>Obligations of the Executive Team,</b></p> <ul style="list-style-type: none"> <li>ensure, so far as is reasonably practicable, the health and safety of:           <ol style="list-style-type: none"> <li>workers they engage or cause to be engaged and</li> <li>workers whose activities in carrying out work are influenced or directed by them,</li> </ol> </li> </ul> <p>while the workers (note broad definition of “worker”) are at work in the undertaking.</p>	Moderate	Executive Team	<p>IPC has its own safety management system, which includes its WHS Policy, WHS Plan 2023-26 and Mental Health Policy. The WHS Plan and procedures were updated in 2023 to include controls for psychosocial risks and hazards.</p> <p>The IPC’s safety management system also includes safety-related services for and in respect to IPC staff provided under a MOU with the</p>	Policy to be reviewed annually. Risks are reviewed on a quarterly basis

Ref.	Instrument	Obligations	Risk Rating (Extreme/ Moderate /Low)	Responsible Position	How we address this	Review timeframe
					<p>Department of Customer Services, adopting DCS HR policies and procedures where the IPC does not have any bespoke arrangements.</p> <p>Training was held for all staff in August/September 2024</p> <p>IPC Risk register includes WHS</p> <p>First Aid Officers are trained and appointed; first aid equipment is available.</p>	
		<ul style="list-style-type: none"> <li>ensure, so far as is reasonably practicable, that the health and safety of other persons is not put at risk from work carried out as part of the conduct of the undertaking eg. visitors attending the IPC office.</li> </ul>	Low		<p>As above, and inspections, PMES survey, development of safe system of work including IPC-specific WHS policies, mental health policy and issues resolution</p>	
		<ul style="list-style-type: none"> <li>so far as is reasonably practicable, consult with workers who are, or are likely to be, directly affected by a matter relating to work health or safety (ss47, 48 and 49),</li> </ul>	Low		<p>HSC supported with management and secretariat assistance, minutes circulated, HSC and Chair consulted on major issues. Monthly inspections conducted</p>	

Ref.	Instrument	Obligations	Risk Rating (Extreme/ Moderate /Low)	Responsible Position	How we address this	Review timeframe
		<ul style="list-style-type: none"> <li>consult and confer with health and safety representatives, provide resources, facilities and assistance, access to workplaces and to information (except personal or medical information about a worker unless the worker consents), and allow attendance at certain interviews and inspections (ss 70 and 71),</li> </ul>	Low		HSC supported with management and secretariat assistance, minutes circulated, HSC and Chair consulted on major issues. Quarterly inspections conducted	
		<ul style="list-style-type: none"> <li>allow a health and safety representative to spend such time as is reasonably necessary to exercise his or her powers and perform his or her functions (s 70),</li> </ul>	Low		Available if needed	
		<ul style="list-style-type: none"> <li>allow paid time to the health and safety representative to attend training in work health and safety and pay course fees and reasonable costs (s72, s73),</li> </ul>	Low		Available if needed. All HSC members supported for training	
		<ul style="list-style-type: none"> <li>ensure that a list of health and safety representatives and their deputies health is prepared, kept up to date, and displayed at their principal place of business (s74),</li> </ul>	Low		In place and updated	
		<ul style="list-style-type: none"> <li>establish a health and safety committee for the undertaking or part of the undertaking if requested to do so (s75),</li> </ul>	Low		Committee established, meeting quarterly and Chair provides monthly reports to staff meeting.	
		<p><b>Additional obligation of the Chief Executive Officer</b> As the person with <i>management or control of a workplace</i> the Chief Executive Officer must ensure so far as is reasonably practicable, that the site where a notifiable incident has occurred is not disturbed until an inspector arrives at the site or any earlier time that an inspector directs (section 39).</p> <p><b>Obligations of officers of IPC</b></p>	Low	Chief Executive Officer	Due diligence training is conducted annually. While a notifiable incident is unlikely in this workplace, management and staff are aware of this reporting requirement included in WHS policy.	Annual

Ref.	Instrument	Obligations	Risk Rating (Extreme/ Moderate /Low)	Responsible Position	How we address this	Review timeframe
		<p>Officers of IPC must:</p> <ul style="list-style-type: none"> <li>• exercise due diligence to ensure that persons conducting the undertaking comply with their duties and obligations under the Act (section 27),</li> <li>• ensure that the regulator is notified immediately after becoming aware that a notifiable incident arising out of the conduct of the undertaking has occurred (section 38).</li> </ul>			<p>In this Act (s.35), notifiable incident means:</p> <p>(a) the death of a person, or</p> <p>(b) a serious injury or illness of a person, or</p> <p>(c) a dangerous incident.</p>	

## 4. Group 3 – Commonwealth Legislation

Ref.	Instrument	Obligations	Risk Rating (High/ Moderate/ Low)	Responsible Position	How we address this	Review timeframe
3.1	<b><i>Age Discrimination Act 2004</i></b>	IPC, the Information Commissioner and the Privacy Commissioner must not unlawfully discriminate against persons on the ground of age in the areas of employment, access to goods and premises, services and facilities, as well as the administration of Commonwealth laws and programs, education, accommodation, and requests for information.	Low	Chief Executive Officer  Director, Corporate Services and Business Improvement	Code of Conduct, Code of Ethics and Conduct for NSW government sector employees and Dignity and Respect Policy	Annual
3.2	<b><i>Australian Human Rights Commission Act 1986</i></b>	IPC and the Information Commissioner must not discriminate against persons <i>in employment or occupation</i> on the ground of race, colour, sex, religion, political opinion, national extraction, social origin, age, medical record, criminal record, impairment, marital or relationship status, mental, intellectual or psychiatric disability, nationality, physical disability, sexual preference, or trade union activity ( <i>Australian Human Rights Commission Regulations 1989</i> ).	Low	Chief Executive Officer  Director, Corporate Services and Business Improvement	Code of Conduct, Code of Ethics and Conduct for NSW government sector employees and Dignity and Respect Policy	Annual
3.3	<b><i>Disability Discrimination Act 1992 (Commonwealth)</i></b>	IPC, the Information Commissioner and the Privacy Commissioner must not discriminate against persons on the grounds of disability in specified respects (the areas of employment, access to premises or the provision of services are relevant to the IPC and the Information Commissioner) and <i>may</i> prepare and implement an action plan as set out in ss 60 and 61.	Low	Chief Executive Officer  Director, Corporate Services and Business Improvement	Code of Conduct, Code of Ethics and Conduct for NSW government sector employees and Dignity and Respect Policy	
3.4	<b><i>Racial Discrimination Act 1975</i></b>	IPC and the Chief Executive Officer must not:	Low	Chief Executive Officer	Code of Conduct, Code of Ethics and Conduct for NSW government sector	

Ref.	Instrument	Obligations	Risk Rating (High/ Moderate/ Low)	Responsible Position	How we address this	Review timeframe
		<ul style="list-style-type: none"> <li>refuse or fail to employ a person on work of any description which is available and for which that person is qualified;</li> <li>refuse or fail to offer or afford a person the same terms of employment, conditions of work and opportunities for training and promotion as are made available for other persons having the same qualifications and employed in the same circumstances on work of the same description;</li> <li>dismiss a person from his or her employment;</li> <li>discriminate against a person in relation to access or use of any place, vehicle or facility;</li> <li>discriminate against a person in relation to the provision of goods and services by reason of their race, colour or national or ethnic origin (sections 11-15).</li> </ul> <p>The Privacy Commissioner must comply with the other relevant provisions of the Act.</p>		Director, Corporate Services and Business Improvement	employees and Dignity and Respect Policy	

Ref.	Instrument	Obligations	Risk Rating (High/ Moderate/ Low)	Responsible Position	How we address this	Review timeframe
3.5	<b>Sex Discrimination Act 1984</b>	<p>The IPC, the Information Commissioner and the Privacy Commissioner must not discriminate on the basis of a person's sex, sexual orientation, gender identity, intersex status, marital or relationship status, pregnancy, potential pregnancy, breastfeeding or family responsibilities, in provision of goods and services and facilities, administration of Commonwealth laws and programs and requests for information.</p> <p>The IPC, the Information Commissioner and the Privacy Commissioner must take reasonable and proportionate measures to eliminate, as far as possible, certain discriminatory conduct. (section 47C)</p> <p>Legislation prohibits sexual harassment.</p>	Low	<p>Chief Executive Officer</p> <p>Director, Corporate Services and Business Improvement</p>	<p>Code of Conduct, Code of Ethics and Conduct for NSW government sector employees, Prevention of Sexual Harassment in the Workplace Policy and Dignity and Respect Policy</p>	

## Document information

<b>Identifier/Title:</b>	Legislative Compliance Register
<b>Business Unit:</b>	IPC
<b>Author:</b>	Director, Corporate Services and Business Improvement
<b>Approver:</b>	IPC CEO
<b>Date of Effect:</b>	June 2025
<b>Next Review Date:</b>	June 2026
<b>EDRMS File Reference:</b>	D24/019185/DJ
<b>Key Words:</b>	Legislation, compliance, risk, risk allocation

## Document history

Version	Date	Reason for Amendment
1.0	September 2020	Annual Review and amendment to Legislative Compliance Register
2.0	September 2021	Annual Review and amendment to Legislative Compliance Register
3.0	June 2022	Annual Review and amendment to Legislative Compliance Register
4.0	June 2023	Annual Review and amendment to Legislative Compliance Register
5.0	November 2023	Inclusion of legislative changes to GSF, PIPPA and PID Acts
6.0	June 2024	Annual Review and amendment to Legislative Compliance Register
7.0	June 2025	Annual Review and amendment to Legislative Compliance Register