



Council of New South Wales

AGENCY INFORMATION GUIDE

Government Information (Public Access) Act 2009

Introduction

The *Government Information (Public Access) Act 2009* (GIPA Act) came into effect on 1 July 2010, replacing the former freedom of information law.

The GIPA Act:

- creates rights to information that are designed to meet community expectations of more open and transparent government, and
- encourages government agencies to proactively release government information.

The Aboriginal and Torres Strait Islander Health Practice Council of New South Wales is a public authority that is required to comply with GIPA obligations and is committed to openness with regard to its information.

Aboriginal and Torres Strait Islander Health Practice Council Agency Information Guide

Under the terms of the GIPA Act, the Aboriginal and Torres Strait Islander Health Practice Council must publish an information guide annually. This document is the Aboriginal and Torres Strait Islander Health Practice Council's *Agency Information Guide* for 2013.

The *Agency Information Guide* tells you in general terms about:

- Our structure and functions
- What kind of information we have
- What kind of information we will make available to the public
- How that information will be made available
- Whether or not there is a charge to access specific kinds of information
- Information not available in response to an access application
- Where to find out more about right to information and how to access it.

Our Structure and Functions

The Aboriginal and Torres Strait Islander Health Practice Council of New South Wales is a statutory body established on 1 July 2012 under the *Health Practitioner Regulation National Law (NSW) No 86a*.

The purpose of the Aboriginal and Torres Strait Islander Health Practice Council is to act in the interests of the public by ensuring that registered Aboriginal and Torres Strait Islander practitioners are fit to practise and students are fit to have contact with members of the public whilst they undertake approved programs of study. The Council manages a range of programs, services and procedures to achieve this purpose. As a result, members of the public can be reassured that registered Aboriginal and Torres Strait Islander practitioners

are required to maintain proper and appropriate standards of conduct and professional performance.

The Council and the Health Care Complaints Commission (which is a separate statutory authority) are jointly responsible as co-regulators for ensuring that mechanisms are provided for assessing and dealing with complaints and notification about occupational therapists' performance, conduct and health.

The Health Professional Councils Authority (HPCA) provides secretariat and shared corporate services to the 14 health professional Councils.

Information on the structure and functions of the Council is available on the Council's website, www.atsihealthpracticecouncil.nsw.gov.au or by contacting us at:

Aboriginal and Torres Strait Islander Health Practice Council of New South Wales
Level 6, 477 Pitt Street, Sydney NSW 2000
Locked Bag 20, Haymarket NSW 1238
Phone: 1300 197 177
Fax (02) 9281 2030
Email: mail@atsihealthpracticecouncil.nsw.gov.au

What kind of information do we have?

Information is contained in the following categories of documents held by Council:

- Complaint files
- Policy documents including policy directives, protocols and procedures
- Documents concerning internal administration of the Council, including briefs, procedures and guidelines
- Documents concerning appointments to various official positions
- Official records of Council and their Committees
- Documents prepared for submission to Council
- Correspondence with other Government agencies, including the Health Care Complaints Commission, NSW Health, the Australian Health Practitioner Regulation Agency
- Correspondence with overseas registration authorities
- Correspondence with members of the public, health professionals, health agencies and professional organisations
- Correspondence with Ministers and other Members of Parliament
- Internal working papers of Council.

What kind of information is made available to the public, and how?

Open access information

The Council makes available the following 'open access information', which is free of charge on our [website](#) or by contacting us directly:

- The Council's Annual Report (from 2013)
- All other documents tabled in Parliament concerning the Council
- Details of significant [contracts and tenders](#)
- [Organisation Chart](#) of the Health Professional Councils Authority
- The Council's [disclosure log](#) of decisions regarding access applications.

Other proactively released information

In addition, the Council proactively makes available a range of additional information, which may be accessed free of charge on our [website](#) or by contacting the Council. This information includes:

- Publications, newsletters, statements, notices, and bulletins
- Policies, procedures and guidelines published by the Aboriginal and Torres Strait Islander Health Practice Council of New South Wales and the HPCA
- Links to codes of conduct, policies and guidelines published by the Aboriginal and Torres Strait Islander Health Practice Board of Australia
- Links to the *Health Practitioner Regulation National Law (NSW)* and other relevant legislation and regulations
- Information about the NSW Aboriginal and Torres Strait Islander Health Practice Tribunal hearings and decisions, including hearing listings and attendance guidelines
- Information about any program established by the Council to assess and monitor performance, conduct and health of health practitioners
- Published (relevant) Court decisions
- Links to key websites including the Health Care Complaints Commission, and the Australian Health Practitioner Regulation Agency (AHPRA) and its Register of Practitioners.

Information available on informal request

A request may be made at any time for other information held by the Council. While the Council reserves the right to require a [formal access application](#) to be made, the Council will generally provide the following types of information in response to an informal request, without the need to make a formal access application, provided the disclosure meets the requirements of confidentiality provisions in the *Health Practitioner Regulation National Law (NSW) No 86a*:

- Copies of correspondence, where the person requesting the correspondence was the person who sent it to the Council
- Documents that contain only personal information about a particular person, when the request for information is from that person
- Documents that have already been made public in some other way
- Other reasonable requests for information, the release of which would not raise any potential concerns in terms of public interest considerations against disclosure.

The Council may release the information in response to an informal request subject to any reasonable conditions that the Council regards as appropriate.

The GIPA Act does not have set timeframes to respond to informal request for release of information. We will endeavour to respond to informal requests within 20 days. You will be informed if for some reason this timeframe cannot be met.

Information available in response to an access application

If the information you are seeking is not available on our website or by contacting us directly, you may make a formal access application for all other information held by the Council (other than certain 'excluded information', which is set out below).

The access application form is available [here](#) or by contacting the Council.

It is advisable to contact the Council to discuss your request prior to making a formal access application.

Whether or not there is a charge to access specific kinds of information

Formal access applications are subject to application fees and processing charges in accordance with the *Government Information (Public Access) Act 2009*, and information that is available on the Information Privacy Commission website.

Information that is not available in response to an access application

Some Council information is 'excluded information' under the GIPA Act, and access will not be made available to it in response to a formal access application. The complaint handling and investigative functions conferred by or under any specified Act is an example of 'excluded information'.

Some of the particular information that the Council cannot release in response to an access application includes:

- Information under the *Health Care Complaints Act 1993* (as defined in item 1 of Schedule 1 of the GIPA Act)
- Information about the Health Care Complaints Commission's complaint handling, investigative, complaints resolution and reporting functions, including any functions exercised by the Health Conciliation Registry and any function concerning information to a registration authority or professional Council (within the meaning of the *Health Care Complaints Act 1993* relating to a particular complaint (as defined in item 2 of Schedule 2 of the GIPA Act))
- Private health information or personal information about a third party.

Although an access application may be made for all other information held by the Council, we will not release information if there is an overriding public interest against the disclosure of the information.

Whenever the Council decides that particular 'open access information' should not be publicly available, a record of the decision is made in our disclosure log.

Further information

The Council's Right to Information Officer (RIO) is able to assist members of the public to obtain more details about access to government information held by the Council. For further information about the Aboriginal and Torres Strait Islander Health Practice Council and inquiries about access to information contact:

Right to Information Officer

Aboriginal and Torres Strait Islander Health Practice Council of New South Wales

Level 6, 477 Pitt Street, Sydney NSW 2000

Locked Bag 20, Haymarket NSW 1238

Phone: 1300 197 177

Fax: (02) 9281 2030

Website: www.atsihealthpracticecouncil.nsw.gov.au

Email: mail@atsihealthpracticecouncil.nsw.gov.au

You can find out more about your right to information and ways to access NSW Government information by contacting the Information and Privacy Commissioner by

Visit at: Level 11, 1 Castlereagh Street, Sydney 2000

Postal Address: GPO Box 7011, Sydney 2001

Phone: 1800 472 679 (1800 IPC NSW) (freecall)

Website: www.ipc.nsw.gov.au

Email: ipcinfo@ipc.nsw.gov.au or

Document control

Endorsed by	Date	Review date	File No.	Document No.
Executive Officer	20 Aug 2013	Aug 2014	13/431	HP13/9169