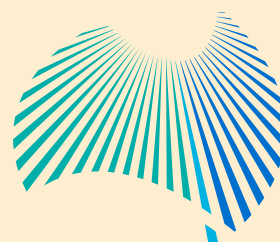


# 2017/18

**Physiotherapy  
Board of Australia**

**Annual report summary**

**Our National Scheme: For safer healthcare**



Physiotherapy  
Board of Australia

AHPRA

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# At a glance: The physiotherapy profession



**31,995** physiotherapists, up **5.4%** from 2016/17

That's **4.6%** of all registered health practitioners

Female: **66.9%**

Male: **33.1%**



**17** mandatory notifications were made:

- **12** about standards
- **2** about impairment
- **1** about alcohol or drugs
- **2** about sexual misconduct



**98** notifications were lodged with AHPRA about physiotherapists

**0.5%** of physiotherapists had notifications lodged about them

**82** notifications closed this year:

- **24.4%** resulted in accepting an undertaking or conditions being imposed on a physiotherapist's registration
- **17.1%** resulted in a physiotherapist receiving a caution or reprimand by the Board
- **56.1%** resulted in no further action being taken
- The remaining **2.4%** were retained by a health complaints entity



Immediate action was considered **13** times and taken **5** times<sup>1</sup>



**47** physiotherapists were monitored by AHPRA for health, performance and/or conduct during the year<sup>2</sup>



**58** cases were being monitored for compliance with restrictions on their registration as at 30 June 2018

- **9** on the grounds of conduct
- **3** for health reasons
- **10** for performance
- **3** prohibited practitioners/students
- **33** for suitability/eligibility



**37** statutory offence complaints were made; **47** were closed

- Over **three-quarters** of new matters related to title protection
- **8** related to advertising breaches

<sup>1</sup> Immediate action is an interim step the Board can take to suspend or cancel a physiotherapist's registration while a complaint is being considered. Refer to the [2017/18 annual report](#) by the Australian Health Practitioner Regulation Agency (AHPRA) for more data on immediate action.

<sup>2</sup> See Table 11 for data about monitoring cases relating to compliance with restrictions on registration for physiotherapists.

# Message from the Chair

This report summarises data relating to the physiotherapy profession in Australia, which have been drawn from the Australian Health Practitioner Regulation Agency (AHPRA) and the National Boards' 2017/18 annual report. It offers a unique insight into the regulatory landscape.

The Physiotherapy Board of Australia (the Board), works in close partnership with the other National Boards and AHPRA to administer the National Registration and Accreditation Scheme (the National Scheme). The overarching aim of the scheme is to keep the community safe by ensuring that only practitioners who are suitably trained and qualified to practise in a competent and ethical manner are able to register and remain registered.

All physiotherapists must adhere to the Board's national standards, codes and guidelines. Practitioners must practise ethically and be trustworthy, recognising the power imbalance that can be present in health practitioner and patient relationships. Happily, the majority of physiotherapists meet their professional obligations across the broad spectrum of practice carried out by physiotherapists in Australia. Although numbers of notifications (complaints) received by the various National Boards and AHPRA are increasing, those relating to physiotherapists are relatively low, reflecting the high standard of training and professional practice by members of this profession, and awareness of their professional obligations no matter what field of practice they undertake.

In meeting the objectives and following the guiding principles of the National Law, and in partnership with AHPRA and the other National Boards, the Board works to apply only enough regulation to ensure the safety of the public. The National Scheme actively seeks ongoing scrutiny of its processes to provide timely and effective handling of regulatory matters in the public interest.

This will be my last message as Chair of the Board. I have had the honour of being the inaugural practitioner member from Victoria, appointed by Health Ministers just before the National Scheme began in 2009. During that time, I have witnessed the regulated health professions come together to work collaboratively and collectively, to build an effective and efficient health regulator, the first of its kind in a federated system of government. Our system is admired internationally as it strives to be a world leader in risk-based regulation.

Recently, the National Scheme's collaboration has commenced a journey to improve health outcomes for Aboriginal and Torres Strait Islander Peoples, work which the Board contributes to and thoroughly supports. I look forward to hearing about this work as it progresses.

The Board continues to apply 'right touch' regulation and I am proud to have been involved in its inception in the National Scheme and wish the Board all the best for the future.



**Dr Charles Flynn**

*Chair, Physiotherapy Board of Australia*

## Physiotherapy Board of Australia

### Members of the Board

#### Dr Charles Flynn (Chair)

Ms Alison Bell  
Mrs Janet Blake  
Mr David Cross  
Ms Kim Gibson  
Mrs Lynette Green  
Ms Cherie Hearn  
Mr Peter Kerr  
Mrs Elizabeth Kosmala  
Mr Lachlan Mortimer  
Ms Philippa Tessmann  
Ms Elizabeth Trickett

### Committees

The following national committees and working groups support the Board:

- Continuous Improvement Committee
- Immediate Action Committee, and
- Registration and Notifications Committee.

### Executive and policy support



**Ms Jill Humphreys**

*Executive Officer, Physiotherapy*

Ms Humphreys supports the Physiotherapy Board of Australia. She works in AHPRA's National Office in Melbourne.

Executive Officers provide a vital link between the National Boards and AHPRA.

For more information about the Board, visit the [Board's website](#).

# About us

The Board has worked in partnership with AHPRA to protect the public since the inception of the National Registration and Accreditation Scheme (the National Scheme) in July 2010. Together, we regulate the profession by ensuring that only those physiotherapists who are suitably trained and qualified can practise in Australia.

Protecting the public by ensuring access to a safe, competent and qualified healthcare workforce is always our priority. Every decision we make is guided by the Health Practitioner Regulation National Law (the National Law), as in force in each state and territory, and by the regulatory principles (see right).

Visit the [Board's website](#).

For more information about the National Scheme and AHPRA, visit the [AHPRA website](#).

## About this report

This annual report summary provides a profession-specific view of AHPRA and the Board's work to manage risk to the public in 2017/18. Information provided in this report is drawn from the annual report published by AHPRA and the National Boards. All data are correct as at 30 June 2018.

Whenever possible, historical data are provided to show trends over time.

For information about our data please read 'An important note about our data' in *Regulating the workforce*.

Profession-specific summaries for 14 National Boards are available to download from the [AHPRA website](#).

## Our regulatory principles

Eight [regulatory principles](#) underpin our work, and guide our decision-making in the public interest. These principles foster a responsive, risk-based approach to regulation. In brief, they are to:

**Protect the public**

**Take timely and necessary action**

**Administer the National Law**

**Ensure registrants are qualified**

**Work with stakeholders**

**Uphold professional standards**

**Identify and respond to risk**

**Use appropriate regulatory force**

For more information, download AHPRA's [2017/18 annual report](#).

# Physiotherapy Board of Australia: Year in review

A number of major initiatives were actioned by the Board in 2017/18. Here are the highlights:

## Closing the gap

As part of the Board's strategy to ensure every Australian has access to safe and reliable physiotherapy services, the Board has contributed to AHPRA's work occurring in partnership with Aboriginal and Torres Strait Islander health experts, to improve health outcomes for Indigenous people.

## Advertising

Seventy per cent of Australian physiotherapists work in private practice, so they often advertise the services they provide to the public. The National Law governs the advertising of regulated health services by all advertisers, including registered health practitioners. This year the Board, working with AHPRA and the other National Boards, developed a suite of tools to assist physiotherapists and all advertisers of regulated health services in ensuring that their advertising meets the requirements of the National Law.

## Audits

No matter what context a physiotherapist works in, they must meet their professional obligations as set out in the National Law. Audits conducted by AHPRA happily indicate that physiotherapists are generally compliant with their professional obligations. Audits are conducted at random during the year and serve to validate physiotherapists' declarations, made when they renew their registration each year.

## Engaging with stakeholders

This year, the Board worked closely with two of its important stakeholders – the Australian Physiotherapy Association (APA) and the Australian Physiotherapy Council. With the APA, the Board has clarified that physiotherapists who work with animals must meet the requirements based on their work with humans (not animals).

During the year, the Board worked with AHPRA to simplify the registration and registration renewal process for practitioners, trialling online registrations for new graduates.

The Board helped organise and presented at the International Physical Therapy Regulatory Authorities conference in South Africa, offering an opportunity to engage with international physiotherapy regulatory partners, to explain how health regulation works in Australia, compare data and discuss shared regulatory challenges. The shared *Physiotherapy practice threshold statements* developed by the Board and the Physiotherapy Board of New Zealand in 2015 and free for use worldwide are of interest and value to emerging regulators from other countries.

The Board held two successful stakeholder engagement breakfasts this year, in Darwin and Perth. These events help explain the role and work of the Board to physiotherapists and other stakeholders and are being rolled out across the country.

For more information about the Board's work in 2017/18, visit the [Board's website](#).

## Communication and engagement

The Board publishes a communiqué after each monthly Board meeting, which provides highlights of relevance to our stakeholders.

It also publishes three newsletters per year, which aim to provide more in-depth information on topics relevant to the profession about the regulatory environment.

You can read past communiqués, newsletters and media releases on the [Board's website](#).

# Registering the physiotherapy workforce

## In brief

**31,995 registered physiotherapists in 2017/18; up from 30,351 in 2016/17.**

**Physiotherapists comprise 4.6% of the total registrant base.**

**0.6% of the profession identified as being Aboriginal and/or Torres Strait Islander according to a workforce survey that is filled out by practitioners upon renewal of their registration (191 physiotherapists nationally).**

**Women comprised 66.9% of the profession.**

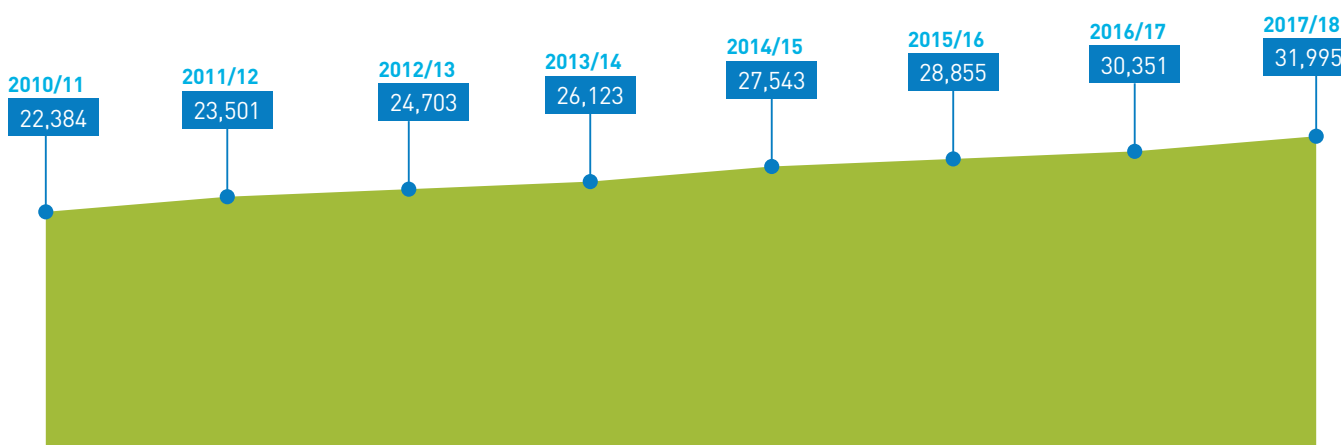
Under the National Law, as in force in each state and territory, there is a range of registration categories under which a registrant can practise as a physiotherapist in Australia:

- General registration
- Limited registration
- Non-practising registration, and
- Student registration (students undertaking an approved program of study).

Before a practitioner can practise and use a title protected under the National Law, applicants must provide evidence that they are eligible to hold registration, and registration must be granted.

Find out more about [registration](#) with the Physiotherapy Board of Australia.

**Figure 1: Registration numbers for physiotherapists, year by year, since the National Scheme began**



## Registration

As at 30 June 2018, there were 31,995 physiotherapists registered under the National Scheme. This represents a 5.4% increase from the previous year. All jurisdictions saw an increase in registrant numbers, with New South Wales (NSW), Victoria and Queensland the principal place of practice for 72.6% of registered physiotherapists.

Of the 702,741 registered health practitioners across the 15 professions, 4.6% were physiotherapists.

Of all registered physiotherapists, 96.5% held some form of practising registration. There was a 30.3% increase from the previous year in the number of physiotherapists moving to non-practising registration.

Of the registrant base, only six practitioners held an endorsement (for acupuncture).

Tables 1–3 show data relating to the registration of physiotherapists in 2017/18.

## Applications for registration

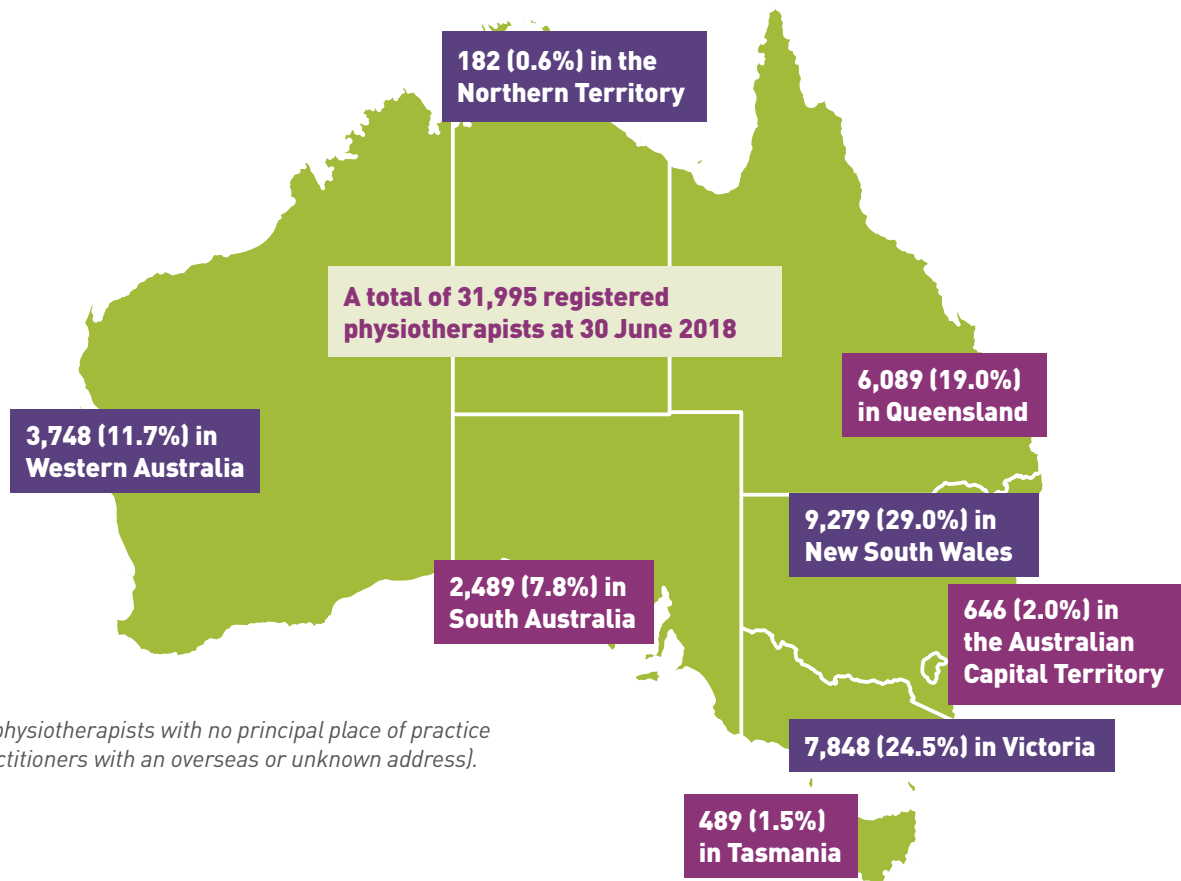
AHPRA received 3,257 new applications for registration as a physiotherapist in 2017/18. In partnership with AHPRA, the Board considers every application for registration carefully and assesses it against the requirements for registration, including qualifications, English language proficiency and checking whether the applicant has a relevant criminal history.

Only those physiotherapists who are suitably trained and qualified to practise in a competent and ethical manner are registered. Where appropriate to protect the public, and in accordance with the [regulatory principles](#) of the National Scheme, the Board may decide to impose conditions on a practitioner's registration or to refuse the application.

Of the applications finalised, 0.9% resulted in conditions being imposed on registration (28). No applications were refused.

For more information about applications finalised during the year, see Table 7 of AHPRA and the National Boards' [annual report](#).

**Figure 2: Number and percentage of physiotherapists with a principal place of practice in each state and territory**



## Renewals

Once on the register, physiotherapists must apply to renew their registration each year and make declarations on the relevant registration requirements. As with new applications for registration, the Board may impose conditions on registration or refuse renewal.

A total of 29,035 physiotherapists renewed their registration in 2017/18, with 99.6% renewing online; an increase of 0.4% from 2016/17.

## Register of practitioners

According to the National Law, AHPRA is required to maintain and publish a publicly accessible *Register of practitioners* (Register) so that information about the registration of any health practitioner is easy to find.

The online Register has accurate, up-to-date information about the registration status of all registered health practitioners in Australia. When decisions are made in relation to a practitioner's registration/renewal or disciplinary proceedings, the Register is updated to inform the public about the current status of individual health practitioners and any restrictions placed upon their practice.

Tribunal decisions that result in the cancellation of a practitioner's registration due to health, performance or conduct issues result in the individual appearing on a Register of cancelled practitioners.



# Practitioner audits

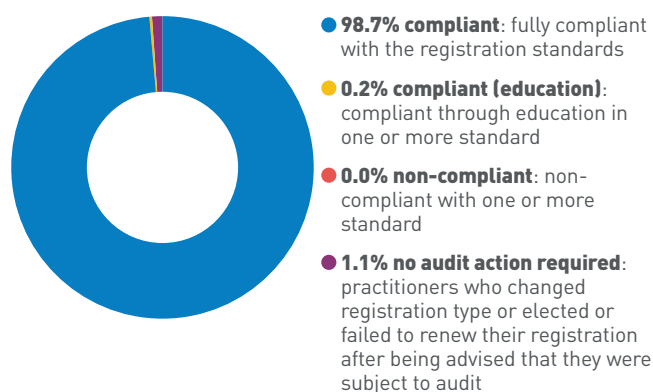
AHPRA conducts regular audits of random samples of health practitioners across all professions on behalf of the National Boards. Audits provide assurance that practitioners are meeting the registration requirements for their profession. During an audit, a practitioner is required to provide evidence in support of the declarations they made in their previous year's registration renewal application.

In 2017/18, AHPRA audited 7,193 practitioners across all 15 regulated health professions. Of the audits completed in this reporting year, 98.9% of physiotherapists were found to be in compliance, or required minor education to comply with the registration standards being audited, while none (0%) were non-compliant. Of the remaining 1.1% no audit action was required; this figure includes 0.5% who failed to renew.

See AHPRA's [2017/18 annual report](#) for more information about the audit process.

Find out more about practitioner audits and other registration information on the [Board's website](#).

**Figure 3: Audit outcomes for the physiotherapy profession**



**Table 1: Number of physiotherapists as at 30 June 2018**

Registrants	ACT	NSW	NT	QLD	SA	TAS	VIC	WA	No PPP <sup>1</sup>	Total
2017/18 total registered physiotherapists	646	9,279	182	6,089	2,489	489	7,848	3,748	1,225	31,995
2016/17 total registered physiotherapists	591	8,900	170	5,696	2,377	474	7,383	3,598	1,162	30,351
% change from 2016/17 to 2017/18	9.3%	4.3%	7.1%	6.9%	4.7%	3.2%	6.3%	4.2%	5.4%	5.4%
All registered health practitioners in 2017/18	12,297	202,033	7,419	139,056	55,060	15,188	182,674	70,859	18,155	702,741

<sup>1</sup> No principal place of practice (No PPP) includes practitioners with an overseas or unknown address.

**Table 2: Registered physiotherapists, by age**

Year	<25	25-29	30-34	35-39	40-44	45-49	50-54	55-59	60-64	65-69	70-74	75-79	80+	Total
2017/18	1,923	6,804	6,043	4,447	3,251	2,754	2,219	1,998	1,596	611	247	74	28	31,995
2016/17	1,923	6,395	5,583	4,211	3,061	2,650	2,192	2,034	1,427	563	221	70	21	30,351

**Table 3: Registered physiotherapists, by principal place of practice and gender**

Physiotherapists	ACT	NSW	NT	QLD	SA	TAS	VIC	WA	No PPP <sup>1</sup>	Total
Total 2017/18	646	9,279	182	6,089	2,489	489	7,848	3,748	1,225	31,995
Female	444	6,091	125	3,991	1,608	342	5,313	2,659	838	21,411
Male	202	3,188	57	2,098	881	147	2,535	1,089	387	10,584
Total 2016/17	591	8,900	170	5,696	2,377	474	7,383	3,598	1,162	30,351
Female	399	5,928	123	3,786	1,546	336	5,003	2,559	809	20,489
Male	192	2,972	47	1,910	831	138	2,380	1,039	353	9,862

<sup>1</sup> No principal place of practice (No PPP) includes practitioners with an overseas or unknown address.

# Regulating the physiotherapy workforce

## In brief: Notifications, monitoring and offences

**98 notifications (complaints or concerns) were lodged with AHPRA about physiotherapists in 2017/18.<sup>1</sup>**

**0.5% of the physiotherapy registrant base were the subject of a notification (compared with 1.6% of all registered health practitioners).<sup>2</sup>**

**Immediate action was taken five times, three of which resulted in suspending a physiotherapist's registration.**

**82 notifications were closed.**

**58 cases were being monitored for compliance with restrictions on their registration as at 30 June 2018.**

**37 statutory offence complaints were made about the profession – more than three-quarters related to title protection.**

## An important note about our data

AHPRA and the National Boards do not manage all complaints made about health practitioners in Australia and the data reflect this. In the pages that follow, we are reporting mainly on matters received and managed by AHPRA and the Board, unless otherwise stated.

### The notification process is different in New South Wales and Queensland:

- ➔ In NSW, AHPRA does not manage notifications. They are managed by 14 professional councils (supported by the Health Professional Councils Authority, or HPCA) and the Health Care Complaints Commission (HCCC).
- ➔ In Queensland, the Office of the Health Ombudsman (OHO) receives all complaints about health practitioners and determines which of those complaints are referred to the Board/AHPRA to manage.

Wherever possible in the tables in this report, HPCA data are given in separate columns and the data have been checked by the HPCA (correct as at time of publication). Please refer to the HPCA's 2017/18 annual report on their [website](#), as data may have been subsequently reconciled.

Queensland became a co-regulatory jurisdiction on 1 July 2014 with the commencement of the Health Ombudsman Act. OHO receives all health complaints in Queensland, including those about registered physiotherapists, and decides whether the complaint:

- ➔ is serious, in which case it must be retained by OHO for investigation
- ➔ should be referred to AHPRA and the relevant National Board for management, or
- ➔ can be closed, or managed by way of conciliation or local resolution.

This means that we only have access to the data relating to matters referred to us by OHO. AHPRA does not report on all complaints about registered health practitioners in Queensland.

## What is a notification?

In the National Scheme, a complaint or concern about a registered health practitioner or student is called a notification. They are called notifications because AHPRA is notified of a concern or complaint about a practitioner, which AHPRA then manages in partnership with the relevant National Board. Most of the notifications received about individual physiotherapists are managed through Part 8 of the National Law, which can lead to decisions that affect a practitioner's registration.

Some complaints are treated differently under the National Law, as they are considered 'statutory offences'. AHPRA and the Board can prosecute individuals who commit these offences. For information about statutory offences concerning physiotherapists in 2017/18, see [Statutory offences](#).

Keeping the public safe is the primary focus when the Board makes decisions about notifications.

Anyone can notify AHPRA about a physiotherapist's health, performance or conduct. While registered physiotherapists and employers have mandatory reporting obligations under the National Law, most of the complaints or concerns we received about physiotherapists in 2017/18 were made voluntarily by an employer or other practitioner (see [Figure 6](#)).

AHPRA also receives some notifications about students who are studying to become physiotherapists. Usually, these complaints and concerns are made by education providers or places where students undertake clinical training. In 2017/18, as in 2016/17, no such complaints were made. See the [2017/18 annual report](#) for data relating to notifications about students across all regulated health professions.

For more information about the notifications process, visit the [AHPRA website](#).

<sup>1</sup> Note that 152 complaints were received about physiotherapists in 2017/18, when data from the HPCA in NSW are included. This total does not include complaints retained by the OHO in Queensland. In this report, we mainly report on matters managed by AHPRA.

<sup>2</sup> Includes complaints managed by the HPCA in NSW and OHO in Queensland. Refer to Table 5.

## Notifications received

This year, AHPRA received the highest number of notifications (7,276) in any year across all professions in any single reporting year since the National Scheme began. Just 1.3% of all notifications received in 2017/18 related to physiotherapists (98 in total).

Of all jurisdictions, Victoria (32 notifications) and Queensland (24 notifications) accounted for 57.1% of notifications relating to physiotherapists in 2017/18.

Of all registered physiotherapists 0.5% had notifications made about them in 2017/18, which is consistent with 2016/17 (0.4%).<sup>1</sup>

Tables 4–10 show data about notifications in 2017/18.

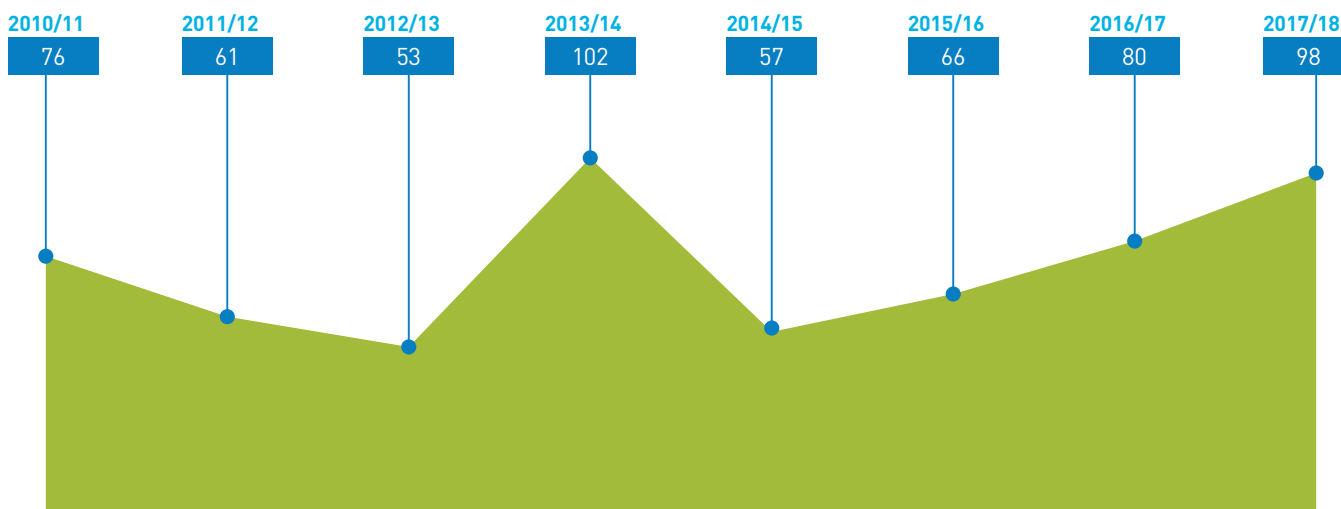
## Notifications closed

The Board assessed and closed 82 notifications about physiotherapists during the year; which is similar to 2016/17 (83). These closures accounted for 1.2% of all closed notifications nationally across all professions. Of the physiotherapy notifications closed, 43.9% resulted in some form of regulatory action being taken by the Board. This is an increase from 21.7% in 2016/17.

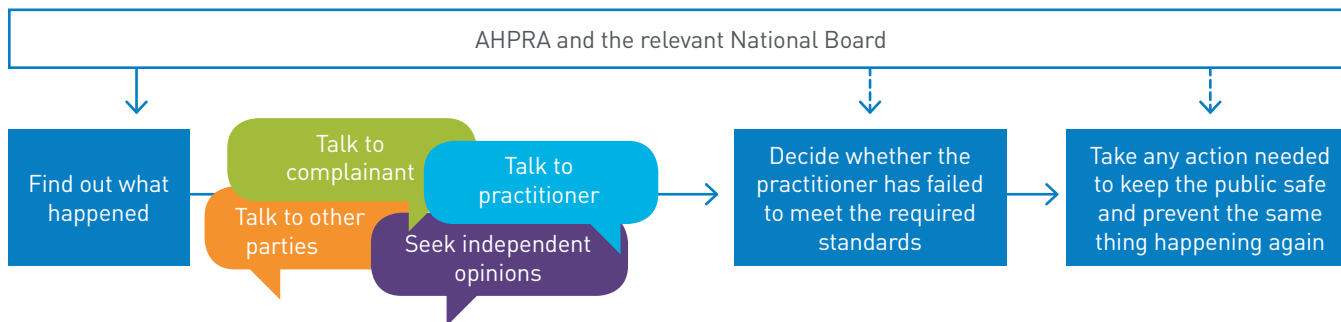
As at 30 June 2018, there were 63 open notifications about physiotherapists being managed by AHPRA and the Board.

Tables 8–10 show data about notifications closed in 2017/18.

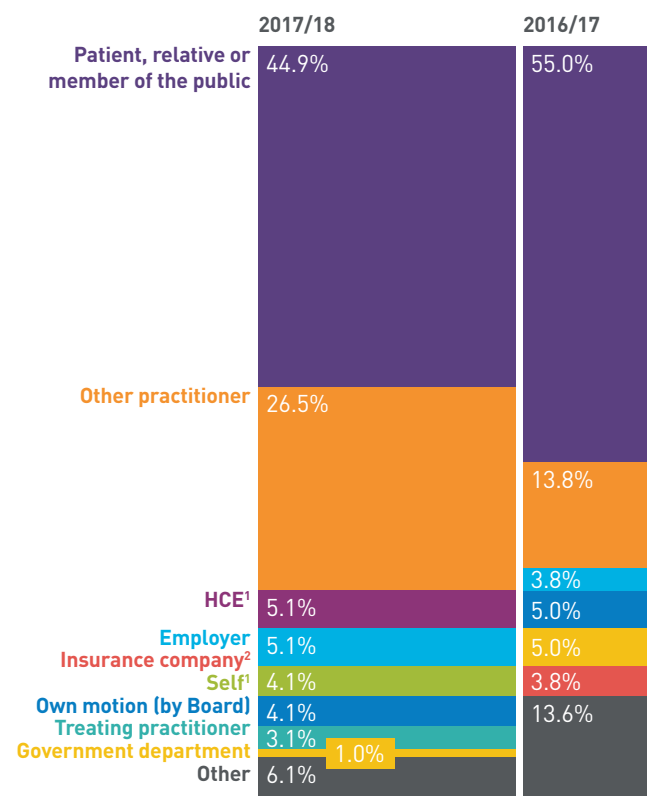
**Figure 4: Total notifications received by AHPRA about physiotherapists, year by year, since the National Scheme began**



**Figure 5: How AHPRA and the Board manage notifications**



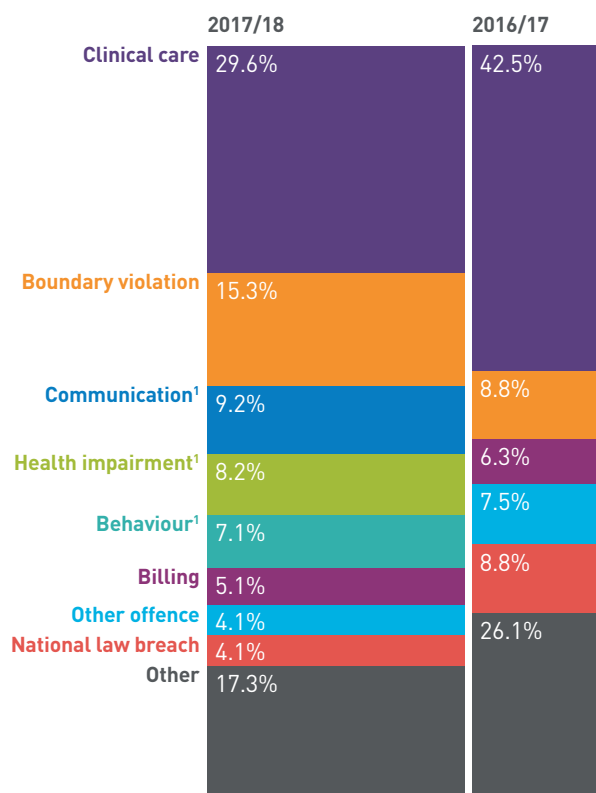
**Figure 6: The most common sources of notifications lodged with AHPRA about physiotherapists**



<sup>1</sup> Included in Other in 2016/17.

<sup>2</sup> 0% in 2017/18.

**Figure 7: The most common types of complaint lodged with AHPRA about physiotherapists**



<sup>1</sup> Included in 'Other' for 2016/17 – Communication 5%, Health impairment 2.5% and Behaviour 3.8%.

## Mandatory notifications

All health practitioners, their employers and education providers have mandatory reporting obligations under the National Law. This means that they must tell AHPRA if they have formed a reasonable belief that a registered physiotherapist or student has behaved in a way that constitutes notifiable conduct.

Notifiable conduct by registered health practitioners is defined as:

- ➔ practised while intoxicated by alcohol or drugs
- ➔ sexual misconduct in the practice of the profession
- ➔ placed the public at risk of substantial harm because of an impairment (health issue), or
- ➔ placed the public at risk because of a significant departure from accepted professional standards.

AHPRA received 908 mandatory notifications in 2017/18 across all 15 regulated health professions; 17 related to alleged notifiable conduct by a physiotherapist, an increase from eight in 2016/17. Of those, most reported a significant departure from accepted professional standards.

For information about the *Guidelines for mandatory notifications*, visit the [Board's website](#).

## Taking immediate action

Immediate action is a serious step that the Board can take when it believes it is necessary to limit a physiotherapist's registration in some way to keep the public safe. It is an interim measure that a Board takes only in high-risk cases while it seeks further information.

In 2017/18, the Board took immediate action on five occasions, suspending a physiotherapist's registration on three occasions while an investigation was undertaken.

See [AHPRA's annual report](#) for more information about immediate actions in 2017/18, and Table 6 in this report for immediate action cases about physiotherapists by state and territory.

Noting the relatively low numbers of notifications about physiotherapists in 2017/18, only one matter was decided by tribunal, which is consistent with the previous year.

# Tribunals, panels and appeals

## Tribunals

The Board can refer a matter to a tribunal for hearing. Usually, this happens when the allegations involve the most serious of matters, such as when the Board believes a physiotherapist has behaved in a way that constitutes professional misconduct.

Tribunals in each state and territory:

- ➔ **Australian Capital Territory** Civil and Administrative Tribunal
- ➔ **New South Wales** Civil and Administrative Tribunal
- ➔ **Northern Territory** Civil and Administrative Tribunal
- ➔ **Queensland** Civil and Administrative Tribunal
- ➔ **South Australia** Health Practitioners Tribunal
- ➔ **Tasmania** Health Practitioners Tribunal
- ➔ **Victorian** Civil and Administrative Tribunal
- ➔ **Western Australia** State Administrative Tribunal

## Panels

The Board has the power to establish two types of panel depending on the type of notification:

- ➔ **Health panels**, for issues relating to a practitioner's health and performance, or
- ➔ **Professional standard panels**, for conduct and performance issues.

Under the National Law, panels must include members from the relevant health profession as well as community members. All health panels about physiotherapists must include a physiotherapist. Each National Board has a list of approved people who may be called upon to sit on a panel.

In 2017/18, no matters about physiotherapists were decided by a panel, four were decided in 2016/17.

## Appeals

All regulatory decisions are evidence-based and guided by the regulatory principles of the National Scheme. The National Law provides a mechanism of appeal against a decision by a National Board in certain circumstances, including decisions to:

- ➔ refuse an application for registration or endorsement of registration, or to refuse renewal of registration or renewal of an endorsement of registration
- ➔ impose or change a condition placed on registration, or to refuse to change or remove a condition imposed on registration or an undertaking given by a registrant, or
- ➔ suspend registration or to reprimand a practitioner.

There is also a mechanism of appeal by judicial review if the appeal relates to a perceived flaw in the administrative decision-making process, as opposed to the merits of the individual decision itself.

No decision by the Board was the subject of an appeal during 2017/18. Please refer to [AHPRA's annual report](#) for data relating to appeals in 2017/18.

<sup>1</sup> A practitioner who has restrictions on their registration for more than one reason may be allocated more than one 'monitoring case'. For example, if a physiotherapist has conditions imposed as a result of health concerns and conduct, they may be allocated two monitoring cases.

# Compliance

On behalf of the Board, AHPRA monitors physiotherapists and students who have restrictions (conditions or undertakings) placed on their registration, and those with suspended or cancelled registration. By identifying any non-compliance with restrictions and acting swiftly and appropriately, AHPRA supports the Board to manage risk to public safety.

As at 30 June 2018, there were 57 individual physiotherapists being monitored (and a total of 58 monitoring cases).<sup>1</sup>

Monitoring can be for one or more of the following reasons:

- ➔ suitability/eligibility to be registered to practise
- ➔ compliance with restrictions on their registration– health, conduct, performance, and/or
- ➔ to make sure that any practitioner who was cancelled from the register did not practise.

The 58 active monitoring cases of physiotherapists represent 1.1% of all monitoring cases managed by AHPRA across all 15 regulated health professions. The majority of these cases were being monitored for suitability/eligibility.

See Table 11 for active monitoring cases by stream.

## Statutory offences

The National Law sets out four types of statutory offences:

- ➔ Unlawful use of protected titles
- ➔ Unlawful claims by individuals or organisations as to registration
- ➔ Performing a restricted act, and
- ➔ Unlawful advertising.

Breaches of the National Law that constitute a statutory offence can put individuals and the community at risk. These offences may be committed by registered health practitioners, unregistered individuals or corporate entities and are covered under Part 7 of the National Law.

AHPRA received 37 new statutory offence complaints about physiotherapists in 2017/18, which is a significant decrease of over 96.1% when compared to the 940 (which was a 1,300% increase on 2015/16) statutory offence complaints received in 2016/17 and 66 in 2015/16. Of the offence complaints received about the profession during the year, over three-quarters related to title protection. Complaints about the profession accounted for 6.4% of all statutory offence complaints received by AHPRA nationally across all regulated health professions during the year (compared to 40.9% in 2016/17). The 2016/17 increase was largely due to a series of bulk complaints that were made by a number of external organisations about alleged advertising breaches.

This year, there was also a consequential substantial decrease in the number of statutory offence complaints closed relating to physiotherapy (47) down from 657 in 2016/17; and 40 in 2015/16.

See Table 12 for data about statutory offences relating to physiotherapists in 2017/18.

**Table 4: Notifications received about physiotherapists, by state or territory**

Physiotherapists <sup>1</sup>	ACT	NSW <sup>2</sup>	NT	QLD <sup>3</sup>	SA	TAS	VIC	WA	No PPP <sup>4</sup>	Subtotal	HPCA <sup>5</sup>	Total
<b>Total 2017/18</b>	<b>5</b>	<b>2</b>	<b>4</b>	<b>24</b>	<b>17</b>	<b>1</b>	<b>32</b>	<b>13</b>	<b>0</b>	<b>98</b>	<b>54</b>	<b>152</b>
<b>Total 2016/17</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>20</b>	<b>14</b>	<b>1</b>	<b>34</b>	<b>9</b>	<b>0</b>	<b>80</b>	<b>41</b>	<b>121</b>

- <sup>1</sup> Data relating to notifications (complaints or concerns) are based on the state or territory of the practitioner's principal place of practice (PPP).  
<sup>2</sup> Matters managed by AHPRA about practitioners with a PPP in NSW, where the conduct occurred outside NSW.  
<sup>3</sup> Matters referred to AHPRA and the National Board by the Office of the Health Ombudsman (OHO) in Queensland.  
<sup>4</sup> No principal place of practice (No PPP) includes practitioners with an overseas or unknown address.  
<sup>5</sup> Matters managed by the Health Professional Councils Authority (HPCA) in NSW.

**Table 5: Percentage of physiotherapists notifications received, by state or territory**

Registrants	ACT	NSW (including HPCA complaints)	NT	QLD (including OHO complaints)	SA	TAS	VIC	WA	No PPP <sup>1</sup>	Total <sup>2</sup>
<b>Physiotherapists 2017/18</b>	<b>0.6%</b>	<b>0.5%</b>	<b>2.2%</b>	<b>0.6%</b>	<b>0.6%</b>	<b>0.2%</b>	<b>0.4%</b>	<b>0.3%</b>	<b>0.1%</b>	<b>0.5%</b>
<b>Physiotherapists 2016/17</b>	<b>0.0%</b>	<b>0.4%</b>	<b>0.6%</b>	<b>0.7%</b>	<b>0.5%</b>	<b>0.2%</b>	<b>0.4%</b>	<b>0.3%</b>	<b>0.0%</b>	<b>0.4%</b>
<b>All registered practitioners 2017/18</b>	<b>1.6%</b>	<b>1.8%</b>	<b>1.8%</b>	<b>2.1%</b>	<b>1.6%</b>	<b>1.5%</b>	<b>1.1%</b>	<b>1.2%</b>	<b>0.3%</b>	<b>1.6%</b>
<b>All registered practitioners 2016/17</b>	<b>1.9%</b>	<b>1.7%</b>	<b>2.2%</b>	<b>2.2%</b>	<b>1.3%</b>	<b>1.9%</b>	<b>1.1%</b>	<b>1.2%</b>	<b>0.5%</b>	<b>1.6%</b>

- <sup>1</sup> No principal place of practice (No PPP) includes practitioners with an overseas or unknown address.  
<sup>2</sup> Total matters managed by AHPRA, OHO in Queensland and the HPCA in NSW.

**Table 6: Immediate action cases by state or territory (excluding HPCA)**

Year	ACT	NSW	NT	QLD	SA	TAS	VIC	WA	No PPP <sup>1</sup>	Total
<b>2017/18</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>3</b>	<b>2</b>	<b>0</b>	<b>5</b>	<b>2</b>	<b>0</b>	<b>13</b>
<b>2016/17</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>

- <sup>1</sup> No principal place of practice (No PPP) includes practitioners with an overseas or unknown address.

**Table 7: Outcomes of immediate actions**

Outcome	2017/18		2016/17	
	Physiotherapists	All practitioners	Physiotherapists	All practitioners
<b>Not take immediate action</b>	<b>6</b>	<b>173</b>	<b>0</b>	<b>76</b>
<b>Accept undertaking</b>	<b>1</b>	<b>113</b>	<b>0</b>	<b>69</b>
<b>Impose conditions</b>	<b>1</b>	<b>174</b>	<b>0</b>	<b>147</b>
<b>Accept surrender of registration</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>1</b>
<b>Suspend registration</b>	<b>3</b>	<b>126</b>	<b>1</b>	<b>103</b>
<b>Decision pending</b>	<b>2</b>	<b>22</b>	<b>0</b>	<b>23</b>
<b>Total</b>	<b>13</b>	<b>609</b>	<b>1</b>	<b>419</b>

**Table 8: Notifications closed, by state or territory (including HPCA)**

Physiotherapists	ACT	NSW <sup>1</sup>	NT	QLD <sup>2</sup>	SA	TAS	VIC	WA	No PPP <sup>3</sup>	Subtotal	HPCA <sup>4</sup>	Total
<b>Total 2017/18</b>	<b>2</b>	<b>0</b>	<b>4</b>	<b>18</b>	<b>13</b>	<b>0</b>	<b>34</b>	<b>11</b>	<b>0</b>	<b>82</b>	<b>58</b>	<b>140</b>
<b>Total 2016/17</b>	<b>0</b>	<b>1</b>	<b>3</b>	<b>20</b>	<b>15</b>	<b>2</b>	<b>30</b>	<b>12</b>	<b>0</b>	<b>83</b>	<b>33</b>	<b>116</b>

- <sup>1</sup> Matters managed by AHPRA about practitioners with a PPP in NSW, where the conduct occurred outside NSW.  
<sup>2</sup> Matters referred to AHPRA and the National Board by OHO in Queensland.  
<sup>3</sup> No principal place of practice (No PPP) includes practitioners with an overseas or unknown address.  
<sup>4</sup> Matters managed by the HPCA in NSW.

**Table 9: Notifications closed, by stage at closure (excluding HPCA)**

Stage at closure	2017/18	2016/17
Assessment <sup>1</sup>	50	47
Health or performance assessment <sup>2</sup>	3	3
Investigation	28	28
Panel hearing	0	4
Tribunal hearing	1	1
<b>Total</b>	<b>82</b>	<b>83</b>

<sup>1</sup> Closed after initial assessment of the matter.

<sup>2</sup> Performance assessments are carried out by a Board-selected assessor whose scope of practice is similar to that of the practitioner being assessed (assessors are not Board members or AHPRA staff).

**Table 10: Notifications closed, by outcome at closure**

Outcome	2017/18	2016/17
No further action <sup>1</sup>	46	65
Health Complaints Entity to retain	2	0
Caution	13	2
Reprimand	1	0
Accept undertaking	3	2
Impose conditions	17	12
Suspend registration	0	1
Refer all or part of the notification to another body	0	1
<b>Total<sup>2</sup></b>	<b>82</b>	<b>83</b>

<sup>1</sup> No further regulatory action is usually taken when, based on available information, the Board determines there is no risk to the public that meets the legal threshold for regulatory action. It may also be because a practitioner has taken steps to voluntarily address issues of concern.

<sup>2</sup> Excludes matters managed by the HPCA in NSW.

**Table 11: Active monitoring cases at 30 June 2018, by stream (excluding HPCA)**

Stream <sup>1</sup>	2017/18	2016/17
Conduct	9	9
Health	3	7
Performance	10	7
Prohibited practitioner/student	3	2
Suitability/eligibility	33	39
<b>Total<sup>2</sup></b>	<b>58</b>	<b>64</b>

<sup>1</sup> AHPRA reports on monitoring cases established rather than by individual registrants being monitored. This is because a registrant may have a set of restrictions (conditions or undertakings) in more than one stream. As at 30 June 2018, there were 58 cases about physiotherapists, which relate to 57 individual registrants.

<sup>2</sup> These cases also may include cases that are to be transitioned from AHPRA to the HPCA for conduct, health and performance streams. They do not include HPCA-managed monitoring cases.

**Table 12: Statutory offence complaints about physiotherapists, received and closed, by type of offence and jurisdiction**

Type of offence <sup>1</sup>		ACT	NSW <sup>2</sup>	NT	QLD	SA	TAS	VIC	WA	No PPP <sup>3</sup>	Total 2017/18	Total 2016/17
Title protections (s. 113–120)	Received	1	3	1	2	3	1	4	2	11	28	35
	Closed	0	7	1	2	2	0	4	2	15	33	33
Practice protections (s. 121–123)	Received	0	0	0	0	0	0	0	0	0	0	1
	Closed	0	0	0	1	1	0	0	0	0	2	0
Advertising breach (s. 133)	Received	0	1	1	1	0	0	0	0	5	8	903
	Closed	0	2	0	1	0	0	1	0	7	11	623
Directing or inciting unprofessional conduct/professional misconduct (s. 136)	Received	0	0	0	0	0	0	0	0	0	0	1
	Closed	0	0	0	0	0	0	0	0	0	0	1
Other offence	Received	0	0	0	0	1	0	0	0	0	1	0
	Closed	0	0	0	0	1	0	0	0	0	1	0
Total 2017/18	Received	1	4	2	3	4	1	4	2	16	37	
	Closed	0	9	1	4	4	0	5	2	22	47	
Total 2016/17	Received	3	301	1	29	20	0	496	48	42		940
	Closed	2	176	2	17	6	0	372	37	45		657

<sup>1</sup> This table captures offence complaints by principal place of practice (PPP) and includes all offences from sections 113–116 of the National Law, not only offences about advertising, title and practice protection.

<sup>2</sup> Excludes matters managed by the HPCA in NSW.

<sup>3</sup> AHPRA also receives offence complaints about unregistered persons where there is no PPP recorded. Only registered practitioners have a designated PPP.

# Appendix: National committee members

The Physiotherapy Board of Australia values the contribution of its committee members across Australia. Together, we make decisions to protect the public Australia-wide. In 2017/18, we held 12 National Board meetings and 66 national committee meetings. Committee members were:

## Continuous Improvement Committee

### **Ms Kim Gibson (Chair)**

Ms Jenny Blake

Ms Lyn Green

Ms Cherie Hearn

Ms Pippa Tessmann

## Registration and Notifications Committee

### **Ms Fiona McKinnon (Chair)**

Ms Alison Bell

Ms Maureen Capp OAM

Mr David Cross

Mr Mark Hindson

Mr Peter Kerr AM

Ms Elizabeth Soderholm



# Physiotherapy Board of Australia: [www.physiotherapyboard.gov.au](http://www.physiotherapyboard.gov.au)

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For more information about AHPRA and the National Boards' work in 2017/18, please see the [annual report](#).

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