



Health

Justice Health &
Forensic Mental Health Network

Agency Information Guide

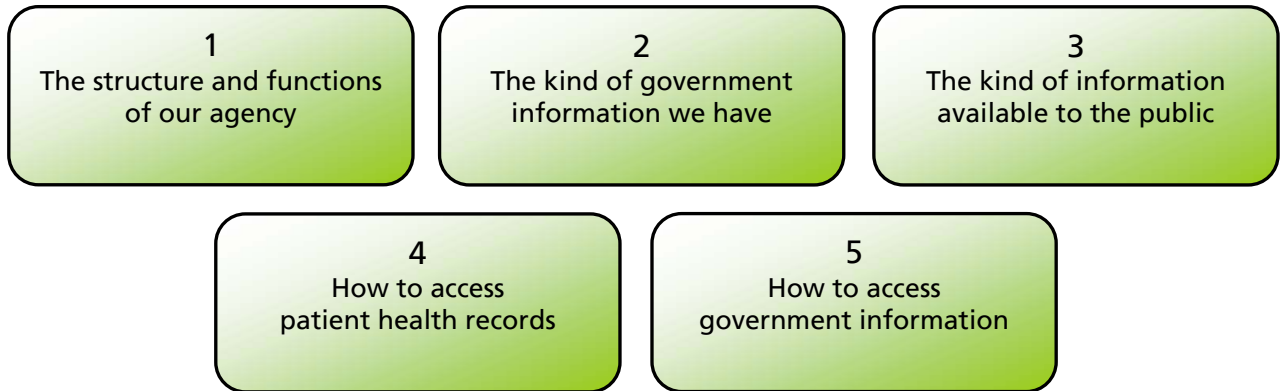
May 2012



Background

The *Government Information (Public Access) Act 2009* (or the GIPA Act) came into effect on 1 July 2010 and replaced the *Freedom of Information Act 1989*. The GIPA Act is designed to meet community expectations of a more open and transparent Government for the people of NSW.

The Justice Health & Forensic Mental Health Network (JH&FMHN) Agency Information Guide provides the following information in general terms:



Pursuant to the GIPA Act, JH&FMHN has published this Agency Information Guide which will be reviewed yearly. A copy of this document is available free of charge.

You may make an enquiry or lodge an application for information under the GIPA Act by contacting:

Right to Information Officer
Justice Health & Forensic Mental Health Network
PO BOX 150
Matraville NSW 2036
Phone: (02) 9700 3000
Fax: (02) 9700 3744
Email: GIPAINfo@justicehealth.nsw.gov.au

Additionally, you can find out more about your right to information and ways to access NSW government information by contacting the Office of the Information Commissioner (OIC) at:



office of the
information
commissioner
new south wales

Office Address:
Mailing Address:
Phone:
Email:
Website:

Level 11, 1 Castlereagh Street, Sydney NSW 2000
GPO Box 7011, Sydney NSW 2001
1800 INFOCOM (1800 463 626)
oinfo@oic.nsw.gov.au
www.oic.nsw.gov.au

1. The Structure and Functions of JH&FMHN

Justice Health & Forensic Mental Health Network (JH&FMHN) is a board governed specialty network statutory health corporation established under the auspices of the *Health Services Act 1997* (NSW). JH&FMHN provides health care in a complex environment to people in the adult correctional environment, to those in courts and police cells, to juvenile detainees and to those within the NSW forensic mental health system and in the community.

In all contexts, JH&FMHN must work closely with a variety of organisations, including the NSW Ministry of Health, Corrective Services NSW, Juvenile Justice, Local Health Districts, Community Controlled Aboriginal Health Organisations, NSW Police Force, Attorney General's Department, Universities, community groups and advocacy groups.

JH&FMHN fulfils a valuable role in improving the health status of those who come into contact with the criminal justice system, while also minimising the health consequences of incarceration on individuals, their families and the general community. Commitment to providing the best possible health care to our clients is our key focus.

JH&FMHN is responsible for providing comprehensive health services to adults in:

- Correctional Centres
- Transitional Centres
- Police Cell Complexes
- Local Court Complexes
- Adult Drug Court
- The Connections Program
- State-wide Community Forensic Mental Health Services
- The Compulsory Drug Treatment Program
- The Mental Health Screening Unit
- Long Bay Hospital
- The Forensic Hospital

JH&FMHN is responsible for providing comprehensive health services to adolescents in:

- Juvenile Justice Centres
- Juvenile Correctional Centres
- Children's Courts
- Youth Drug & Alcohol Court
- The Community Integration Team
- The Adolescent Court & Community Team
- The Forensic Hospital

Information on our current structure, functions, performance and achievements is located in the JH&FMHN *Annual Report (Year in Review)* which can be accessed on [publications page](#) of the JH&FMHN website.

For more information of JH&FMHN services, functions and structure please refer to our [Capability Brochure](#).

1.1 Functions of JH&FMHN and How they Affect the Public

As an organisation providing health services, many of the activities provided by JH&FMHN have an impact on members of the public. Our range of services and levels of expertise are continuing to expand rapidly as we develop health interventions that allow us to improve the health and well being of those affected by incarceration and detention.

Information on the services provided by JH&FMHN and how they affect members of the public can be accessed on the '[Our Services](#)' page of the JH&FMHN website.

1.2 Consumer Participation

The Justice & Forensic Mental Health Network Board is responsible for ensuring that the rights and interests of its key stakeholders are incorporated into the plans of the organisation and that they are provided access to balanced and understandable information about the organisation and its proposals.

Consumer participation within JH&FMHN is provided by a number of means, including the Consumer and Community Group and local Inmate Development Committees (IDC) at individual correctional centres.

If you would like to provide feedback to inform the development of JH&FMHN policies, please send us an email at jhadmin@justicehealth.nsw.gov.au.

Consumer and Community Group

The Consumer & Community Group is a sub-committee of the JH&FMHN Quality Council and aims to provide a forum where consumer and community representatives can interface with JH&FMHN in addressing issues that relate to the provision of health services to adult and juvenile offenders. The group seeks to empower inmates and detainees by seeking their feedback, and provide an effective forum for consumer participation.

The Group has representatives from prisoner support and advocacy organisations, JH&FMHN, and six consumers – one male and one female person in custody who participate in the meetings via teleconference, along with one male and one female consumer in the community and two young people in custody.

The Consumer and Community Group receives feedback about healthcare issues and concerns through the Consumer and Community Group Feedback form, provided to the Chairperson of each IDC at all correctional centres following each bi-monthly Consumer and Community Group meeting. Issues or concerns raised via the feedback forms are addressed at the local level by the Nursing Unit Manager or escalated to the Client Liaison Officer for follow-up and resolution.

Inmate Development Committee

Inmate Development Committees (IDC) are held at all adult correctional centres. Attendees include inmate representatives, the General Manager of the facility, senior nursing staff on invitation and, depending on the facility, other CSNSW senior representatives. The committees provide a forum to discuss and resolve local issues relating to the treatment and care of inmates.

The JH&FMHN representative on the committee is responsible for following up healthcare related issues and concerns. Inmate Development Committees are also held as part of the Board's activities when the meeting is off-site, and when the Board visits Juvenile Justice Centres the schedule also includes a meeting with a representative group of young people. The Chief Executive also meets with a representative group of inmates/detainees when visiting centres.

2. Government Information Held by JH&FMHN

JH&FMHN holds the following documents which contain government information:

- patient Health Records;
- documents relating to the internal administration of JH&FMHN;
- policy documents;
- planning documents;
- internal and external correspondence;
- reports, fact sheets, guidelines and manuals.

3. Information Available to the Public

Government information held by JH&FMHN is made available to patients, their families and members of the public:

- As Open Access Information (accessible free of charge on our website)
- Through proactively released information (accessible free of charge on our website)
- Through an informal application (free of charge); and
- Through formal applications under privacy legislation or the GIPA Act (fees may apply).

3.1 Open Access Information & Proactively Released Information

JH&FMHN makes available, free of charge, the following information which is classified as *open access information*:

- The current [Agency Information Guide](#);
- Information about Justice Health & Forensic Mental Health Network contained in any [document tabled in Parliament by or on behalf of](#) Justice Health & Forensic Mental Health Network, other than any document tabled by order of either House of Parliament;
- [Policy documents](#);
- [Details of significant contracts and tenders](#); and
- [Disclosure Log](#).

JH&FMHN Policies

[1.0 Continuum of Care](#)

[2.0 Leadership & Management](#)

[3.0 Human Resources](#)

[4.0 Clinical Information Management](#)

[5.0 Safe Practice & Environment](#)

Brochures For Patients

[Health Services Information Brochure](#) (PDF - 100KB)

[Health Services Information Brochure – ARABIC](#) (PDF - 750KB)

[Health Services Information Brochure - CHINESE](#) (PDF - 1.18MB)

[Health Services Information Brochure – ITALIAN](#) (PDF - 273KB)

[Health Services Information Brochure - SPANISH](#) (PDF - 270KB)

[Health Services Information Brochure - VIETNAMESE](#) (PDF - 278KB)

Annual Reports

[Justice Health & Forensic Mental Health Network Year in Review 2010-2011](#) (PDF - 2MB)

[Justice Health & Forensic Mental Health Network Financial Year 2010-2011 Statements](#) (PDF - 443KB)

[Year in Review 2009/2010](#) (PDF – 4.99MB)

[Year in Review 2009/2010 – Key Highlights Brochure](#) (PDF – 3.77MB)

[Year in Review 2008/2009](#) (PDF - 665KB)

[Justice Health Annual Report 2007/2008](#) (PDF - 907KB)

[Justice Health Annual Report 2006/2007](#) (PDF - 1MB)

- [Justice Health Annual Report 2005/2006](#) (PDF - 1.17MB)
- [Justice Health Annual Report 2004/2005](#) (PDF - 786KB)
- [Corrections Health Service Annual Report 2003/2004](#) (PDF - 331KB)
- [Corrections Health Service Annual Report 2002/2003](#) (PDF - 484KB)
- [Corrections Health Service Annual Report 2001/2002](#) (PDF - 2.18MB)
- [Corrections Health Service Annual Report 2000/2001](#) (PDF - 1.97MB)
- [Corrections Health Service Annual Report 1999/2000](#) (PDF - 712KB)

Review & Planning

- [Area Health Service Plan 2010 & Beyond](#) (PDF – 786KB)
- [Health Service Strategic Plan: Towards 2010](#) (PDF – 714KB)
- [Hepatitis C Strategic Plan 2007- 2010](#) (PDF – 344KB)
- [Hepatitis C Services Review March 2007](#) (PDF – 144KB)
- [Clinical Risk Assessment Manual](#) (PDF – 1.1MB)

Information

- [Justice Health – Capabilities Brochure](#) (PDF - 796KB)
- [Justice Health Flyer](#) (PDF - 94KB)
- [The Forensic Hospital Brochure](#) (571KB)
- [The First Year in the Forensic Hospital](#) (PDF - 209KB)

Workforce

- [Code of Conduct](#) (PDF - 123KB)

Centre for Research in Criminal Justice

- [2009 NSW Inmate Health Survey: Key Findings Report](#) (PDF - 5MB)
- [2009 NSW Inmate Health Survey Aboriginal Report](#) (PDF - 6MB)
- [2009 NSW Inmate Health Survey Aboriginal Report: Appendix](#) (PDF - 2.4MB)
- [Inmate Health Survey 2001](#) (PDF - 1.76MB)
- [Inmate Health Survey 1997](#) (PDF - 684KB)
- [National Prison Entrants' Blood Borne Virus Survey Report, 2004](#) (PDF - 640KB)
- [Mental Illness Among NSW Prisoners](#) (PDF - 637KB)
- [NSW Young People on Community Orders Health Survey 2003 - 2006](#) (Key Findings Report) (PDF - 696KB)
- [Young People in Custody Health Survey – Full Report](#) (PDF - 11.3MB)
- [Young People in Custody Health Survey - Part 1](#) (PDF - 1611KB)
- [Young People in Custody Health Survey - Part 2](#) (PDF - 1694KB)
- [Young People in Custody Health Survey - Part 3](#) (PDF - 1512KB)
- [Young People in Custody Health Survey - Part 4](#) (PDF - 1239KB)
- [Young People in Custody Health Survey - Part 5](#) (PDF - 2276KB)
- [Young People in Custody Health Survey - Part 6](#) (PDF - 3529KB)
- [Young People in Custody Health Survey - Part 7](#) (PDF - 1290KB)
- [Young People in Custody Health Survey - Part 8](#) (PDF - 988KB)
- [Young People in Custody Health Survey 2003](#) (PDF - 315KB)
- [NSW Young People on Community Orders Comprehensive Report \(Chapters 1 - 3\)](#) (PDF - 2.75MB)
- [NSW Young People on Community Orders Comprehensive Report \(Chapters 4 - 6\)](#) (PDF - 3.00MB)
- [NSW Young People on Community Orders Comprehensive Report \(Chapters 7 - 8\)](#) (PDF - 2.57MB)
- [NSW Young People on Community Orders Comprehensive Report \(Chapter 9\)](#) (PDF - 3.9MB)
- [Centre for Health Research in Criminal Justice - Annual Report 2005/2006](#) (PDF - 208KB)
- [Centre for Health Research in Criminal Justice - Annual Report 2003/2004](#) (PDF - 253KB)
- [Centre for Health Research in Criminal Justice Strategic Plan 2010-2015](#) (PDF 459KB)
- [Center for Health Research in Criminal Justice - Second Prisoner Health Research Symposium](#) (PDF - 2.25MB)
- [Demystifying Forensic Mental Health Symposium](#) - (PDF – 223KB)
- [Custody & Beyond The Continuum of Chronic Care Symposium](#) - (PDF – 819KB)

3.2 Information Available through Informal Applications

JH&FMHN will generally provide the following types of information in response to an informal request, without the need make a formal access application under the GIPA Act:

- copies of correspondence, where the person requesting the correspondence was the person who sent it to the organisation.
- documents that have already been made public in some other way.
- other reasonable requests for information, the release of which would not require third party consultation or raise concerns in terms of public interest considerations against disclosure.

Information on how to obtain information through an informal application is described in part 5.1 of this guide.

3.3 Information Available through Formal Applications

Health Information and Health Records

Patients are entitled to be given access to Health Records held by JH&FMHN. Copies of Health Records or Incident Reports can be released under the *Health Records and Information Privacy Act 2002* (or HRIPA).

HRIPA allows for access to health records to be provided by:

- (a) giving the individual a copy of the health information; or
- (b) giving the individual reasonable opportunity to inspect and take notes from the health information.

If you are not the patient, you will need to include written consent from the patient clearly indicating that JH&FMHN can disclose the records to you.

Instructions on how to obtain health information under HRIPA is described in [part 4](#) of this guide.

Government Information

Members of the public have a legally enforceable right to access government information unless there is an overriding public interest against disclosure.

Information on how to obtain information through a formal access application is described in [part 5.2](#) of this guide.

Government Information Not Available to the Public

Under the GIPA Act, there is a presumption in favour of disclosing Government information unless there is an overriding public interest against disclosure. In making such a determination, JH&FMHN will apply a public interest test under s.13 of the Act, which provides that there will only be an overriding public interest against disclosure where public interest considerations in favour of disclosure are, on balance, outweighed by those against disclosure.

An access application may be made for all government information held by JH&FMHN and information may be released in response to a valid access application unless:

- there is an overriding public interest against disclosure; or
- the information is excluded information of particular agencies as defined under Schedule 2 of the GIPA Act.

Although an access application may be made for government information held by JH&FMHN, information will not be released if there is an overriding public interest against disclosure.

4. Accessing Patient Health Records under the HRIP Act

Access to Health Records held by JH&FMHN can be facilitated through the *Health Records and Information Privacy Act 2002* (or the HRIP Act). One of the purposes of the HRIP Act is to promote the fair and responsible handling of health information by enabling individuals to gain access to their health information. This may be done through providing a copy of the health information or providing a reasonable opportunity to inspect and takes notes from the Health Record.

If you are not the patient, you will need to include written consent from the patient clearly indicating that JH&FMHN may disclose the records to you. You will be asked to apply in writing and will be charged the relevant fee.

Access to health information and patient Health Records can be requested through the following steps:



1. Complete the **Application for Access to Health Records** form

2. Enclose the relevant fee (refer to the form)

3. Submit the application form with attachments to the address/fax below

The Medico-Legal Coordinator

Joint Records Centre
Justice Health & Forensic Mental Health Network
Private Bag 144, Silverwater NSW 1811
Phone: (02) 9289 5168
Fax: (02) 9289 5014

The Office of the Information Commissioner has developed a fact sheet which describes [how to access your health information from government agencies](#). This fact sheet explains the difference when requesting health information under both the HRIP Act and the GIPA Act.

If you have any questions in relation to accessing health records under the HRIP Act, you may contact the Medico-Legal Coordinator at the phone number above or contact:



Office of the Privacy Commissioner

Office Address: Level 11, 1 Castlereagh Street, Sydney NSW 2000
Mailing Address: GPO Box 7011, Sydney NSW 2001
Phone: (02) 8019 1600
Email: privacyinfo@privacy.nsw.gov.au
Website: www.ipc.nsw.gov.au

5. Accessing Government Information under the GIPA Act

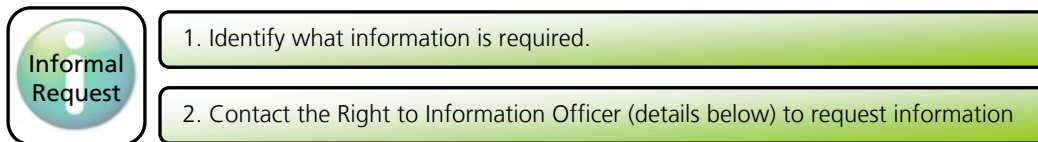
Under the GIPA Act, government information held by JH&FMHN is made available as Open Access Information, Proactive Release of Information, through an informal application or through a formal access application under the GIPA Act. Open Access Information and proactively released information is maintained on our website and can be accessed at <http://www.justicehealth.nsw.gov.au>. Members of the public are encouraged to check whether the information sought is already publicly available before making an informal or formal application under the GIPA Act.

5.1 Informal Access Application

JH&FMHN will generally provide the following types of information in response to an informal request, without the need make a formal access application under the GIPA Act:

- copies of correspondence, where the person requesting the correspondence was the person who sent it to the organisation.
- documents that have already been made public in some other way.
- other reasonable requests for information, the release of which would not require third party consultation or raise concerns in terms of public interest considerations against disclosure.

Informal access to government information under the GIPA Act can be requested through the following steps:



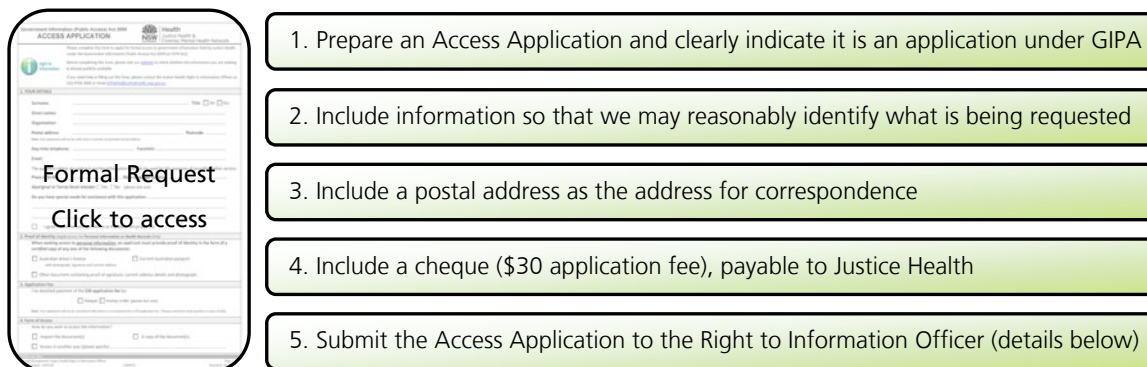
JH&FMHN will not charge a fee to process an informal request for information, however JH&FMHN reserves the right to request a formal application or impose conditions on its release.

5.2 Formal Access Application

If information cannot be accessed through an informal request, a formal access application may be necessary. A formal request may also be necessary if:

- a large volume of information is sought.
- providing access would involve an extensive search.
- the information sought involves personal or information about third parties who must be consulted before the information can be released.

Formal access to government information under the GIPA Act can be requested through the following steps:



Formal requests will be processed within 20 working days and may be extended by up to 15 working days where consultation with a third party is required or if records need to be retrieved.

The applicant will be notified of a decision in writing. Any decision to refuse access will include reasons for the decision.

You may make an enquiry or lodge an application for information under the GIPA Act by contacting:

Right to Information Officer

Justice Health & Forensic Mental Health Network
PO BOX 150
Matraville NSW 2036

Phone: (02) 9700 3000

Fax: (02) 9700 3744

Email: GIPAINfo@justicehealth.nsw.gov.au

5.3 Review Rights

You have the right to request a review of a decision regarding the release of information if you disagree with a reviewable decision made by JH&FMHN. You generally have three options to have a decision reviewed:

- an internal review by JH&FMHN.
- an external review by the Office of the Information Commissioner (OIC).
- an external review by the Administrative Decisions Tribunal (ADT).

Requests to review a decision must be submitted within the following number of working days after the notice of decision was given to you:

- 20 working days for an internal review; or
- 40 working days for an external review by the OIC or the ADT.

Internal Review

An application for an internal review may be requested by completing a [GIPA Application for Internal Review](#) form along with \$40 cheque made payable to Justice Health. The internal review will be undertaken by a senior officer who was not involved in making the original decision. A determination from an internal review will be issued within 15 working days which may be extended by 10 working days where there is a need to consult with new third parties.

External Review

An access applicant or person can request an external review of a reviewable decision directly to the OIC or the ADT. Applicants have 40 working days from the date of the original decision being given to the applicant to appeal a decision to the OIC or ADT. Note, a reviewable decision must be the subject of an internal review by the agency before it can be reviewed by the OIC unless the aggrieved person is the access applicant.

The Office of the Information Commissioner has published a fact sheet entitled [Your Review Rights under the GIPA Act](#) which details your rights of review. Frequently asked questions are also available on the [OIC website](#).