



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
- Encourages government agencies to proactively release government information.

The Occupational Therapy 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.

Occupational Therapy Council Agency Information Guide

Under the terms of the GIPA Act, the Occupational Therapy Council must publish an information guide annually. This document is the 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 Occupational Therapy 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 Occupational Therapy Council is to act in the interests of the public by ensuring that registered occupational therapists are fit to practise and students are fit to have contact with members of the public while 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 assured that registered occupational therapist 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 in place assessing and dealing with complaints and notifications 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.occupationaltherapy.nsw.gov.au or by contacting us at:

Occupational Therapy 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@occupationaltherapycouncil.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'. This information is accessible free of charge on our [website](#) or by contacting us directly:

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

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 Occupational Therapy Council of New South Wales and the HPCA
- Links to codes of conduct, policies and guidelines published by the Occupational Therapy Board of Australia
- Links to the *Health Practitioner Regulation National Law (NSW)* and other relevant legislation and regulations
- Information about any program established by the Council to assess and monitor performance, conduct and health of health practitioners
- Information about the NSW Occupational Therapy Tribunal hearings and decisions, including hearing listings and attendance guidelines
- 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 individual, and that is the person who is requesting the information
- 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 thinks fit to impose.

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.

Formal application timeframe

You will be notified of the decision on your application within 20 working days, unless we reach agreement with you to extend the time.

We may extend the time by 10 to 15 working days where consultation with a third party is required or if the records need to be retrieved from archives.

We will notify you if access to the information is not able to be provided straight away; advising you of the reason for deferral and the date on which access will be available. You may seek a review of the decision to defer.

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 GIPA Act. Information regarding the application fees and processing charges 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 Occupational Therapy Council and inquiries about access to information contact:

Right to Information Officer

Occupational Therapy 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.occupationaltherapycouncil.nsw.gov.au

Email: mail@occupationaltherapycouncil.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

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