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FOREWORD

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 Annual Report and Financial Statements of the Osteopaths Board of Queensland for the year ended 30 June 2003.

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

1. CONSTITUTION, GOAL AND FUNCTIONS

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.

2. MEMBERSHIP OF THE BOARD

Membership of the Board during 2002-03 comprised the following seven members appointed in accordance with the membership categories specified in Section 15 of the Act:

(a) Four Registrant Members

Mark Keyworth	Dip Osteo	[Chairperson]
Nicholas Penney	Dip Osteo, B Sc (Hons Ost Med)	
Natalie J Rutsche	B Sc (Clinical Sciences), M Hlth (Osteopathy)	
Graham Sanders	B App Sc (Osteo), M Med Sc	[Deputy Chairperson]

(b) Two Public Members

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

(c) One Lawyer

Carol A Lee	LLB
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The Board members' term of appointment 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 Board members' current term of appointment expires on 10 April 2006.

3. MEETINGS OF THE BOARD

The Board holds regular Ordinary Board Meetings, usually on the first Monday of every second month, in a boardroom at the Office of Health Practitioner Registration Boards.

During 2002-03 the Board held six meetings. The following table provides details of Board member attendance at these meetings.

	No. of Board Meetings Attended
S Brady	6
M Keyworth	6
C Lee	4
N Penney	5
N Rutsche	6
G Sanders	5
J Sultmann	5

4. THE REGISTER

The Board maintains a Register of Osteopaths pursuant to Section 11(d) of the *Osteopaths Registration Act 2001*.

As at 30 June 2003, the Register contained a total of 80 names (comprising 73 general registrants and 7 provisional general registrants). This represents a net decrease of 6 over the June 2002 figure. The net decrease in registrant numbers is the product of several additions to and deletions from the Register during the year.

The Board approved 13 applications for registration during 2002-03. Of these, 5 (approximately 38%) were granted registration in Queensland under mutual recognition. All 5 mutual recognition registrants lodged registration notices pursuant to the provisions of the *Mutual Recognition (Queensland) Act 1992* on the basis of holding current registration as Osteopaths in other Australian States or Territories.

An analysis of the registration data base as at 30 June 2003 provides the following information.

Gender of Queensland Osteopaths

- 64% of registrants were male; 36% were female.

Age Groupings of Queensland Osteopaths

Age Grouping	% of Registrants
Under 25 years	7%
25 - 34 years	28%
35 - 44 years	19%
45 - 54 years	30%
55 years and over	16%
Total	100%

Geographical Distribution

- 82% of registrants gave their addresses on the Register as within Queensland; 18% had addresses outside of Queensland.
- Of the registrants with addresses within Queensland, 35% had addresses within Brisbane and 65% 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.

5. ADMINISTRATIVE STRUCTURE

Administrative and operational support for the Board's day to day operations is 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 staff establishment of 56.2 full-time equivalent 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:

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

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

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

6. ACCESS

The Office of the Board is located at Level 19, Forestry House, 160 Mary Street, Brisbane, Queensland 4000.

Board communication links are:

Telephone:	(07) 3225 2517
Facsimile:	(07) 3225 2527
E Mail:	osteopathy@healthregboards.qld.gov.au
Web Site:	http://www.osteoboard.qld.gov.au

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

Registration Act

There were no amendments to the *Osteopaths Registration Act 2001* during 2002-03.

Under section 36 of the Act, 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.

Registration Regulation

There were no amendments to the *Osteopaths Registration Regulation 2002* during 2002-03.

Complaints and Disciplinary Proceedings

Complaints under the Osteopaths Registration Act 2001

During the reporting period, the Board considered two complaints under the *Osteopaths Registration Act 2001*. Both complaints were carried over from 2001-02. These complaints alleged practise by an unregistered person and were still under investigation at 30 June 2003. A total of \$82 was spent on investigation of these two complaints during the reporting period.

Complaints under the Health Practitioners (Professional Standards) Act 1999

The Board considered two complaints under the *Health Practitioners (Professional Standards) Act 1999* (“Professional Standards Act”) during the reporting period. Details of these two complaints are set out below together with other information required by section 264(1) of the Professional Standards Act regarding complaints, disciplinary proceedings and health assessments under the Professional Standards Act during 2002-03:

- The Board received a total of two complaints, both regarding the same osteopath. The complaints were made by patients of the osteopath and concerned the treatment they had received.
- The Board referred both 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 2002-03, 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.

Representation at Meetings and Conferences

During the reporting period the Board Chairperson, together with the Assistant Registrar, represented the Board at the 2002 Australasian Conference of Osteopaths Registration Boards held in Hobart on 23-24 August 2002. The Assistant Registrar also attended the 2002 National Osteopaths Registrars Meeting held in conjunction with the Conference.

Issues discussed at the Conference and Registrars Meeting were:

- Assessment of Overseas Trained Osteopaths
- National Standards of Practice
- Minimum Standards of Manipulation
- The practise of Manipulation by Medical Practitioners and Physiotherapists
- Ongoing Competence
- Standardisation of Registration Procedures
- Uniform National Policy for Accreditation of Osteopathic Programs

Legal Services

Tenders were invited during the year for the provision of legal services to the Board. In April 2003 the Board selected a panel of three legal firms from the tenders submitted. The three firms will be the Board's primary legal advisors up to and including January 2006.

Service Agreement

Near the close of the reporting period the Board signed a new 3 year Service Agreement with the Office of Health Practitioner Registration Boards, commencing 1 July 2003. This was the culmination of negotiations between the Board and the Office in accordance with section 28 of the *Health Practitioner Registration Boards (Administration) Act 1999*, and followed an extensive review of the then existing agreement. Under the new Agreement, the Office will provide administrative and operational support for the Board until 30 June 2006.

Strategic Plan

Near the close of the reporting period the Board approved its *Strategic Plan 2003-2007* as a blueprint for its operations over the next four years. The development of the Plan included consultation with the community, the profession, health policy makers and professional associations. The Plan sets out the Board's goals, strategic direction, priorities and performance indicators for the four year period; and identifies key issues that influence future directions. The Plan is outcome-oriented, detailing the measures the Board will take to achieve the desired outcomes.

Fees

The Board's activities are funded mostly through fees payable by registrants in relation to registration. Such fees 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*.

During the reporting period the following fees were prescribed, without change, under the *Osteopaths Registration Regulation 2002*:

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

Apart from the abovementioned prescribed fees, the Board is empowered under section 13(1)(f) of the Registration Act to "fix charges.....for services and other facilities it provides". During the reporting period the Board set the following charges for services it provides:

- \$10.00 for Provision of a Statement of Fees Paid;
- \$10.00 for Provision of a Statement of Registration; and
- \$25.00 for Provision of a Certificate of Good Standing.

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.

Information Standard 42, which applies to “personal information” held by Queensland public sector agencies, was approved by the Queensland State Government in September 2001. All Queensland public sector agencies are required to comply with the Standard by 10 September 2003.

The 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.”

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 the following means:

- writing to the Information Coordinator, Office of Health Practitioner Registration Boards, GPO Box 2438, Brisbane Qld 4001; or
- accessing the Board’s website through the Internet at www.healthregboards.qld.gov.au.

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 at a total cost of \$1,018. The Board did not engage any consultants other than professional legal advisers.

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.

The Board's Code of Conduct applies to its Board members. It 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.

Combined Meeting of the Chairpersons of the Health Practitioner Registration Boards

During the year one combined meeting of the Chairpersons of the 13 Health Practitioner Registration Boards was held (on 29 July 2002). The Honourable Wendy Edmond, Minister for Health, attended the meeting at the invitation of the Boards. The following issues of mutual concern and interest to the Boards were discussed:

- Professional Indemnity
- Training
- Practitioner Impairment
- Operational Plan for the Office
- Registration Restoration
- Recency of Practice
- Renewal of Registration Project
- Public Access to Registers On-line
- Complaints Assessment.

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)
- Codes of Conduct
- Policy Documents and Internal Procedures Manuals
- Delegations

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, 19th 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.

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 \$32.50 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

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

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