

# TABLE OF CONTENTS

	Page
Foreword .....	2
<b>1. Constitution, Goals and Functions</b>	
1.1 Constitution.....	3
1.2 Goals .....	3
1.3 Functions.....	3-4
<b>2. Membership of the Board.....</b>	<b>4</b>
<b>3. Meetings of the Board .....</b>	<b>5</b>
<b>4. The Register .....</b>	<b>5-6</b>
<b>5. Administrative Structure .....</b>	<b>6-7</b>
<b>6. Access .....</b>	<b>7-8</b>
<b>7. Review of Activities and Operations .....</b>	<b>8-12</b>
<b>8. Statement of Affairs Supplement.....</b>	<b>13-16</b>
 <b>Organisational Chart, Financial Statements, Accompanying Notes and Audit Certificate</b>	

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## **FOREWORD**

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The Hon Wendy Edmond MP  
Minister for Health and Minister Assisting the  
Premier on Women's Policy  
Parliament House  
BRISBANE QLD 4000

Dear Minister

I have pleasure in submitting the first Annual Report and Financial Statements of the Osteopaths Board of Queensland for the year ended 30 June 2002.

The Board's operations began on 1 May 2002 with the commencement of the *Osteopaths Registration Act 2001*. Consequently this Report documents the activities of the Board in the short time it operated before the close of the 2001-02 financial year.

My appreciation is extended to all members of the Board for their efforts during the reporting period.

The Board also records its appreciation for the administrative and operational support provided by the staff of the Office of Health Practitioner Registration Boards in assisting the Board to fulfil its statutory functions and obligations.

Mark Keyworth  
**Chairperson**

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# 1. CONSTITUTION, GOAL AND FUNCTIONS

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## 1.1 CONSTITUTION

The Osteopaths Board of Queensland is constituted under the provisions of Section 9 of the *Osteopaths Registration Act 2001* (“the Act”) as a body corporate with perpetual succession. The Board is subject to the provisions of the *Health Practitioner Registration Boards (Administration) Act 1999*, the *Health Practitioners (Professional Standards) Act 1999* and the *Financial Administration and Audit Act 1977*.

## 1.2 GOALS

Consistent with section 7(1) of the Act, the Board’s primary goals are:

- to protect the public by ensuring health care is delivered by registrants in a professional, safe and competent way; and
- to uphold standards of practice within the profession; and
- to maintain public confidence in the profession.

## 1.3 FUNCTIONS OF THE BOARD

The Board is directly responsible for the administration of the *Osteopaths Registration Act 2001* and the *Osteopaths Registration Regulation 2002* (as amended from time to time).

The Board’s major functions are set out in section 11 of the Act as follows:

- to assess applications for registration;
- to register persons who satisfy the requirements for registration;
- to monitor and assess whether registrants comply with any conditions of registration;
- to keep a register of, and records relating to, registrants;
- to promote high standards of practice of the profession by registrants;
- to develop or adopt programs for the continuing professional education of registrants, and encourage their participation in the programs;
- to develop or adopt training programs in the practice of the profession that are relevant to a person’s eligibility for registration;
- to confer and cooperate with interstate regulatory authorities;
- to confer and cooperate with entities engaged in the development of national policies about the regulation of the profession;
- to confer and cooperate with the following entities about the education of persons in the practice of the profession-
  - ◊ educational institutions
  - ◊ entities responsible for accrediting courses, or accrediting institutions to educate persons for the profession;
- to inform registrants and the public about the operation of the legislative scheme in its application to the profession;

- to examine, and advise the Minister about, the operation of the legislative scheme in its application to the profession;
- to monitor, and enforce, compliance with this Act;
- to undertake research, relevant to the legislative scheme, into the regulation of the profession; and
- to collect, and give to persons, information about the practice of the profession by registrants.

The inaugural membership of the Board was appointed on 11 April 2002 in

## 2. MEMBERSHIP OF THE BOARD

accordance with the membership categories specified in Section 15 of the Act.

Board membership as at 30 June 2002 was as follows:

(a) Four Registrant Members

Mark Keyworth	D O [ <b>Chairperson</b> ]
Graham Sanders	D O [ <b>Deputy Chairperson</b> ]
Natalie J Rutsche	B Sc (Clinical Sciences), M Hlth (Osteopathy)
Nicholas Penney	D O

(b) Two Public Members

Julie M Sultmann	B Bus (Accounting)
Susan M Brady	BA, B Soc Wk, Ph D

(c) One Lawyer

Carol A Lee	LLB
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The term of appointment of Board members is for four years, except where an appointment is made to fill a casual vacancy when the appointment is then for the unexpired portion of the four year period.

The current term of appointment for the Board members expires on 10 April 2006.

The Board held two meetings during the 2001-02 year: its inaugural meeting on 20

### 3. MEETINGS OF THE BOARD

May 2002 and a further meeting on 17 June 2002. The following table provides details of Board member attendance at these meetings.

	No. of Ordinary Board Meetings Attended
S Brady	2
M Keyworth	2
C Lee	2
N Penney	2
N Rutsche	2
G Sanders	2
J Sultmann	2

In the forthcoming year the Board plans to hold Regular Ordinary Meetings of the Board on the first Monday of every second month at 6.30pm in a boardroom at the Office of Health Practitioner Registration Boards.

### 4. THE REGISTER

The Board maintains a Register of Osteopaths pursuant to Section 11(d) of the *Osteopaths Registration Act 2001*. The Register was created on 1 May 2002 with the commencement of the Act and the Osteopaths Board. The Register includes the names of Osteopaths previously registered with the former Chiropractors and Osteopaths Board of Queensland prior to 1 May 2002.

As at 30 June 2002, the Register of Osteopaths contained a total of 86 names comprising 85 general registrants and 1 provisional general registrant. The total number of registrants was based on the number of persons who held qualifications in osteopathy when registered with the former Chiropractors and Osteopaths Board immediately prior to 1 May 2002. Under the transitional provisions of the *Osteopaths Registration Act 2001*, such persons were entitled to be included on the new Register of Osteopaths. It is anticipated that in August 2002, following the end of the first registration renewal period, the number of registrants will reduce to less than 70 when some persons with both chiropractic and osteopathy qualifications choose to practice only chiropractic.

During its two months of operation to 30 June 2002, the Osteopaths Board

approved two applications for registration. In the preceding 10 months of the financial year the former Chiropractors and Osteopaths Board registered 11 new Osteopaths. Of the two new registrations approved by the new Board, both were granted registration in Queensland pursuant to the provisions of the *Mutual Recognition (Queensland) Act 1992* on the basis of holding current registration as an Osteopath in another Australian State or Territory.

An analysis of the registration data base as at 30 June 2002 provides the following information.

### **Gender of Queensland Osteopaths**

- 72% of registrants were male; 28% were female.

### **Age Groupings of Queensland Osteopaths**

<b>Age Grouping</b>	<b>% of Registrants</b>
Under 25 years	3%
25 - 34 years	20%
35 - 44 years	21%
45 - 54 years	31%
55 years and over	25%
Total	100%

**Geographical Distribution**

- 75% of registrants gave their addresses on the Register as within Queensland; 25% had addresses outside of Queensland.
- Of the registrants with addresses within Queensland, 31% had addresses within Brisbane and 69% had addresses elsewhere in Queensland.

The geographical statistics are based on an analysis of post codes of the addresses of the registrants as shown on the Register. In some cases the Register address differs from the practice address of a registrant. Registrants with addresses outside of Queensland have chosen to retain Queensland registration even though, in most cases, they do not currently practise their profession in Queensland.

Administrative and operational support for the Board's day to day operations is

## **5. ADMINISTRATIVE STRUCTURE**

provided by the Office of Health Practitioner Registration Boards under a Service Agreement between the Board and the Office. The Board is one of 13 Queensland Health Practitioner Registration Boards receiving such support from the Office which is constituted under the *Health Practitioner Registration Boards (Administration) Act*

1999. The Office has a permanent staffing establishment of 55 positions plus a variable number of temporary positions.

Members of the staff of the Office with primary responsibilities for the administrative tasks of the Board during the reporting period were:

The Assistant Registrar and Administrative Officers are assigned the task of handling and managing the day to day administrative affairs of the Board (and other

Executive Officer	Mr J O'Dempsey
Deputy Registrar	Mr G Connell
Assistant Registrar	Mrs D Ramsay
Administrative Officers	Miss K McGee and Mrs J Crawford

Health Practitioner Registration Boards) under the direction of the Executive Officer and the Deputy Registrar.

A number of other staff of the Office support the Board by providing services in such areas as human resource management, financial management, information technology, counter enquiries, records, investigation of complaints about Osteopaths, the health assessment and management of impaired practitioners, and general administrative assistance.

During the reporting period the Executive Officer provided Board members with induction training on a range of matters about their role and the legislative scheme. Such training is a responsibility of the Executive Officer under section 12(2)(d) of the *Health Practitioner Registration Boards (Administration) Act 1999*.

Further information regarding the interrelationship between the Board and the Office is provided in the Annual Report of the Office.

The Office of the Board is located at Level 19, Forestry House, 160 Mary Street,

## 6. ACCESS

Brisbane, Queensland 4000.

Board communication links are:

Telephone:	(07) 3225 2517
Facsimile:	(07) 3225 2527
E Mail:	osteopathy@healthregboards.qld.gov.au
Web Site:	<a href="http://www.chiroandosteoboard.qld.gov.au">http://www.chiroandosteoboard.qld.gov.au</a>

Correspondence to the Board should be addressed to:

The Executive Officer  
Osteopaths Board of Queensland  
GPO Box 2438  
BRISBANE QLD 4001

Copies of this Annual Report and the Annual Report of the Office are accessible to members of the public at the abovementioned address.

## 7. REVIEW OF ACTIVITIES AND OPERATIONS

### Legislative Review: New Registration Act and Regulation

The Review of the Health Practitioner Registration Acts has progressed in two stages since its beginnings in 1993. The first stage was completed on 7 February 2000 with the commencement of the *Health Practitioner Registration Boards (Administration) Act 1999* and the *Health Practitioners (Professional Standards) Act 1999*.

The second stage of the Review was finalised during the first half of 2002 when new registration legislation commenced for a range of health practitioner professions. All of the new legislation was developed to take into account the changing environment in which health professions operate as well as regulatory reform principles, administrative efficiency and contemporary legislative standards.

For the chiropractic and osteopathic professions, the second stage of the Review was finalised on 1 May 2002 with the commencement of the new *Osteopaths Registration Act 2001* and *Chiropractors Registration Act 2001* (replacing the former *Chiropractors and Osteopaths Act 1979*) and the *Osteopaths Registration Regulation 2002* and *Chiropractors Registration Regulation 2002* (replacing the former *Chiropractors and Osteopaths By-law 1990*), together with similar new legislation for 11 other Queensland health practitioner professions.

In recognition of the separate identities of the chiropractic and osteopathic professions, the *Osteopaths Registration Act 2001* and *Chiropractors Registration Act 2001* create two separate Boards - the Osteopaths Board of Queensland and the Chiropractors Board of Queensland - to replace the former combined Chiropractors and Osteopaths Board.

Three categories of registration are provided for in the new Acts: general registration; provisional general registration; and special purpose registration. The last mentioned category provides for eligible persons to be granted registration for a limited period of time to undertake activities within the profession such as studying or training at postgraduate level, teaching, research and clinical demonstrations.

The *Osteopaths Registration Act 2001* was amended on 15 November 2001 (prior

to its commencement) by the *Health Legislation Amendment Act 2001*. The major changes involved:

- an amendment to sections 42 and 45 to enable the Board to obtain and consider information about an applicant's criminal history when assessing an application for registration; and
- an amendment to section 70 to specify that an application for renewal of general registration may only be decided by the Board if it is received within 60 days before the expiry of the registration or on an earlier day, if any, stated in the notice of renewal issued by the Board.

Under section 36 of the *Osteopaths Registration Act 2001*, the Minister for Health may give the Board "a written direction about a matter relevant to the performance of its functions under this Act if the Minister is satisfied it is necessary to give the direction in the public interest". The Board did not receive any such directions from the Minister during the reporting period.

## Complaints

During its two months of operation to 30 June 2002, the Board considered three complaints under the *Osteopaths Registration Act 2001* and no complaints under the *Health Practitioners (Professional Standards) Act 1999* ("Professional Standards Act").

Of the three complaints considered under the *Osteopaths Registration Act 2001*, one was received during the reporting period and the other two were referred to the Board by the former combined Chiropractors and Osteopaths Board. All three complaints alleged practise by unregistered persons. Following investigation the Board determined that there was insufficient evidence in one case and closed the complaint. The other two complaints were still under investigation at 30 June 2002.

The following summary information is provided, as required by section 264(1) of the Professional Standards Act regarding complaints, disciplinary proceedings and health assessments under the Professional Standards Act during 2001-02:

- The Board did not receive any complaints.
- The Board did not refer any complaints to the Health Rights Commissioner.
- No investigations were conducted.
- No disciplinary proceedings were commenced by the Board.
- No Board funds were spent on investigations.
- No Board funds were spent on health assessments of practitioners.

The Board, under sections 118(1)(c)(iv), 165(2)(b), 276(2)(a), and 299(2)(c) of the Professional Standards Act, did not enter into any undertakings with registrants about their professional conduct or practice. Consequently no copies of undertakings with registrants were provided by the Board to the Health Rights Commissioner pursuant to section 379 (5) of the Professional Standards Act. During 2001-02, the Board did not receive from the Minister for Health:

- any directions under section 13 of the Professional Standards Act, about matters relevant to the Board's functions; or
- any authorisations under section 392 of the Professional Standards Act, for a person performing functions under that Act to disclose information acquired in the performance of those functions, about another person's affairs.

## Fees

The Osteopaths Board of Queensland is self-funding in that monies raised from registration fees are used to fund the Board's activities. Such fees payable by registrants are exempt from the Goods and Services Tax (GST) under the provisions of Division 81 of the *A New Tax System (Goods and Services Tax) Act 1999*.

Fees associated with registration are prescribed under the *Osteopaths Registration Regulation 2002* as follows:

Fee Type	Amount (\$)
1 Application fee for general registration or special purpose registration	120.00
2 Registration fee for general registration or special purpose registration -	
(a) for a period of registration of not more than 3 months	176.25
(b) for a period of registration of more than 3 months but not more than 6 months	352.50
(c) for a period of registration of more than 6 months but not more than 1 year	705.00
3 Restoration fee	780.00
4 Application for review of conditions	100.00
5 Replacement of certificate of registration	25.00
6 Certified copy of certificate of registration	25.00
7 Copy of the register or part of it - for each page	0.50

## Consultancies

Section 95(1)(eb) of the *Financial Management Standard 1997* requires every public sector agency to include in its Annual Report, information about the agency's expenditure on consultancies.

During the reporting period the Board engaged professional legal advisers as consultants for legal services. Total expenditure on legal service consultancies for the year was \$100.00.

## Service Agreement

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In accordance with Part 3 of the *Health Practitioner Registration Boards (Administration) Act 1999*, the Board entered into a one year Service Agreement with the Office of Health Practitioner Registration Boards. Under that Agreement, the Office will provide the Board with administrative and operational support until 30 June 2003. Prior to that date the Board will negotiate a further Service Agreement for subsequent years.

### **Statement of Reasons: Judicial Review Act**

Under section 32 of the *Judicial Review Act 1991*, a person who is aggrieved by an administrative decision is entitled to request from the decision maker, a written Statement of Reasons in relation to the decision. During the reporting period the Board did not receive any requests for a Statement of Reasons.

### **Freedom of Information**

During the reporting period the Board did not receive any applications under the *Freedom of Information Act 1992*, ("FOI Act") for access to documents held by the Board.

Section 18 of the FOI Act requires the Board to publish a Statement of Affairs annually setting out a range of information about the Board including details of the categories of documents it holds and the arrangements for obtaining access to such documents. That Statement is provided as a supplement at the end of this Report.

### **Privacy of Information held by the Board**

In fulfilling its functions under the Act, the Board collects "personal information" about applicants for registration, Board members, vendors etc. The information includes names, addresses and other details relevant to the Board's functions.

The Board is committed to ensuring that all such "personal information" held in its records is treated with respect and due confidentiality. The Board will not knowingly disclose any "personal information" unlawfully.

On 10 September 2001, the Queensland State Government approved Information Standard 42 in relation to "personal information" held by Queensland public sector agencies. That Standard - which reflects information privacy principles contained in the Commonwealth Government's *Privacy Act 1998* - defines "personal information" as:

"Information or an opinion (including information or an opinion forming part of a database), whether true or not, whether recorded in a material form or not, about an individual whose identity is apparent or can reasonably be ascertained, from the information or opinion."

All

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Queensland public sector agencies are required to comply with Information Standard 42 by 10 September 2003.

Consistent with the Standard, the Board, in conjunction with other Health Practitioner Registration Boards and the Office of Health Practitioner Registration Boards, has adopted a Privacy and Security Policy, which:

- lists the legislation administered by the Board;
- explains why the Board collects and stores “personal information”;
- identifies staffing positions that have access to “personal information”;
- describes the processes for access to, and amendment of, “personal information” held by the Board; and
- outlines the Board’s implementation timetable for ensuring that it has met all of the requirements of Information Standard 42.

A copy of the Privacy and Security Policy can be obtained by writing to the Information Coordinator, Office of Health Practitioner Registration Boards, GPO Box 2438, Brisbane Qld 4001; or through the Internet at:

- ⇒ [www.healthregboards.qld.gov.au](http://www.healthregboards.qld.gov.au); and
- ⇒ choosing the Board’s website.

## **Code of Conduct of the Board**

Under section 23 of the *Public Sector Ethics Act 1994*, every public sector entity is required to ensure that each Annual Report of the entity includes a statement giving details of action taken during the reporting period to comply with various provisions in the Act pertaining to the entity’s Code of Conduct.

On 20 May 2002 the Osteopaths Board resolved to adopt, with appropriate modifications, the Code of Conduct for members of the former combined Chiropractors and Osteopaths Board.

The Board’s Code of Conduct applies to all Board members and covers a range of issues including ethical obligations, professional conduct, accountability and protection of privacy. The Board’s administrative procedures and management practices have proper regard to the Code and the ethics obligations of public officials as set out in the Act.

In accordance with the provisions of the Act, copies of the Code of Conduct:

- have been provided to all Board members;
  - have been made available to all staff;
  - are available upon request to interested persons free of charge; and
  - have been placed on display at the Office of the Board [between 9 am and 4 pm, Monday to Friday] for inspection free of charge by interested persons.
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## **8. STATEMENT OF AFFAIRS SUPPLEMENT**

### **Introduction**

It is a requirement under section 18 of the *Freedom of Information Act 1992* that an agency must publish at intervals of not more than 1 year, an up-to-date statement of the affairs of the agency. In accordance with that section, this Supplement contains information not already included elsewhere in this Annual Report, that the Board is required to publish every year about its affairs.

### **The effect of the Board's functions on members of the public**

The registration and disciplinary functions of the Board reduce risks to public health and safety by:

- ensuring only appropriately qualified and fit persons may be registered;
- requiring that proper professional standards are maintained by its registrants

### **Categories of documents held by the Board**

The following categories of documents are held by the Board:

- Registrant Files
- Complaint Files
- Business files containing documents relating to:
  - ⇒ registration matters
  - ⇒ inter-state and overseas registration boards
  - ⇒ professional associations
  - ⇒ acquisition and maintenance of office furniture, equipment and supplies
  - ⇒ staff development and training courses
  - ⇒ Board insurances
  - ⇒ staffing arrangements
  - ⇒ statistics in relation to the profession
  - ⇒ audit reports
  - ⇒ records management
  - ⇒ information technology
  - ⇒ financial records
  - ⇒ legislation, subordinate legislation and legislative review
  - ⇒ service agreement between the Board and the Office of Health Practitioner Registration Boards
- Annual Reports of the Board (including Statement of Affairs)
- Service Agreement between the Board and the Office of Health Practitioner Registration Boards
- Codes of Conduct
- Policy documents and Internal procedures manuals
- Delegations

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Arrangements to obtain access to the above-mentioned documents are explained later in this Supplement.

### **Literature available**

The following publications are available for inspection and copies may be obtained *free of charge*:

- current Annual Report of the Board (incl Statement of Affairs);
- current Bulletins and Circulars published by the Board.

The following documents are available for inspection and copies may be purchased:

- current Policy Documents of the Board.

It should be noted however, that pursuant to section 19(2) of the *Freedom of Information Act 1992*, the Board may delete exempt matter from a copy of any policy document.

The Board does not have any literature available to the public for which a regular subscription is payable or by way of free mailing lists.

### **Arrangements to obtain access to documents held by the Board**

#### **Free of Charge Documents**

These documents may be obtained by written request to the Board. Alternatively, these documents can be inspected at the Office of Health Practitioner Registration Boards , 19<sup>th</sup> Floor, Forestry House, 160 Mary Street, Brisbane, Qld 4000.

If inspection is sought, advance notice must be given so that a suitable time can be arranged for the inspection.

#### **Policy Documents**

Copies of the Board's policy documents may be inspected and/or obtained by either a written or telephone request.

#### **Other Documents**

The accessibility of other documents held by the Board is subject to the provisions of the *Freedom of Information Act 1992* and the associated Board procedures set out below.

Under the *Freedom of Information Act 1992*, the general community may apply for access to, or request an amendment of, any non-public document held by the Board.

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## **FREEDOM OF INFORMATION ACT 1992**

### What is Freedom of Information?

The purpose of the *Freedom of Information Act 1992* is set out in the “short title” to the Act as follows:

*An Act to require information concerning documents held by government to be made available to members of the community, to enable members of the community to obtain access to documents held by government and to enable members of the community to ensure that documents held by the government concerning their personal affairs are accurate, complete, up-to-date and not misleading, and for related purposes*

By these means, government agencies are made more accountable for their actions.

### How to make a Freedom of Information application

There are two types of application available to any person under the *Freedom of Information Act 1992*:

- an application for access to any document held by the Board.
- an application that a document held by the Board about the applicant's personal affairs should be amended, if it is inaccurate, incomplete, out-of-date or misleading.

### Documents concerning an applicant's 'Personal Affairs'

There are no fees or charges payable by the applicant for this type of document.

To apply for access to 'personal affairs' document(s):

- the application must be in writing (email is acceptable);
- the application should include the term Freedom of Information;
- the application must specify as clearly as possible the sort of documents requested;
- the application must include a contact address (a contact telephone/email number would also be helpful);
- post or email the application to one of the contact addresses given below.

### Documents concerning an applicant's 'Non-personal' affairs

The legislation requires the applicant to pay an initial application fee of \$31 [\$32.50 from September 2002] and processing costs (\$5 per 15 minutes) for this type of document.

To apply for access to 'non-personal' document(s):

- the application must be in writing (email is acceptable);
- the application should include the term Freedom of Information;

- the application must specify as clearly as possible the sort of documents requested;
- the application must include a contact address (a contact telephone/email number would also be helpful);
- the application must include a cheque/money order for payment of the prescribed application fee;
- post or email the application to one of the contact addresses given below.

### To Amend a Document

To apply for an amendment of a document:

- the application must be in writing (email is acceptable);
- the application should include the term Freedom of Information;
- the application must specify exactly which document is to be amended and how;
- the application must include a contact address (a contact telephone/email number would also be helpful);
- post or email the application to one of the contact addresses given below.

### Processing of Applications

An application is acknowledged in writing within 14 days of its receipt by this agency. The *Freedom of Information Act 1992* allows for a period of 45 days from the date of receipt to process an application (60 days if consultation with any third party or person is required in an access application only). Applicants will receive the Board's decision in writing, which will advise:

- the actual decision;
- the reasons for the decision; and
- how to appeal the decision (if so desired).

### Freedom of Information contact addresses

Enquiries: Mr John Posner  
Information Coordinator  
Tel 3234 1548 or  
Fax 3225 2527  
Email: [foi@healthregboards.qld.gov.au](mailto:foi@healthregboards.qld.gov.au)

Applications: Mr Jim O'Dempsey  
Executive Officer  
Office of Health Practitioner Registration Boards  
GPO Box 2438  
Brisbane Qld 4001