

NSW



Environment Protection Authority

EPA's obligations framework





Acknowledgement of Country

The NSW Environment Protection Authority acknowledges the Traditional Custodians of the land on which we live and work, honours the ancestors and the Elders both past and present and extends that respect to all Aboriginal people.

We recognise Aboriginal peoples' spiritual and cultural connection and inherent right to protect the land, waters, skies and natural resources of NSW. This connection goes deep and has since the Dreaming.

We also acknowledge our Aboriginal and Torres Strait Islander employees who are an integral part of our diverse workforce and recognise the knowledge embedded forever in Aboriginal and Torres Strait Islander custodianship of Country and culture.

Aboriginal artwork by Worimi artist Gerard Black

1. Introduction

The NSW Environment Protection Authority (EPA) is the state's primary environmental regulator. We lead in protecting the health of the community now and in the future by protecting our air, waterways and land. We work with communities, governments and businesses to reduce our impact on the environment.

The EPA's balanced regulatory approach is underpinned by eight elements. We listen, educate, enable, act, influence, require, monitor and enforce. We hold people to account using regulatory tools and actions such as licensing, prosecutions, notices, directions and orders, audits, education, communications, guidance and grants.

The EPA is responsible for regulating a diverse range of activities and the associated environment or human health risks. These include air emissions, noise, waste, water discharges, native forestry, contaminated land, dangerous goods, hazardous materials, chemicals, radiation, pesticides and coal seam gas.

We are responsible for meeting our own obligations under legislation, statutory instruments and other legal, contractual and policy requirements.

We are committed to continuing to develop and provide a people-centred culture to create a safe and great place to work. As a government sector agency and regulator, it is essential we are exemplary in our ethical practices and aim to achieve best practice in meeting our obligations.

The EPA is committed to the highest standards of ethical conduct and strives to conduct our activities in a manner consistent with our values:

- be collegiate, be collaborative
- be creative, be curious
- be decisive, be bold
- be inclusive, be respectful
- be kind
- deliver results.

2. Policy statement

Meeting our obligations arising from legislation, regulations, and government policies is fundamental to upholding our core values and ensuring we can show sound corporate governance.

This is shown through actions that:

- promote a robust compliance culture, consistent with the highest standards of accountability
- record external legislative and policy obligations in a centrally held environmental legislation obligations register and in a corporate obligations register
- assign accountability for each obligation to one or more executive directors

- get assurance from each obligation owner regarding the effectiveness of the controls in place to meet obligations
 - establish processes for managing any non-compliance
 - establish processes to identify any new obligations as they arise and add them to the relevant register
 - conduct a review of all obligations annually.
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2.1. Framework objectives

The EPA's obligations framework is designed to help employees to:

- develop and maintain awareness of their obligations to comply with a large range of obligations found in legislation, NSW government policy, cluster policy, EPA policy, contractual terms and conditions that bind the EPA, and internal procedures and protocols
 - identify non-compliance and manage the risks that may result from it
 - apply relevant and proportionate controls to prevent non-compliance
 - act on a regular basis to monitor and detect instances of non-compliance
 - promptly report instances of serious non-compliance to senior executives
 - take proportionate corrective action in response to instances of non-compliance.
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2.2. Scope

This framework applies to all EPA employees including senior executives, ongoing, term, temporary, casual and seconded employees, and contingent workers. It does not apply to contractors who do not represent the EPA but provide professional services to the EPA.

This framework does not apply to the Board of the EPA or to paid members of government committees.

3. Guiding principles

When meeting obligations, the EPA follows the six guiding principles below.

3.1. Senior leadership team commitment

The EPA senior leadership team is committed to ensuring timely compliance with the EPA's obligations. Senior leadership team members should be involved to an appropriate degree in the determination of proportionate procedures (3.3) for managing obligations, have internal controls in place to ensure applicable obligations are met and ensure employees are aware of their obligations to stick to internal controls.

3.2. Risk assessment

Senior leadership team members should assess the nature and extent of risks that may result from non-compliance. This assessment may be standalone, or part of a more general risk assessment carried out in relation to division/branch objectives. The risk assessment should be appropriately resourced, include identification of the information sources that will enable risks of non-compliance to be assessed and reviewed and include accurate and appropriate documentation of the risk assessment and its conclusions.

3.3. Proportionate procedures

Senior leadership team members should ensure procedures to comply with the EPA's obligations are proportionate to the risks that might result as consequences of non-compliance, beyond the mere fact of non-compliance. Procedures should also be clear, practical, effectively implemented and enforced. Procedures may be standalone or form part of broader guidance, for example in operational policies and supporting guidance materials.

3.4. Due diligence

Senior leadership team members should ensure due diligence enquiries are conducted by appropriate staff, taking a proportionate and risk-based approach. These enquiries are to mitigate identified risks in respect of grants, sponsorship and persons who perform or will perform services for or on behalf of the EPA. Due diligence is an established element of corporate good governance. The EPA due diligence processes include integrity clearance and pre-employment screening, "fit and proper person" assessments, and sufficiently robust enquiries about potential suppliers and applicants for grants or sponsorship.

3.5. Communication and training

Senior leadership team members should ensure the requirements to meet obligations are embedded and understood across each Division through communication and training, proportionate to the risks that might result as consequences of non-compliance. Training should be tailored to the specific risks associated with specific EPA roles.

3.6. Monitoring and review

Staff who have day-to-day responsibility for the EPA's activities may be best placed to develop and document procedures to make sure obligations are met. Senior leadership team members should monitor and review procedures and make improvements where necessary.

4. Review of the EPA's obligations framework

The Director of the EPA's Governance, Risk and Planning division will review this framework at least every three years, or more often on a needs basis e.g., a change in legislation.

Appendices

Appendix 1 Definitions and resources

A1.1 Defined terms

'Compliance' means meeting the EPA's obligations, found in legislation, statutory instruments, policies, procedures, protocols, contracts and formal understandings.

'Corporate obligations register' is a repository for the specific responsibilities and obligations applying to the EPA as a government sector agency.

'Environmental legislation obligations register' is a repository for specific responsibilities and obligations under EPA administered legislation and functions under other planning and natural resource legislation.

'Serious non-compliance' includes corrupt conduct, misconduct, maladministration and serious and substantial waste.

A1.2 Sources of organisational obligations

The EPA's obligations framework (this document – 2025) incorporates requirements from:

- EPA Code of Ethics and Conduct Policy (2022)
- Guidance about procedures – *Bribery Act 2010*, UK (Ministry of Justice)
- Guide for Audit & Risk Committees: Compliance Management (NSW Treasury, June 2017).

Statutes

Environmental legislation administered by the EPA

- *Contaminated Land Management Act 1997*
- *Dangerous Goods (Road and Rail Transport) Act 2008*
- *Environmentally Hazardous Chemicals Act 1985*
- *National Environment Protection Council (New South Wales) Act 1995*
- *Ozone Protection Act 1989*
- *Pesticides Act 1999*
- *Plastic Reduction and Circular Economy Act 2021*

- *Protection of the Environment Administration Act 1991*
- *Protection of the Environment Operations Act 1997*
- *Radiation Control Act 1990*
- *Recreation Vehicles Act 1983*
- *Waste Avoidance and Resource Recovery Act 2001.*

Other planning and natural resource legislation

- *Biodiversity Conservation Act 2016, as it relates to forestry*
- *Environmental Planning and Assessment Act 1979*
- *Forestry Act 2012, Parts 5A and 5B*
- *Local Land Services Act 2013, Part 11 and Divisions 2 and 3 of Part 12, so far as they relate to private native forestry*
- *Snowy Mountains Cloud Seeding Act 2004*
- *State Emergency and Rescue Management Act 1989*
- *Sydney Water Act 1994.*

Legislation applying to NSW government sector agencies generally

- *Anti-Discrimination Act 1977*
- *Data Sharing (Government Sector) Act 2015*
- *Government Advertising Act 2011*
- *Government Information (Public Access) Act 2009*
- *Government Sector Audit Act 1983*
- *Government Sector Employment Act 2013*
- *Government Sector Finance Act 2018*
- *Health Records and Information Privacy Act 2002*
- *Independent Commission Against Corruption Act 1988*
- *Lobbying of Government Officials Act 2011*
- *Modern Slavery Act 2018*
- *Privacy and Personal Information Protection Act 1998*
- *Public Authorities (Financial Arrangements) Act 1987*
- *Public Interest Disclosures Act 2022*
- *Public Works and Procurement Act 1912*
- *State Records Act 1998*
- *Work Health and Safety Act 2011.*

NSW Government policies

Department of Premier and Cabinet

- Premier's Memoranda
- NSW Lobbyists Code of Conduct
- Department of Premier and Cabinet circulars
- Grants Administration Guide
- Advertising requirements/NSW Government brand
- Website guidelines
- Media procurement.

digital.nsw

- Information and communications technology.

NSW Procurement Board

- Procurement

Public Service Commissioner

- Directions

Treasury

- Accounting policy
- Capital investment
- Commercial policy
- Economic and financial appraisal
- Financial management
- Governance, risk and audit
- Reporting
- Treasurer's Directions
- Treasury Circulars.
- Guideline for considering the rotation of employees when dealing with persons who are or likely to become abusive, threatening or violent towards employees
- Secondary Employment and Voluntary Work Policy.

Department of Climate Change, Energy, the Environment and Water policies (to be adopted by the EPA)

- Acceptable use policy
- Access control policy
- Asset management policy
- Debt management policy
- Finance policy manual
- Mobile device policy
- Procurement procedures
- Purchasing card policy
- Purchase card procedure
- Records and information management policy
- Related party disclosure policy
- Remote access security policy
- Revenue collection and debt management framework
- Supplier relationship policy
- System acquisition, development and maintenance policy.

EPA policies

Environmental/operational policies

Senior leadership team members should ensure employees and contingent workers are made aware of all environmental and operational policies that contain applicable obligations and related guidance resources, relevant to the work carried out by the division/branch.

Administrative / corporate policies

- EPA brand guidelines (2020)
- EPA code of ethics and conduct policy (2022)
- EPA complaint handling policy (2022)
- EPA dealing with lobbyists policy (draft)
- EPA delegations and authorisations
- EPA fraud and corruption control framework (2023)
- EPA fraud and corruption control policy (2023)
- EPA gifts, benefits and hospitality policy (2022)
- EPA managing misconduct policy and procedure (2023)
- EPA mandatory notification of data breach policy (draft)

- EPA media protocol (2020)
- EPA's obligations framework 2025 (this document)
- EPA privacy management plan (2022)
- EPA protocol for managing risks from public, political and media commentary (2020)
- EPA public interest disclosure policy (2022)
- EPA respectful workplace and anti-bullying policy (2022)
- EPA social media policy and procedure guide (2022)
- EPA sponsorship policy (2022)
- EPA sponsorship procedures (2020)
- EPA statement of business ethics (2022)
- EPA writing style guide (2021)
- Policy statement – grants management (2023).

EPA contracts, deeds and formal understandings

Grant agreements, sponsorship agreements, memoranda of understanding. Senior leadership team members should ensure employees and contingent workers are told about all contractual agreements and memoranda of understanding that contain applicable obligations, and related guidance resources, relevant to the work carried out by the division/branch.

EPA internal procedures and protocols

Senior leadership team members should ensure employees and contingent workers are told about all internal procedures and protocols that contain applicable obligations and related guidance resources, relevant to the work carried out by the division/branch.

A1.2 Sources of organisational obligations

For further advice and information on managing organisational obligations or how to report serious non-compliance you should contact:

- Coordinator, Risk and Governance 9995 5404
- Manager, Risk and Governance 9995 6805
- Director, Governance, Risk and Planning (02) 6229 7091.

Appendix 2 Application

A2.1 Responsibilities

The following table outlines the allocation of EPA responsibilities under the EPA's Obligations Framework.

The Audit and Risk Committee makes sure the framework is fit for purpose.

Table 1 Roles and responsibilities

Role/ team	Responsibility
EPA Chief Executive Officer (CEO)	<ul style="list-style-type: none"> The CEO is the owner and approver of this framework.
Senior leadership team	<ul style="list-style-type: none"> Ensuring internal controls are in place Ensuring employees are aware of obligations to stick to internal controls Conducting an environmental scan, to identify new, amended and anticipated organisational obligations, at least annually Reviewing and updating the environmental legislation and corporate obligations registers, as new or changed obligations arise, and at least annually Identifying and implementing appropriate controls to prevent non-compliance Maintaining regular monitoring processes to detect non-compliance Developing and maintaining a register of instances of non-compliance Assessing and reporting to the Executive on the level of compliance and non-compliance, at least annually Correcting the root causes of non-compliance.
Executive Director, Regulatory Practice and Services	<ul style="list-style-type: none"> Providing guidance for regulatory officers on the application of environmental legislation and leading legislative reforms.
Executive Director, Legal, Governance and People	<ul style="list-style-type: none"> Monitoring for new or changing legislation that would affect the EPA and communicating same.
Director Governance, Risk and Planning	<ul style="list-style-type: none"> Ensuring changes to legislation applying to the EPA or NSW government sector agencies generally are documented Reviewing and updating the environmental legislation obligations register Reviewing the corporate obligations register Seeking assurance from senior leadership team members on compliance and non-compliance Reporting to the CEO and audit and risk committee, at least annually.
All EPA employees	<ul style="list-style-type: none"> Complying with the EPA's organisational obligations framework Sticking to legislation, policies, procedures and internal controls Promptly reporting instances of serious non-compliance.

Appendix 3 Reporting serious non-compliance

To whom reports may be made	Corrupt Conduct	Public interest disclosure	Misconduct	Maladministration	Serious and substantial waste
Unit Head	Yes	No	Yes	Yes	Yes
Manager	Yes	No	Yes	Yes	Yes
Lead	Yes	No	Yes	Yes	Yes
Lead, Audit and Assurance	Yes	Yes	Yes	Yes	Yes
Director	Yes	No	Yes	Yes	Yes

Director, GRP	Yes	Yes	Yes	Yes	Yes
Executive Director	Yes	Yes	Yes	Yes	Yes
CEO	Yes	Yes	Yes	Yes	Yes
ICAC	Yes	Yes	No	No	No
Auditor-General	No	Yes	No	No	Yes
Ombudsman	No	Yes	Yes	Yes	No
NSW Police	In some cases	In some cases	No	No	No



Published by NSW Environment
Protection Authority

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Report pollution and
environmental incidents

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ISBN 978 1 923328 55 6
EPA 2026P4670
April 2026

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Environment Protection Authority

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