



National Health
Practitioner
Ombudsman

Instrument of delegation of powers in relation to the Privacy Act 1988 (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 Privacy Act, as modified by the Regulation, by delegating certain powers to her staff.

Interpretation

Definitions

In this Instrument:

Act means the Privacy Act 1988 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 35 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: Provisions of Act	Column 2: Description	Column 3: Delegate/s
s. 26WQ	Declaration regarding notification of eligible data breach	<ul style="list-style-type: none"> • Assistant Ombudsman • Team Leader • Investigator • Senior Quality and Systems Officer
s. 26WR	Direct entity to notify of eligible data breach	<ul style="list-style-type: none"> • Assistant Ombudsman • Team Leader • Investigator • Senior Quality and Systems Officer
s. 26WU	Power to obtain information and documents relating to an eligible data breach	<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. 33A	Share information with other authorities	<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. 33B	Disclose certain information if in the public interest	<ul style="list-style-type: none"> • Assistant Ombudsman • Team Leader • Policy and Communications Manager • Senior Policy and Engagement Officer
s. 33C	Assessment relating to the Australian Privacy Principles	<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. 33D	Direct agency to give a privacy impact assessment	<ul style="list-style-type: none"> • Assistant Ombudsman • Team Leader • Senior Quality and Systems Officer • Policy and Communications Manager
s. 40	Investigation of 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. 40A	Conciliation of 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. 41	Discretion not to investigate	<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. 42	Preliminary inquiries	<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. 43	Conduct of investigations	<ul style="list-style-type: none"> • Assistant Ombudsman • Team Leader • Investigator • Senior Quality and Systems Officer • Policy and Communications Manager

		<ul style="list-style-type: none"> • Senior Policy and Engagement Officer
s. 43A	Interested party may request a hearing	<ul style="list-style-type: none"> • Assistant Ombudsman • Team Leader • Investigator • Senior Quality and Systems Officer • Policy and Communications Manager
s. 44	Power to obtain 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. 45	Power to examine witnesses	<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. 46	Directions to attend compulsory conference	<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. 47	Conduct of compulsory conference	<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. 48	Complainant and others to be informed	<ul style="list-style-type: none"> • Assistant Ombudsman • Team Leader • Investigator • Senior Quality and Systems Officer

		<ul style="list-style-type: none"> • Policy and Communications Manager • Senior Policy and Engagement Officer
s. 50A	Substitution of respondent to complaint	<ul style="list-style-type: none"> • Assistant Ombudsman • Team Leader • Investigator • Senior Quality and Systems Officer • Policy and Communications Manager