



**Physiotherapy  
Council**  
of NSW

Annual Report 2016-17



# President's Message



**Physiotherapy  
Council**  
of NSW

I am pleased to present the Physiotherapy Council of New South Wales 2016/17 Annual Report, my third report as President.

The Council managed a record number of complaints in this financial year, however the overall rate of complaints against physiotherapists remains low. Nonetheless the Council remains committed to promoting good standards of ethical behaviour and practice for NSW physiotherapists.

As part of this commitment the Council has approved a project to develop video content exploring common ethical issues that arise in physiotherapist practice. I look forward to launching the finished product to all NSW physiotherapists in the coming year.

The Council has met regularly with the Physiotherapy Board of Australia to discuss areas of shared interest, particularly the increased scrutiny over advertising and use of social media by physiotherapists. We look forward to collaborating with the Board on its regulatory activities in the coming year.

I would like to take this opportunity to thank my fellow Council members for their work over the last year as well as all of the physiotherapists and other professionals that make up our committees and panels. All of our members have busy professional lives and must be recognised for their careful consideration of often complex matters.

I must extend special thanks to Jenny Aiken, who retired as a physiotherapist member of Council after two years of service. Jenny undertook her duties as Council member and practitioner member of the Council's Complaints and Notifications Committee with commitment, dedication and professionalism. We wish her all the best for her future endeavours.

Finally I must thank the Executive Officer and the staff of the Health Professional Councils Authority (HPCA) for their diligence and hard work throughout the year. Without them it would not be possible for the Council to undertake its work to protect the public.

A handwritten signature in black ink that reads "Michael Ryan". The signature is fluid and cursive, with a large loop at the end of the last name.

**Michael Ryan**

President

Physiotherapy Council of New South Wales

Regulation of  
Physiotherapists in 2016/17

# Summary overview



**41**

**New complaints  
received during the  
year related to**

Conduct – 14  
Performance – 23  
Health – 4

4 complaints were mandatory  
notifications



**8,900**

**Registered  
Physiotherapists in NSW**

5.9% more than the previous year  
29.3% of Physiotherapists in Australia  
0.4% of Physiotherapists in NSW had  
complaints made about them –  
39 practitioners



**56**

**Complaints managed**

15 open at start of year  
41 received during the year  
2 immediate actions including reviews  
10 assessments and hearings concluded  
33 closed during the year  
23 open at year end  
3 active monitoring at year end



**33**

**Outcomes for closed complaints\***

19 discontinued  
9 no further action  
3 counselling  
2 referred to another body

\* A complaint may have more  
than one outcome

## **Council Communications**

The Physiotherapy Council website is the Council's primary communications tool to engage with physiotherapists and the wider community. The Council's website is being redeveloped and updated and is expected to provide a modern, more interactive and user-friendly platform for the public, practitioners and other visitors.

The website redevelopment involved stakeholder and community consultation that included workshops, focus groups and user testing. The new website will include easy access to the Council's new online complaint form, with detailed information about the complaint process and will make it easier for visitors to access information about the Council, including policies and publications.

The new website is expected to be launched in August 2017.

## **Council Members**

Ten members sit on the Physiotherapy Council as prescribed by section 41E of the National Law.

Registered physiotherapy practitioner members:

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

Registered physiotherapist member nominated by the professional association:

- Mr Michael Ryan BAppSc (Pty) MHLthSc (ManipPty) FACP

Registered physiotherapist member involved in conducting an approved program of study:

- Assoc Professor Martin Mackey PhD MSafSc BAppSc (Pty) 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, BArts, FDRP, Accr.Mediator

Mr Michael Ryan is appointed by the Governor as President of the Physiotherapy Council.

Mr Darren Rivett is appointed by the Governor as Deputy President of the Physiotherapy Council.

## **Executive Officer**

Ms Sarah Carroll is the Executive Officer for the Physiotherapy Council. The Executive Officer has 1.5 staff members who work directly with the Council.

All staff working both directly and indirectly with the Council are employed by the HPCA as an executive agency of the Ministry of Health. Councils cannot employ staff under the National Law.

## Council Meeting Attendance

The Physiotherapy Council met 11 times during the year.

### Member attendance at Council meetings, eligibility to attend and length of office

Member	Meetings Attended	Meetings Eligible to Attend	Length of Office <sup>^</sup>
Mr Michael Ryan – President	11	11	26 November 2008 – 30 June 2018
Prof Darren Rivett – Deputy President	10	11	1 July 2014 – 30 June 2020
Ms Jenny Aiken*	9	11	1 July 2015 – 30 June 2017
Ms Elizabeth Ward	10	11	1 July 2015 – 30 June 2018
Mr David Gonzalez	8	11	1 July 2015 – 30 June 2018
Assoc Prof Martin Mackey	11	11	1 July 2012 – 30 June 2018
Ms Karen Thomas	9	11	1 July 2015 – 30 June 2018
Ms Janene Eagleton	9	11	1 July 2014 – 30 June 2020
Ms Marie Clarke	9	11	1 July 2015 – 30 June 2018
Ms Babette Smith	9	11	1 July 2015 – 30 June 2018

\* Resigned June 2017

<sup>^</sup> Council members are appointed for a term up to three years and may be reappointed up to a maximum of nine years.

## Regulatory Committees and Panels

Part 8 of the National Law prescribes the committees and panels that support the Council in undertaking its regulatory activities.

Regulatory committees and panels include:

- Assessment Committee
- Impaired Registrants Panel
- Performance Review Panel

The Physiotherapy Council appointed one Assessment Committee and three Impaired Registrants Panels during the year.

### Assessment Committee

Council may refer matters to an Assessment Committee, but not complaints that are:

- Being investigated by the Health Care Complaints Commission (HCCC)
- Referred to a Tribunal
- Related to a criminal offence or conviction
- Involve a practitioner who is not of good character

The Assessment Committee may obtain medical, legal, financial or other advice it thinks necessary to fulfil its function. The Assessment Committee may settle a complaint by consent of the parties. Otherwise recommendations are made to the Council on appropriate management of the complaint, for instance through Council Inquiry, counselling or dismissal of the complaint.

An Assessment Committee consists of four members who must not be Council members. Three members must be health practitioners registered in the same profession as the practitioner who is subject of the complaint and one must not be a health practitioner. Assessment Committee members are required to undergo probity checks.

### **Impaired Registrants Panel**

The Impaired Registrants Panel (IRP) deals with matters where a registered health practitioner has a physical or mental impairment that affects, or is likely to affect their capacity to practise safely.

An IRP consists of two or three people who may or may not be Council members. At least one member must be registered in the same profession as the practitioner who is subject of the complaint and at least one panel member must be a medical practitioner. Panel members are selected from a pool of people who have undergone probity checks and are experienced in working with practitioners who have health problems.

### **Physiotherapy Council Regulatory Committees and Panels**

<b>Assessment Committee</b>	<b>Impaired Registrants Panel</b>	<b>Impaired Registrants Panel</b>	<b>Impaired Registrants Panel</b>
<b>Non Council Members</b>	<b>Non Council Members</b>	<b>Non Council Members</b>	<b>Non Council Members</b>
Mr Michael Ward <b>Chair</b> (Physiotherapist)	Prof Ian Hunt (Medical Practitioner)	Prof Ian Hunt (Medical Practitioner)	Dr Karen Arnold (Medical Practitioner)
Ms Libby Loneragan (Physiotherapist)	Ms Vicki Williams (Physiotherapist)	Ms Vicki Williams (Physiotherapist)	Ms Vicki Williams (Physiotherapist)
Mr John Davies – Community member	Ms Adrienne Hunt (Physiotherapist)		
Vacant (Practitioner member)			

### **Council Committees**

Councils may establish committees to assist with Council functions. Committee members are not necessarily Council members.

The Physiotherapy Council appointed two committees during the year.

### Complaints and Notifications Committee

The Complaints and Notifications Committee manages all new complaints in consultation with the HCCC.

### Health Committee

The Health Committee manages health related complaints and monitors impaired practitioners.

### Physiotherapy Council Committees and Membership

Complaints and Notifications Committee	Health Committee
<b>Council Members</b>	
Prof Darren Rivett <b>Chair</b>	Assoc Prof Martin Mackey <b>Chair</b>
Ms Jenny Aiken	Ms Elizabeth Ward
Ms Karen Thomas	Ms Marie Clarke
<b>Non Council Members</b>	
	Ms Maria Quinlivan (Physiotherapist)

### Meetings and Events

The Physiotherapy Council was represented at the following meetings and events during the year.

#### Physiotherapy Council representation at meetings and events

Name of Meeting / Event	Attended By	Attendee Role
NRAS conference – Melbourne	Ms Sarah Carroll (HPCA)	Participant
Meeting with the Chair and Executive Officer of the Physiotherapy Board of Australia	Mr Michael Ryan	Joint Chair
	Prof Darren Rivett	Participant
	Ms Marie Clarke	Participant
	Mr David Gonzalez	Participant
	Prof Martin Mackey	Participant
	Ms Janene Eagleton	Participant
	Ms Babette Smith	Participant
	Ms Karen Thomas	Participant
Teleconferences with National Board Chair and Executive Officer	Ms Sarah Carroll (HPCA)	Participant
	Mr Michael Ryan	Participant
	Ms Sarah Carroll (HPCA)	Participant

### Overseas Travel

The Physiotherapy Council did not incur any overseas travel costs during the year.

### Remuneration

Council members received the following remuneration.

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

Council members also receive sitting fees for conducting Council Inquiries, attending committee meetings and undertaking other regulatory activities if these are on a day other than the regular Council meeting.

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

Panel and Tribunal members receive remuneration and reimbursement of expenses related to Council business.

### Education and Research Account

The Physiotherapy Council maintains an Education and Research account to fund activities that assist better understanding of conduct, performance and health issues amongst practitioners and students and management of these issues.

No funds were expended from the Education and Research account during the year.



## Financial Management

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

<b>Accounts Performance 2016/17</b>	<b>\$</b>
Revenue	597,436
Operating expenditure	396,440
Gain / (loss) on disposal	-
<b>Net result</b>	<b>200,996</b>
<b>Net cash reserves* (cash and cash equivalents minus current liabilities)</b>	<b>1,313,113</b>

\* Included in the cash reserves is an Education and Research bank account balance of \$194,018.

The Physiotherapy Council's budget for the period 1 July 2017 to 30 June 2018 is as follows.

<b>Budget 2017/18</b>	<b>\$</b>
Revenue	616,932
Operating expenditure	414,765
<b>Net result</b>	<b>202,167</b>

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