



**Annual  
Report  
2015-16**

**Physiotherapy  
Council**

of New South Wales

# President's message



*Physiotherapy Council  
of New South Wales*

I am pleased to present the Physiotherapy Council of NSW's 2015/16 Annual Report, my second report as President.

While the Council has seen a slight reduction in the number of complaints received during the reporting year we have observed some continuing themes in complaints relating to professional boundaries, clinical record keeping and inappropriate billing of health insurance providers. The Council acknowledges that being the subject of a complaint can be one of the most stressful and challenging events in a physiotherapist's working life. The Council continues to endeavour to make sure that physiotherapists who are referred to the Council are dealt with respectfully and effectively in the interests of public safety in the first instance but also in a manner that, where appropriate, is constructive, supportive and non-punitive. A number of complaints over the last twelve months have been settled with remediation or counselling which continues to prove an effective mode of managing some complaints, with positive feedback from complainants and practitioners alike about the process.

As a proactive and constructive measure, the Council has embarked on an educational project aimed at providing practitioners and students in NSW with a practical and ethical framework to assist in decision making around professional boundaries, clinical record keeping and billing practices. This project will be completed in liaison with, and with reference to, the Physiotherapy Board of Australia and its National Guidelines. I look forward to reporting on the progress of this project.

The Council is committed to maintaining a high regulatory standard for the NSW community. To achieve this, the Council has developed a number of policies, guidelines and templates to provide guidance to decision makers and clarity on issues of interest to the Council. The Council is also fostering its relationship with the Physiotherapy Board of Australia to ensure consistent decision making across jurisdictions.

I wish to thank Mr David Cross, who extended his term and continued on the Council's Complaints and Notifications Committee from July 2015 to March 2016 to provide guidance to the new Committee members as they became familiar with their new roles.

The Council continues to rely on many physiotherapists to assist us in our work. From auditing, to mentoring, to sitting on committees, a number of physiotherapists continue to generously provide invaluable input and assistance. In particular, I would like to thank Professor Catherine Dean, the outgoing Chair of the Physiotherapy Assessment Committee. Professor Dean was appointed to the Committee by the Minister for Health in 2012. Her contribution, both as member and leader of the Committee, has assisted the Council greatly in making determinations on complex complaints and we are very grateful for her service.

The Council recognises the tireless support of HPCA staff who assist the Council to work effectively and efficiently. There have been a number of changes over the last 12 months and the staff have managed a challenging time in this regard with aplomb. Of particular note, I would like to extend my thanks on behalf of the Council to Ms Sue Toohey who faithfully served the Physiotherapy Council and the Board before that for many more years than Sue would probably like me to divulge. The Council wish Sue all the best in her retirement.

## President's message continued

Finally I must thank my fellow Council members for their dedication throughout the year.

With the ongoing support of the Council, our committees and staff, I look forward to continuing the important work of the NSW Physiotherapy Council, ensuring the regulation of physiotherapists in NSW is managed effectively and robustly, meeting the high expectations of the public and the profession.

A handwritten signature in black ink that reads "Michael Ryan". The signature is written in a cursive style with a large, looping initial 'M' and a long, sweeping underline.

**Mr Michael Ryan**

President  
Physiotherapy Council of NSW

# Regulation of Physiotherapists in 2015/16

## Overview

**8,408**

**REGISTERED  
PHYSIOTHERAPISTS IN NSW**

5.9% more than last year in NSW  
29.1% of physiotherapists in Australia

**37**

**NEW COMPLAINTS  
RECEIVED RELATED TO**

Conduct - 16  
Performance - 19  
Health - 2



**38**

**CLOSED COMPLAINT  
OUTCOMES INCLUDED**

1 conditions on registration  
3 counselling  
1 resolution/conciliation by HCCC  
17 no further action  
1 no jurisdiction  
12 discontinued  
3 withdrawn

**55**

**COMPLAINTS  
WERE MANAGED**

19 open at start of year  
36 received during the year  
38 closed during the year  
17 open at end of year  
9 active monitoring cases at end of year

## Regulation of Physiotherapists in NSW in 2015/16

### Year in summary

As at 30 June 2016 NSW had 8,408 registered physiotherapists representing 29.1% of the 28,855 physiotherapists registered to practise in Australia. There was an increase of 2% on the 7,943 physiotherapists registered in NSW last year.

During the year the Physiotherapy Council of NSW managed 55 complaints including:

- 19 open matters at the start of the year
- 37 new complaints received during the year.

By year end 38 complaints had been closed and 18 matters remained open.

The 37 new complaints received this year were about 36 practitioners representing 0.4% of NSW registered physiotherapists. There were four fewer complaints received this year compared with the 40 complaints received in 2014/15.

This year there were four mandatory notifications about four physiotherapists.

Complaints were received from the following sources.

Source of Complaint	Number	% of total
Patients	21	56.8%
Employer	5	13.5%
Health insurance providers	3	8.1%
Relatives of patient or practitioner	2	5.4%
Self reports	1	2.7%
AHPRA	1	2.7%
Various other sources including anonymous complaints	4	10.8%

Complaints received about NSW physiotherapists related to:

- Conduct – 16 complaints representing 43.2% of complaints received
- Performance – 19 complaints representing 51.4% of complaints received
- Health – 2 complaints representing 5.4% of complaints received.

One complaint received immediate action consideration.

After Council consultations with the HCCC, 15 of the complaints received during the year were referred for Council management, that is 42% of complaints received.

No matters were referred to NCAT during the year.

A total of nine assessments and hearings were concluded during the year including:

- Assessment Committees – 2
- Health assessments – 1
- Impaired Registrants Panels – 1
- Counselling or interviews – 5

Outcomes for the 38 matters closed during the year were as follows.

Outcome	Number
Conditions imposed	1
Counselling with no further action	3
Resolution or conciliation by HCCC	1
Advice with no further action	7
Withdrawn prior to assessment with HCCC	3
Discontinued at assessment consultation	15
No further action after consultation process	4
No further action after HCCC investigation	3
Practitioner unregistered	1
<b>TOTAL</b>	<b>38</b>

At year end nine cases were being actively monitored including three conduct matters, three performance matters and three health matters.

### Council membership

Clause 8 of Schedule 1A of the Health Practitioner Regulation (New South Wales) Regulation 2010 prescribes that there are 10 members of the Physiotherapy Council appointed by the Governor.

Members who are registered physiotherapy practitioners:

- Professor Darren Rivett PhD, MAppSc (Manip Phty), BAppSc (Phty), Grad Dip ManipTher, MAICD – Deputy President
- Mrs Jenny Aiken B App Sc (Phty), GAICD
- Ms Elizabeth Ward BSC, PGD (Phty), MPH, MHLthSc (Phty), GAICD
- Mr David Gonzalez B AppSc (Phty).

The registered physiotherapist member nominated by the professional association:

- Mr Michael Ryan BAppSc (Phty), MHLthSc (ManipPhty), FACP – President.

The registered physiotherapist member involved in conducting an approved program of study:

- Dr Martin Mackey PhD, MSafSc, BAppSc (Phty), BEc, Grad Cert Ed (Higher Ed).

Legal member:

- Ms Karen Thomas Dip Law, Dip Radiography.

Community members:

- Ms Janene Eagleton GAICD, FGIA, MBA, BHA, RD
- Ms Marie Clarke RN, RM, DipNEd, DipNAdmin, BBus, GradCertMgmt, FACN
- Ms Babette Smith OAM, BAarts, FDRP, Accr Mediator.

### Attendance at Council meetings

The Physiotherapy Council met on 11 occasions. Attendance at the meetings was as follows.

Member	Meetings Attended	Meetings Eligible to Attend
Mrs Jenny Aiken	11	11
Ms Marie Clarke	9	11
Ms Janene Eagleton	9	11
Mr David Gonzalez	10	11
Dr Martin Mackey	9	11
Professor Darren Rivett	10	11
Mr Michael Ryan	10	11
Ms Babette Smith	9	11
Ms Karen Thomas	10	11
Ms Elizabeth Ward	10	11

### Executive Officer

The Physiotherapy Council received Executive Officer support from Mr Brad Skidmore and Ms Sarah Carroll and a staff allocation of 1.5 full time equivalent positions. All support staff are employed by the HPCA.

### Committees of Council

Section 41F of the Law provides that the Council may establish committees to assist it with the exercise of its functions. Members of committees need not be Council members. The Physiotherapy Council was supported by three committees during the reporting period with membership as follows.

Committee	Membership	Meetings Attended
<b>Complaints and Notifications Committee</b> reviews all new complaints in consultation with the HCCC. The Committee met 11 times.	Prof. Darren Rivett (Chair)	10
	Mr David Cross*	6
	Ms Jenny Aiken	10
	Ms Karen Thomas	9
	Dr Martin Mackey*	1
<b>Health Committee</b> monitors and advises on management of impaired practitioners.	Dr Martin Mackey (Chair)	2
	Ms Maria Quinlivan	3
	Ms Elizabeth Ward	4
	Ms Marie Clarke	3
<b>Publications Review Committee</b> develops, reviews and advises on material published by the Council.	Ms Christine Campbell (Chair)#	1
	Mr David Gonzalez (Chair)^	1
	Ms Vicki Williams	2
	Mr David Young	1

\* Retired from Committee March 2016.

+ Temporary appointment to Committee.

# Retired from Committee September 2015.

^Appointed to Committee September 2015.

### Regulatory committees and panels

Part 8 of the Law prescribes the committees and panels that support the Council in undertaking its regulatory activities. They include Assessment Committees, Impaired Registrants Panels and Performance Review Panels. The Physiotherapy Council was supported by two of these bodies during the reporting period with membership as follows.

Regulatory Committee	Membership	Attendance
<b>Physiotherapy Assessment Committee</b>	Associate Professor Catherine Dean – Chairperson	1 meeting
	Mr John Davies – Community Member	1 meeting
	Ms Libby Loneragan – Practitioner Member	1 meeting
	Mr Michael Ward – Practitioner Member	1 meeting
<b>Impaired Registrants Panels</b>	Professor Ian Cameron	1 panel
	Dr Karen Arnold	1 panel
	Ms Adrienne Hunt	1 panel
	Ms Vicki Williams	2 panels

### Meetings and conferences

The Physiotherapy Council was represented at the following meetings and conferences.

Name	Attendance
Council Presidents' Forum	Mr Michael Ryan
Teleconferences with representatives of the Physiotherapy Board of Australia	Council members

### Overseas travel

There was no overseas travel during the reporting period.

### Council Communications

The Physiotherapy Council website is the principal medium used for communicating information to physiotherapists, students and the community. The website includes links to other key bodies in the National Registration and Accreditation Scheme.

Further information is available at [www.physiotherapycouncil.nsw.gov.au](http://www.physiotherapycouncil.nsw.gov.au).

## Remuneration

Remuneration for members of the Council was as follows.

President	\$2,336 per annum
Deputy President and Members	\$1,752 per annum

In addition, Council members receive sitting fees for the conduct of Council inquiries and for attendance at committee meetings and other regulatory activities if held on a day other than the Council meeting.

Council members are reimbursed for expenses incurred when travelling on official business at Council direction.

Members of panels and tribunals also receive remuneration and reimbursement of expenses.

## Financial Management

The Physiotherapy Council's accounts performance as reported in the Financial Statements was as follows.

Accounts Performance 2015/16	\$
Revenue	590,363
Operating expenditure	376,263
Gain/(loss) on disposal	186
<b>Net result</b>	<b>214,286</b>
<b>Net cash reserves (cash and cash equivalents minus current liabilities)</b>	<b>1,073,838</b>

\* Included in the net cash reserves is Education and Research bank account balance of \$190,751.

The Physiotherapy Council's budget for the period 1 July 2016 to 30 June 2017 is as follows

Budget 2016/17	\$
Revenue	557,087
Operating expenditure	490,644
<b>Net result</b>	<b>66,443</b>

Full financial statements are presented in Part 3 of this report 'Financial Statements for NSW Health Professional Councils'.