



National Health
Practitioner
Ombudsman

Instrument of delegation of powers in relation to the Freedom of Information Act 1982 (Cwlth)

Background

The office of the National Health Practitioner Ombudsman (NHPO) provides ombudsman, privacy and freedom of information oversight of entities exercising functions under the Health Practitioner Regulation National Law, as in force in all states and territories (the National Law).

The National Law confers specified jurisdiction on the role of the National Health Practitioner Ombudsman (the Ombudsman) and the National Health Practitioner Privacy Commissioner (the Commissioner) that is derived from the Ombudsman Act 1976 (Cwlth), Australian Information Commissioner Act 2010 (Cwlth), Privacy Act 1988 (Cwlth) and Freedom of Information Act 1982 (Cwlth).

These Acts are modified by the Health Practitioner Regulation National Law Regulation 2018 (the Regulation) to make them suitable for the National Registration and Accreditation Scheme for health practitioners.

Purpose

The purpose of this Instrument is to allow the Commissioner to efficiently discharge her powers under the Freedom of Information Act, as modified by the Regulation, by delegating certain powers to her staff.

Interpretation

Definitions

In this Instrument:

Act means the Freedom of Information Act 1982 of the Commonwealth as applied and modified by the Health Practitioner Regulation National Law (as in force in all states and territories) and the Health Practitioner Regulation National Law Regulation 2018.

Commissioner means the National Health Practitioner Privacy Commissioner.

Agency means an agency listed in clause 15 of the Health Practitioner Regulation National Law Regulation 2018.

Interpretation

In this Instrument words in the singular include the plural and words in the plural include the singular.

Description

The descriptions in Column 2 of the table in the Schedule to this Instrument are for ease of reference only. These descriptions are not intended to, and do not affect, the interpretation of, or limit the powers in, the provisions identified in Column 1 of the table in the Schedule to this Instrument.

Delegation

I, Richelle McCausland, Commissioner, acting under section 25 of the Australian Information Commissioner Act 2010 (Cwlth) and section 8(d)(iv) of the Health Practitioner Regulation National Law Regulation 2018:

- (a) revoke all previous instruments of delegation issued by the Commissioner under the Australian Information Commissioner Act in relation to the Act, and
- (b) delegate to any person from time to time holding, occupying or performing the duties of a NHPO position specified in Column 3 of the Schedule to this Instrument, the powers conferred on me by the provisions of the Act specified in the corresponding part of Column 1 of the Schedule to this Instrument.

Principles of delegation

A delegation does not derogate from the power of the Commissioner to act in the relevant matter, so long as the delegate has not yet exercised the power.

A delegate may only exercise a power, or make a decision, subject to the limitations of the delegated power. If the power to be exercised or the decision to be made is outside the scope of the delegated power, or the delegate is not sure whether to exercise the power or what the decision should be, the delegate must not exercise the power or make the decision. The delegate may, however, make recommendations to the Commissioner or another delegate in relation to the matter.

Commencement

This Instrument commences on the day on which it is made.

Signed at Melbourne in the State of Victoria



Richelle McCausland

National Health Practitioner Ombudsman

National Health Practitioner Privacy Commissioner

Date: 16 September 2025

Schedule

Column 1: Provision of Act	Column 2: Description	Column 3: Delegate/s
s. 8E	Assistance to agencies in identifying information to be published under the Information Publication Scheme	<ul style="list-style-type: none"> • Assistant Ombudsman • Team Leader • Investigator • Senior Quality and Systems Officer • Policy and Communications Manager • Senior Policy and Engagement Officer
s. 8F	Review of the Information Publication Scheme	<ul style="list-style-type: none"> • Assistant Ombudsman • Team Leader • Investigator • Senior Quality and Systems Officer • Policy and Communications Manager • Senior Policy and Engagement Officer
s. 15AB	Power to grant an extension of time for complex or voluminous requests	<ul style="list-style-type: none"> • Assistant Ombudsman • Team Leader • Investigator • Senior Quality and Systems Officer • Policy and Communications Manager • Senior Policy and Engagement Officer
s. 15AC	Power to grant an extension of time for deemed refusal decisions	<ul style="list-style-type: none"> • Assistant Ombudsman • Team Leader • Investigator • Senior Quality and Systems Officer • Policy and Communications Manager • Senior Policy and Engagement Officer
s. 51DA	Power to grant an extension of time for deemed refusal decisions in relation to requests for	<ul style="list-style-type: none"> • Assistant Ombudsman • Team Leader • Investigator

	amendment or annotation of personal records	<ul style="list-style-type: none"> • Senior Quality and Systems Officer • Policy and Communications Manager • Senior Policy and Engagement Officer
s. 54D	Power to grant an extension of time for internal review requests	<ul style="list-style-type: none"> • Assistant Ombudsman • Team Leader • Investigator • Senior Quality and Systems Officer • Policy and Communications Manager • Senior Policy and Engagement Officer
s. 54Q	Power to order that it would not be appropriate to notify an affected third party of an application for review	<ul style="list-style-type: none"> • Assistant Ombudsman • Team Leader • Investigator • Senior Quality and Systems Officer • Policy and Communications Manager • Senior Policy and Engagement Officer
s. 54T	Power to grant an extension of time to make an application for review	<ul style="list-style-type: none"> • Assistant Ombudsman • Team Leader • Investigator • Senior Quality and Systems Officer • Policy and Communications Manager • Senior Policy and Engagement Officer
s. 54V	Power to make preliminary inquiries in relation to application for review	<ul style="list-style-type: none"> • Assistant Ombudsman • Team Leader • Investigator • Senior Quality and Systems Officer • Policy and Communications Manager • Senior Policy and Engagement Officer
s. 54W; s. 54X	Discretion not to undertake review (and requirement to provide notice of decision)	<ul style="list-style-type: none"> • Assistant Ombudsman • Team Leader • Investigator

		<ul style="list-style-type: none"> • Senior Quality and Systems Officer • Policy and Communications Manager • Senior Policy and Engagement Officer
s. 54Z	Requirement to provide notice of review	<ul style="list-style-type: none"> • Assistant Ombudsman • Team Leader • Investigator • Senior Quality and Systems Officer • Policy and Communications Manager • Senior Policy and Engagement Officer
s. 55	Procedure in review	<ul style="list-style-type: none"> • Assistant Ombudsman • Team Leader • Investigator • Senior Quality and Systems Officer • Policy and Communications Manager • Senior Policy and Engagement Officer
s. 55B	Power to deal with applications for hearings	<ul style="list-style-type: none"> • Assistant Ombudsman • Team Leader • Investigator • Senior Quality and Systems Officer • Policy and Communications Manager • Senior Policy and Engagement Officer
s. 55E	Power to require that adequate reasons for decision be provided	<ul style="list-style-type: none"> • Assistant Ombudsman • Team Leader • Investigator • Senior Quality and Systems Officer • Policy and Communications Manager • Senior Policy and Engagement Officer
s. 55F	Power to accept agreement reached by review parties	<ul style="list-style-type: none"> • Assistant Ombudsman • Team Leader • Investigator

		<ul style="list-style-type: none"> • Senior Quality and Systems Officer • Policy and Communications Manager • Senior Policy and Engagement Officer
s. 55K	Power to make decisions on a review	<ul style="list-style-type: none"> • Assistant Ombudsman • Team Leader • Investigator • Senior Quality and Systems Officer • Policy and Communications Manager • Senior Policy and Engagement Officer
s. 55R	Obligation to produce information and documents	<ul style="list-style-type: none"> • Assistant Ombudsman • Team Leader • Investigator • Senior Quality and Systems Officer • Policy and Communications Manager • Senior Policy and Engagement Officer
s. 55S	Dealing with documents provided during review	<ul style="list-style-type: none"> • Assistant Ombudsman • Team Leader • Investigator • Senior Quality and Systems Officer • Policy and Communications Manager • Senior Policy and Engagement Officer
s. 55T	Dealing with exempt documents	<ul style="list-style-type: none"> • Assistant Ombudsman • Team Leader • Investigator • Senior Quality and Systems Officer • Policy and Communications Manager • Senior Policy and Engagement Officer
s. 55V	Requirement to conduct further searches for documents	<ul style="list-style-type: none"> • Assistant Ombudsman • Team Leader • Investigator

		<ul style="list-style-type: none"> • Senior Quality and Systems Officer • Policy and Communications Manager • Senior Policy and Engagement Officer
s. 55W	Obligation for persons to appear	<ul style="list-style-type: none"> • Assistant Ombudsman • Team Leader • Investigator • Senior Quality and Systems Officer • Policy and Communications Manager • Senior Policy and Engagement Officer
s. 55X	Administration of oath or affirmation	<ul style="list-style-type: none"> • Assistant Ombudsman • Team Leader • Investigator • Senior Quality and Systems Officer • Policy and Communications Manager • Senior Policy and Engagement Officer
s. 72	Power to make preliminary inquiries in relation to a complaint	<ul style="list-style-type: none"> • Assistant Ombudsman • Team Leader • Investigator • Senior Quality and Systems Officer • Policy and Communications Manager • Senior Policy and Engagement Officer
s. 73	Discretion not to investigate complaint	<ul style="list-style-type: none"> • Assistant Ombudsman • Team Leader • Investigator • Senior Quality and Systems Officer • Policy and Communications Manager • Senior Policy and Engagement Officer
s. 75	Requirement to provide notice regarding investigation	<ul style="list-style-type: none"> • Assistant Ombudsman • Team Leader • Investigator

		<ul style="list-style-type: none"> • Senior Quality and Systems Officer • Policy and Communications Manager • Senior Policy and Engagement Officer
s. 76	Conduct of investigation	<ul style="list-style-type: none"> • Assistant Ombudsman • Team Leader • Investigator • Senior Quality and Systems Officer • Policy and Communications Manager • Senior Policy and Engagement Officer
s. 79	Obligation to produce information and documents in relation to investigation	<ul style="list-style-type: none"> • Assistant Ombudsman • Team Leader • Investigator • Senior Quality and Systems Officer • Policy and Communications Manager • Senior Policy and Engagement Officer
s. 80	Dealing with documents during investigation	<ul style="list-style-type: none"> • Assistant Ombudsman • Team Leader • Investigator • Senior Quality and Systems Officer • Policy and Communications Manager • Senior Policy and Engagement Officer
s. 82	Obligation for persons to appear during investigation	<ul style="list-style-type: none"> • Assistant Ombudsman • Team Leader • Investigator • Senior Quality and Systems Officer • Policy and Communications Manager • Senior Policy and Engagement Officer
s. 83	Administration of oath or affirmation	<ul style="list-style-type: none"> • Assistant Ombudsman • Team Leader • Investigator

		<ul style="list-style-type: none">• Senior Quality and Systems Officer• Policy and Communications Manager• Senior Policy and Engagement Officer
s. 86	Notice on completion of investigation	<ul style="list-style-type: none">• Assistant Ombudsman• Team Leader• Investigator• Senior Quality and Systems Officer• Policy and Communications Manager• Senior Policy and Engagement Officer

