2016

The Parliament of the Commonwealth of Australia

HOUSE OF REPRESENTATIVES

Presented and read a first time

National Cancer Screening Register Bill
2016

No. , 2016

(Health)

A Bill for an Act to establish and provide for a cancer screening register, and for related purposes
Contents

Part 1—Preliminary

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Short title</td>
<td>1</td>
</tr>
<tr>
<td>2</td>
<td>Commencement</td>
<td>2</td>
</tr>
<tr>
<td>3</td>
<td>Simplified outline of this Act</td>
<td>2</td>
</tr>
<tr>
<td>4</td>
<td>Definitions</td>
<td>3</td>
</tr>
<tr>
<td>5</td>
<td>Meaning of commercial-in-confidence</td>
<td>6</td>
</tr>
<tr>
<td>6</td>
<td>Act binds the Crown</td>
<td>7</td>
</tr>
<tr>
<td>7</td>
<td>Act extends to external Territories</td>
<td>7</td>
</tr>
</tbody>
</table>

Part 2—Register

<table>
<thead>
<tr>
<th>Division</th>
<th>Description</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Simplified outline of this Part</td>
<td>8</td>
</tr>
<tr>
<td>2</td>
<td>Establishment, contents and purposes</td>
<td>9</td>
</tr>
<tr>
<td>9</td>
<td>Establishment of the register</td>
<td>9</td>
</tr>
<tr>
<td>10</td>
<td>Coverage of the register</td>
<td>9</td>
</tr>
<tr>
<td>11</td>
<td>Contents of the register</td>
<td>9</td>
</tr>
<tr>
<td>12</td>
<td>Purposes of the register</td>
<td>10</td>
</tr>
<tr>
<td>3</td>
<td>Notification to the register</td>
<td>12</td>
</tr>
<tr>
<td>13</td>
<td>Requirement to notify</td>
<td>12</td>
</tr>
<tr>
<td>4</td>
<td>Requests about the register</td>
<td>13</td>
</tr>
<tr>
<td>14</td>
<td>Requests about participation in the register</td>
<td>13</td>
</tr>
<tr>
<td>5</td>
<td>Alternative constitutional bases</td>
<td>14</td>
</tr>
<tr>
<td>15</td>
<td>Alternative constitutional bases</td>
<td>14</td>
</tr>
</tbody>
</table>

Part 3—Dealing with information in the register

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>16</td>
<td>Simplified outline of this Part</td>
<td>16</td>
</tr>
<tr>
<td>17</td>
<td>Authorised dealings with information</td>
<td>16</td>
</tr>
<tr>
<td>18</td>
<td>Offence relating to protected information</td>
<td>18</td>
</tr>
<tr>
<td>19</td>
<td>Exception for use in good faith</td>
<td>19</td>
</tr>
<tr>
<td>20</td>
<td>Exception if unaware information is commercial-in-confidence</td>
<td>19</td>
</tr>
<tr>
<td>21</td>
<td>Exceptions relating to the person to whom the protected information relates</td>
<td>19</td>
</tr>
<tr>
<td>22</td>
<td>Exception for disclosure to person who provided the information</td>
<td>20</td>
</tr>
</tbody>
</table>

Part 4—Other matters

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>23</td>
<td>Simplified outline of this Part</td>
<td>21</td>
</tr>
<tr>
<td></td>
<td>Section</td>
<td>Page</td>
</tr>
<tr>
<td>---</td>
<td>----------------------------------</td>
<td>------</td>
</tr>
<tr>
<td>24</td>
<td>Civil penalty provisions</td>
<td>21</td>
</tr>
<tr>
<td>25</td>
<td>Approved forms</td>
<td>22</td>
</tr>
<tr>
<td>26</td>
<td>Agreements</td>
<td>22</td>
</tr>
<tr>
<td>27</td>
<td>Delegation</td>
<td>22</td>
</tr>
<tr>
<td>28</td>
<td>Rules</td>
<td>23</td>
</tr>
</tbody>
</table>
A Bill for an Act to establish and provide for a
cancer screening register, and for related purposes

The Parliament of Australia enacts:

Part 1—Preliminary

1 Short title

This Act may be cited as the National Cancer Screening Register
Act 2016.
Part 1  Preliminary

Section 2

2  Commencement

(1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

<table>
<thead>
<tr>
<th>Provisions</th>
<th>Commencement</th>
<th>Date/Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Sections 1 to 12 and anything in this Act not elsewhere covered by this table</td>
<td>The day after this Act receives the Royal Assent.</td>
<td></td>
</tr>
<tr>
<td>2. Section 13</td>
<td>1 May 2017.</td>
<td>1 May 2017</td>
</tr>
<tr>
<td>3. Sections 14 to 28</td>
<td>At the same time as the provisions covered by table item 1.</td>
<td></td>
</tr>
</tbody>
</table>

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

(2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

3  Simplified outline of this Act

This Act establishes a register of information about screening associated with certain types of cancer.

The purposes of the register relate to:

(a) supporting cancer screening programs; and
(b) providing access to information about cancer screening and diagnoses; and
(c) cancer screening matters more broadly.
4 Definitions

In this Act:

approved form means a form approved under subsection 25(1).

civil penalty provision has the same meaning as in the Regulatory Powers Act.

claims information means information about:
(a) claims for medicare benefit under Part II of the Health Insurance Act 1973; or
(b) treatment, other than information that relates to compensation or benefits, provided under any of the following Acts:
   (i) the Australian Participants in British Nuclear Tests (Treatment) Act 2006;
   (ii) the Military Rehabilitation and Compensation Act 2004;
   (iii) the Safety, Rehabilitation and Compensation Act 1988;
   (iv) the Veterans’ Entitlements Act 1986.

commercial-in-confidence has the meaning given by section 5.

designated cancer means one of the following types of cancer:
(a) bowel cancer;
(b) cervical cancer.

entity means:
(a) a person; or
(b) a partnership; or
(c) any other unincorporated association or body; or
(d) a trust; or
(e) a part of another entity (under a previous application of this definition).

healthcare means health service within the meaning of subsection 6(1) of the Privacy Act 1988.
Section 4

**healthcare provider** means:

(a) an individual healthcare provider; or

(b) a healthcare provider organisation.

**healthcare provider organisation** means an entity that has
conducted, conducts, or will conduct, an enterprise that provides
healthcare (including healthcare provided free of charge).

Note: Because of paragraph (e) of the definition of **entity**, a healthcare
provider organisation could be part of an entity.

**individual healthcare provider** means an individual who:

(a) has provided, provides, or is to provide, healthcare; or

(b) is registered by a registration authority as a member of a
particular health profession.

**key information** for an individual means the following:

(a) the individual’s name, address, contact details, date of birth
and gender;

(b) the individual’s healthcare identifier (within the meaning of
the *Healthcare Identifiers Act 2010*) if any;

(c) the individual’s medicare number (within the meaning of
Part VII of the *National Health Act 1953*) if any;

(d) the number allocated to the individual by the Veterans’
Affairs Department if any;

(e) if applicable, the individual’s date of death;

(f) if the register includes information relating to the individual
in connection with screening associated with cervical cancer:

   (i) the individual’s sex; and

   (ii) the individual’s Human Papillomavirus vaccination
status and number of doses of the vaccine administered
to the individual;

(g) the individual’s Indigenous status;

(h) the individual’s country of origin or cultural identity;

(i) the individual’s preferred language and whether an
interpreter is required to facilitate communication with the
individual;
(j) the name and contact details of a legal personal representative of the individual if the individual is incapable of managing his or her health affairs;

(k) if applicable, information on assistance required by the individual for the purposes of this Act because of a medical condition or disability;

(l) any other information of a kind relevant to the purposes of the register and prescribed by the rules for the purposes of this definition.

**legal personal representative**, of an individual, means:

(a) a parent or guardian of the individual, if the individual is under the age of 18 years; or

(b) a trustee of an estate of the individual, if the individual is under a legal disability; or

(c) a person who holds an enduring power of attorney granted by the individual.

**nominated healthcare provider** of an individual, for screening associated with a designated cancer, means the healthcare provider the individual requested be recorded for screening associated with the designated cancer in a request in effect under section 14.

**parent**: without limiting who is a parent of anyone for the purposes of this Act, a person is the parent of another person if the other person is a child of the person within the meaning of the *Family Law Act 1975*.

**participating State or Territory** means a State or Territory that has agreed with the Commonwealth to participate in the register.

**personal information** has the same meaning as in the *Privacy Act 1988*.

**prescribed body** means a person prescribed by the rules for the purposes of this definition.

**protected information** means personal information or information that is commercial-in-confidence, to the extent that the information is:
Part 1 Preliminary

Section 5

(a) included in the register or otherwise obtained under, or in accordance with, this Act; or
(b) derived from a record of information that was included in the register or was otherwise obtained under, or in accordance with, this Act; or
(c) derived from a disclosure or use of information that was included in the register or was otherwise obtained under, or in accordance with, this Act.

purposes of the register means the purposes set out in section 12.

register means the National Cancer Screening Register established under section 9.

registration authority means an entity that is responsible under a law for registering members of a particular health profession.


rules means the rules made under section 28.

screening means a process in which an individual undergoes testing or procedures in order to determine whether the individual has:
(a) a designated cancer or a precursor to a designated cancer; or
(b) any indicator, including genetic markers or cell abnormalities, that may lead to a designated cancer.

screening test means a test or procedure as part of screening.

State or Territory authority has the same meaning as in the Privacy Act 1988.

Veterans’ Affairs Department means the Department administered by the Minister administering the Veterans’ Entitlements Act 1986.

5 Meaning of commercial-in-confidence

Information is commercial-in-confidence if a person demonstrates to the Minister that:
Section 6

(a) release of the information would cause competitive detriment to the person; and
(b) the information is not in the public domain; and
(c) the information is not required to be disclosed under a law of the Commonwealth, or of a State or Territory; and
(d) the information is not readily discoverable.

6 Act binds the Crown

This Act binds the Crown in each of its capacities. However, it does not make the Crown liable to be prosecuted for an offence.

Note: See subsection 24(5) in relation to civil penalties.

7 Act extends to external Territories

This Act extends to every external Territory.
Part 2—Register

Division 1—Simplified outline of this Part

8 Simplified outline of this Part

The National Cancer Screening Register is established to keep information about cancer screening and diagnoses associated with particular types of cancer.

The purposes of the register relate to:

(a) supporting cancer screening programs; and

(b) providing access to information about cancer screening and diagnoses; and

(c) cancer screening matters more broadly.

Certain healthcare providers are required to notify the Commonwealth Chief Medical Officer about certain types of screening test or diagnosis. In most circumstances, this information will be included on the register.

Individuals can make a number of requests in relation to the register. For example, an individual can opt out of receiving information from the register. An individual can also request that information notified by healthcare providers relating to the individual not be included in the register.
Division 2—Establishment, contents and purposes

9 Establishment of the register

(1) The Commonwealth must establish and keep a register to be called the National Cancer Screening Register.

(2) Parts of the register may be kept separate from each other, and be called different names.

(3) The register is not a legislative instrument.

10 Coverage of the register

(1) The register may include information relating to individuals in connection with screening associated with bowel cancer.

(2) The register may include information relating to individuals in connection with screening associated with cervical cancer.

11 Contents of the register

The register may include the following for each individual:

(a) the individual’s key information;

(b) details of the individual’s nominated healthcare provider for screening associated with a designated cancer, if any, including the healthcare provider’s healthcare identifier (within the meaning of the Healthcare Identifiers Act 2010);

(c) information about screening tests undergone or to be undergone by the individual;

(d) if the individual is diagnosed with a designated cancer or a precursor to a designated cancer, that diagnosis;

(e) claims information which may indicate whether or not the individual has undergone or should undergo screening;

(f) details of any request or withdrawal made by the individual under section 14;

(g) any other information relevant to the purposes of the register and prescribed by the rules.
12 Purposes of the register

(1) The purposes of the register are to facilitate the following:

(a) establishing and keeping an electronic database of records relating to screening and diagnoses associated with the designated cancers;

(b) collecting, analysing and publishing statistics and other information relating to screening and diagnoses associated with the designated cancers;

(c) monitoring the effectiveness, quality and safety of screening and diagnoses associated with the designated cancers;

(d) providing an individual with an invitation to undergo screening;

(e) providing an individual with a test kit for screening;

(f) advising an individual when the individual is due to undergo a screening test or when action may need to be taken after a screening test;

(g) advising an individual’s nominated healthcare provider for screening associated with a designated cancer (if any) when the individual is due to undergo, or when action may need to be taken after, a screening test associated with the designated cancer;

(h) advising a participating State or Territory when action may need to be taken after a screening test for an individual;

(i) providing an individual access to information relating to the individual about screening and diagnoses associated with a designated cancer;

(j) providing healthcare providers access to information about screening and diagnoses associated with a designated cancer in relation to an individual, for the purposes of providing healthcare to the individual in relation to the designated cancer;

(k) providing participating States and Territories with access to information relating to individuals about screening and diagnoses associated with the designated cancers;

(l) planning, delivering and promoting healthcare and services for individuals in relation to the designated cancers;
(m) reporting to international organisations in relation to the
designated cancers;
(n) research relating to healthcare, screening or a designated
cancer;
(o) anything incidental to any of the above paragraphs.

(2) For an individual who is incapable of managing his or her health
affairs:
(a) paragraphs (1)(d) and (e) also apply to providing a legal
personal representative of the individual with an invitation or
test kit for the individual; and
(b) paragraph (1)(f) also applies to advising a legal personal
representative of the individual; and
(c) paragraph (1)(i) also applies to providing a legal personal
representative of the individual access to information relating
to the individual.
Division 3—Notification to the register

13 Requirement to notify

(1) The individual healthcare provider prescribed by the rules for a type of screening test or diagnosis prescribed by the rules must notify the Commonwealth Chief Medical Officer in the approved form, by the time prescribed by the rules, of the information prescribed by the rules for the type of screening test or diagnosis.

(2) A person is liable to a civil penalty if the person contravenes subsection (1).

Civil penalty: 30 penalty units.
Division 4—Requests about the register

14 Requests about participation in the register

(1) An individual may, in the approved form, make any of the following requests:

(a) that a particular healthcare provider be recorded as the individual’s nominated healthcare provider for screening associated with a designated cancer;

(b) that the individual not be given, at all or for a period of time, by (or on behalf of) the Commonwealth:
   (i) any invitation of a kind referred to in paragraph 12(1)(d) or test kit referred to in paragraph 12(1)(e) in relation to screening associated with a designated cancer; or
   (ii) any advice of a kind referred to in paragraph 12(1)(f) in relation to screening associated with a designated cancer;

(c) that information relating to the individual that is:
   (i) about a designated cancer; and
   (ii) notified under section 13 after the date of the request; not be included in the register;

(d) that a date by which the register indicates the individual is due to undergo a screening test associated with cervical cancer be changed;

(e) that the register use a pseudonym for the individual.

(2) An individual may, in the approved form, withdraw any request made under subsection (1).

(3) The Commonwealth must give effect to a request or withdrawal under this section as soon as practicable.

(4) If an individual is incapable of managing his or her health affairs, a legal personal representative of the individual may make or withdraw a request under this section on behalf of the individual.
Division 5—Alternative constitutional bases

15 Alternative constitutional bases

(1) Without limiting its effect apart from this subsection, this Act also has the effect it would have if its operation were expressly confined to matters relating to:

(a) the provision of pharmaceutical and sickness benefits; or
(b) the provision of medical services (without any form of civil conscription); or
(c) census and statistics; or
(d) postal, telegraphic, telephonic and other like services; or
(e) external affairs, including:

(i) giving effect to the International Covenant on Economic, Social and Cultural Rights done at New York on 16 December 1966, in particular Article 12, or to another international agreement to which Australia is a party; or
(ii) addressing matters of international concern; or
(f) a Territory or a Commonwealth place (within the meaning of the Commonwealth Places (Application of Laws) Act 1970); or
(g) the implied power of the Parliament to make laws with respect to nationhood; or
(h) the executive power of the Commonwealth; or
(i) matters incidental to the execution of any of the legislative powers of the Parliament or the executive power of the Commonwealth.


(2) Without limiting its effect apart from this subsection, this Act also has the effect it would have if its operation were expressly confined to acts or omissions of corporations to which paragraph 51(xx) of the Constitution applies.
(3) A term used in this section and the Constitution has the same
meaning in this section as it has in the Constitution.
Part 3—Dealing with information in the register

16 Simplified outline of this Part

Information can be collected for inclusion in the register.

Personal information included in the register, or derived from information included in the register, is “protected information”.

Section 18 makes it an offence for a person to record, disclose or use protected information without authorisation.

Recording, disclosure and use of protected information is authorised in specific circumstances, including for the purposes of the register and by healthcare providers and States and Territories.

There are also a number of exceptions to the offence.

17 Authorised dealings with information

Uploading personal information etc. to the register

(1) A person may collect, make a record of, disclose or otherwise use:

(a) personal information; or
(b) key information for an individual; or
(c) information that is commercial-in-confidence;

if the person does so for the purposes of including information in the register.

Note: This subsection is an authorisation for the purposes of other laws, including the Australian Privacy Principles.

(2) Subsection (1) does not apply to information notified under section 13 to the extent that collection, recording, disclosure or use under the subsection would be contrary to a request in effect under section 14.
Using or disclosing protected information in the register

(3) A person may collect, make a record of, disclose or otherwise use protected information if:

(a) the person does so for the purposes of the register and is:
   (i) an officer or employee of the Commonwealth or of an authority of the Commonwealth; or
   (ii) engaged by the Commonwealth, or by an authority of the Commonwealth, to perform work relating to the purposes of the register; or
   (iii) an officer or employee of a person referred to in subparagraph (ii), or engaged by a person referred to in subparagraph (ii) to perform work relating to the purposes of the register; or
   (iv) a prescribed body; or

(b) all of the following apply:
   (i) the person is a healthcare provider;
   (ii) the information is about screening or diagnosis associated with a designated cancer in relation to an individual;
   (iii) the collection, recording, disclosure or use is for the purposes of providing healthcare to the individual in relation to the designated cancer; or

(c) the collection, recording, disclosure or use is in accordance with the law of a participating State or Territory, and the person is:
   (i) a State or Territory authority of the participating State or Territory; or
   (ii) an officer or employee of the participating State or Territory, or of a State or Territory authority of the participating State or Territory; or
   (iii) engaged by the participating State or Territory, or by a State or Territory authority of the participating State or Territory, to perform work relating to the information; or
   (iv) an officer or employee of a person referred to in subparagraph (iii), or engaged by a person referred to in
Part 3  Dealing with information in the register

Section 18

subparagraph (iii) to perform work relating to the
information; or

(d) the person is authorised to do so under subsection (4) or (5); or

(e) the person does so for the purposes of performing the
person’s functions, or exercising the person’s powers, under
this Act; or

(f) the person is required or authorised to do so by or under a
law of the Commonwealth or of a State or Territory; or

(g) the information is disclosed to the person under this section
and the collection, recording, disclosure or use is for the
purposes for which the information was disclosed to the
person; or

(h) the person does so for the purposes of court or tribunal
proceedings, or in accordance with an order of a court or
tribunal; or

(i) the person does so for the purposes of a coronial inquiry, or
in accordance with an order of a coroner.

Note: This subsection is an authorisation for the purposes of other laws,
including the Australian Privacy Principles.

(4) The Minister may, in writing, authorise a person to collect, make a
record of, disclose or otherwise use protected information for the
purposes of specified research.

(5) The Minister may, in writing, authorise a person to collect, make a
record of, disclose or otherwise use protected information for a
specified purpose that the Minister is satisfied is in the public
interest.

(6) Subsection (3) does not apply to protected information to the extent
that collection, recording, disclosure or use under the subsection
would be contrary to a request in effect under section 14.

18  Offence relating to protected information

A person commits an offence if:

(a) the person makes a record of, discloses or otherwise uses
information; and
Section 19

(b) the information is protected information; and
(c) the making of the record, or the disclosure or use, is not
   authorised by section 17.

Penalty: Imprisonment for 2 years or 120 penalty units, or both.

19 Exception for use in good faith

Section 18 does not apply to a person to the extent that the person
makes a record of, discloses or otherwise uses protected
information in good faith and in purported compliance with
section 17.

Note: A defendant bears an evidential burden in relation to the matters in
this section (see subsection 13.3(3) of the Criminal Code).

20 Exception if unaware information is commercial-in-confidence

Section 18 does not apply to a person if:
(a) the person makes a record of, discloses or otherwise uses
   information; and
(b) the information is commercial-in-confidence; and
(c) the person does not know that the information is
   commercial-in-confidence.

Note: A defendant bears an evidential burden in relation to the matters in
this section (see subsection 13.3(3) of the Criminal Code).

21 Exceptions relating to the person to whom the protected
   information relates

(1) Section 18 does not apply to a person if:
(a) the person discloses protected information to the person to
    whom the information relates; or
(b) the person is the person to whom the protected information
    relates; or
(c) the making of the record, or the disclosure or use, of the
    protected information is in accordance with the express or
    implied consent of the person to whom the information
    relates.
Part 3 Dealing with information in the register

Section 22

1 Note: A defendant bears an evidential burden in relation to the matters in this subsection (see subsection 13.3(3) of the Criminal Code).

2 (2) Subsection (1) applies as if a reference in that subsection to the person to whom the protected information relates includes a reference to the person’s legal personal representative if the person is incapable of managing his or her health affairs.

22 Exception for disclosure to person who provided the information

Section 18 does not apply to a person if:

(a) the person obtains protected information from another person; and

(b) the person discloses that information to the other person.

Note: A defendant bears an evidential burden in relation to the matters in this section (see subsection 13.3(3) of the Criminal Code).
Part 4—Other matters

23 Simplified outline of this Part

This Part deals with other matters, such as civil penalties, approved forms, agreements, delegations and rules.

24 Civil penalty provisions

Enforceable civil penalty provisions

(1) Each civil penalty provision of this Act is enforceable under Part 4 of the Regulatory Powers Act.

Note: Part 4 of the Regulatory Powers Act allows a civil penalty provision to be enforced by obtaining an order for a person to pay a pecuniary penalty for the contravention of the provision.

Authorised applicant

(2) For the purposes of Part 4 of the Regulatory Powers Act, each of the following persons is an authorised applicant in relation to the civil penalty provisions of this Act:

(a) the Secretary;
(b) an SES employee, or an acting SES employee, in the Department.

Relevant court

(3) For the purposes of Part 4 of the Regulatory Powers Act, each of the following courts is a relevant court in relation to the civil penalty provisions of this Act:

(a) the Federal Court of Australia;
(b) the Federal Circuit Court of Australia;
(c) a court of a State or Territory that has jurisdiction in relation to the matter.
Part 4 Other matters

Section 25

Extension to external Territories

(4) Part 4 of the Regulatory Powers Act, as that Part applies in relation to the civil penalty provisions of this Act, extends to every external Territory.

Liability of Crown

(5) Part 4 of the Regulatory Powers Act, as that Part applies in relation to the civil penalty provisions of this Act, does not make the Crown liable to a pecuniary penalty.

25 Approved forms

(1) The Minister may, in writing, approve a form for the purposes of a provision of this Act.

(2) A request or withdrawal of a request required by a provision of this Act to be in the approved form must be given to the person specified in the form for that purpose.

26 Agreements

The Minister may, on behalf of the Commonwealth, engage a person under a written agreement to perform services for or on behalf of the Commonwealth in connection with functions of the Commonwealth, the Minister or the Commonwealth Chief Medical Officer under this Act.

27 Delegation

(1) The Minister may, in writing, delegate his or her functions or powers under:
   (a) section 5 (about commercial-in-confidence information); or
   (b) subsections 17(4) and (5) (about authorising disclosures); or
   (c) section 25 (about approving forms); or
   (d) section 26 (about engaging persons under agreements);
   to an SES employee, or an acting SES employee, in the Department.
(2) In performing a function, or exercising a power, under a 
delegation, the delegate must comply with any directions of the 
Minister.

28 Rules

(1) The Minister may, by legislative instrument, make rules 
    prescribing matters:
        (a) required or permitted by this Act to be prescribed by the 
            rules; or
        (b) necessary or convenient to be prescribed for carrying out or 
            giving effect to this Act.

(2) To avoid doubt, the rules may not do the following:
    (a) create an offence or civil penalty;
    (b) provide powers of:
        (i) arrest or detention; or
        (ii) entry, search or seizure;
    (c) impose a tax;
    (d) set an amount to be appropriated from the Consolidated 
        Revenue Fund under an appropriation in this Act;
    (e) directly amend the text of this Act.