



Occupational Therapy Council of New South Wales

Annual Report 2013

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The Hon Jillian Skinner MP
Minister for Health
Minister for Medical Research
Level 31, Governor Macquarie Tower
1 Farrer Place
SYDNEY NSW 2000

Dear Minister

Pursuant to the provisions of the *Annual Reports (Statutory Bodies) Act 1984* and the *Public Finance and Audit Act 1983*, we have pleasure in submitting this Annual Report of the Occupational Therapy Council of New South Wales for the year ended 30 June 2013 for presentation to Parliament.

Yours sincerely

Kim Nguyen
President

Katherine Moore
Deputy President

Contents

About the Council	3
Regulatory Activities	5
Management and Administration	10
Financial Statements	16
Appendix 1 - Legislative Changes	38
Appendix 2 - GIPA Statistics	39
Appendix 3 - Members of Panels and Tribunals	42
Glossary	43
Index	47

About the Council



The Occupational Therapy Council of New South Wales was established in 1 July 2012. The Council is a statutory body established to manage notifications (complaints) about conduct, performance and health matters concerning registered occupational therapists practising and health and conduct matters related to registered students training in New South Wales (NSW).

The Council undertakes its regulatory functions in partnership with the Health Care Complaints Commission (HCCC), which is a separate statutory authority, established under the *Health Care Complaints Act 1993*.

The Occupational Therapy Council is one of 14 Councils in NSW. The Health Professional Councils Authority (HPCA) provides secretariat support to the NSW health professional Councils to assist them in carrying out their regulatory responsibilities.

Charter

The Council is constituted under the *Health Practitioner Regulation National Law (NSW) No 86a* (the Law) to exercise the powers, authorities, duties and functions imposed by the Law.

Aims and Objectives

The purpose of the Council is to act in the interests of the public by ensuring that registered occupational therapists are fit to practise and students are fit to have contact with members of the public whilst they undertake approved programs of study.

The Council manages a range of programs, services and procedures to achieve this purpose. As a result, members of the public can be assured that registered practitioners are required to maintain proper and appropriate standards of conduct and professional performance.

Council Membership

Section 41E of the Law provides for membership of the Council. The Council consists of six members appointed by the Governor:

- (a) four are registered occupational therapists, at least one of whom has NSW as their principal place of practice:

- Mr Kim Nguyen BAppSc(OT)
GradDip(Public Health) (*President*)

- Dr Katherine Moore BAppSc(OT)
MAppSc(OT) PhD (*Deputy President*)
- Ms Carolyn Fozzard BAppSc(OT) MJD
- Ms Melinda Hunt BAppSc(OT) LLB(Hons)

- (b) one Australian lawyer nominated by the Minister:

- Ms Angela Petrie BPharm LLM MLLP

- (c) one person nominated by the Minister for Health to represent the community:

- Mr Barrie Brennan BA/DipEd MLitt MA(Hons)

Remuneration

Remuneration for members of the Council is as follows:

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

Additionally, Council members receive sitting fees of \$436 per day and \$218 per half day for the conduct of Council Inquiries and \$256 per day and \$128 per half day for participating in counselling sessions or at specially convened workshops, forums or meetings.

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

Members of Council committees, Panels, Tribunals and other regulatory activities also receive remuneration and reimbursement of expenses.

Attendance at Council Meetings

The Council met on 10 occasions, usually on the second Wednesday of each month during the reporting period. The Council did not meet in July 2012 and January 2013.

Attendance at meetings was as follows:

Member	Meetings Attended
Mr Kim Nguyen	10
Dr Katherine Moore	7
Ms Carolyn Fozzard	9
Ms Melinda Hunt	10
Ms Angela Petrie	6
Mr Barrie Brennan	9

Committees of the Council

Section 41(f) of the Law provides that the Council may establish committees to assist it with the exercise of its functions. Members of committees need not be Council members. The Council did not appoint any Committees during the reporting period.

Regulatory Committees and Panels

Part 8 of the Law prescribes the committees and panels that support the Council in undertaking its regulatory activities to protect the public. They include Assessment Committees, Impaired Registrants Panels and Performance Review Panels.

The Council did not establish any of these bodies during the reporting period.

Occupational Therapy Tribunal

The Occupational Therapy Tribunal of New South Wales is established under s 165 and comprises four members. The Chairperson or Deputy Chairperson is an Australian lawyer appointed by the Governor. For each Tribunal hearing, the three other members are appointed by the Council.

The Tribunal deals with serious complaints that may lead to suspension or deregistration, appeals against Council decisions regarding regulatory matters and appeals against decisions of the National Board in relation to registration matters.

The Tribunal Chairpersons and Deputy Chairpersons for 2012/2013 are listed in Appendix 3. The current Tribunal appointments are for a period of three years from 1 July 2012 until 30 June 2015.

Executive Officer

Under s 41Q of the Law the Council's Executive Officer is responsible for the affairs of the Council subject to any directions of the Council.

Ms Amanda McEacharn is the Executive Officer to the Council.

Meetings and Conferences

The Council was represented at the following meetings and conferences during the reporting period:

- AHPRA National Registration and Accreditation Scheme Combined Meeting 2012
- National Boards Chairs' Forum
- Council Presidents' Forum.

Education and Research

Section 41S of the Law allows the Council to establish an Education and Research Account. The Council may expend these funds for education and research purposes relevant to its regulatory functions, and for meeting any associated administrative costs.

Overseas Travel

There was no overseas travel during the reporting period.

Promotion of Council Activities

The Council's website (www.occupationaltherapycouncil.nsw.gov.au) is updated on a regular basis and is the principal medium for disseminating information to occupational therapists, students and the public.

The Council published its first newsletter in June 2013. It will be published twice yearly and circulated to stakeholders as well as being accessible on the website.

Complaints Received About Council Administrative Processes

The Council acknowledges that the trust and confidence of the public are essential to its role and values all forms of feedback. The Council has established a complaint handling policy and procedures for addressing complaints regarding its administrative processes or about its activities, staff or service delivery.

There were no complaints received during the year.

Legislative Changes

Details of the legislative changes in 2012/2013 are at Appendix 1.

Regulatory Activities



The primary responsibility of the Council, in conjunction with the HCCC, is to protect the public by managing the performance, conduct and health concerns relating to occupational therapists practising and students training in NSW.

This section details the Council's regulatory programs and results for the year.

National Registration

NSW health professionals are registered under the National Registration and Accreditation Scheme. Through the Scheme, the Occupational Therapy Board of Australia (National Board) is responsible for registering health practitioners and students and for determining the requirements for registration.

The National Board approves accredited programs of study which provide the necessary qualifications for registration. It also develops and approves standards, codes and guidelines for the profession which inform the Council's regulatory activities.

Further information about the operations of the National Board can be obtained on the Australian Health Practitioner Regulation Agency (AHPRA) website (www.ahpra.gov.au).

Registrations in NSW

Information about registration and registrant numbers included in this Report provides context for the Council's regulatory activities and functions. Registration data is supplied by AHPRA.

At 30 June 2013, there were 4,264 registered occupational therapists whose principal place of practice was in NSW. This represents 28.24% of the total number of occupational therapists registered under the Scheme across Australia.

Students are also registered. AHPRA advised that the number of NSW students registered as at 30 June 2013 was 1,764. Figures are based on the student's residential address, not the location of the education provider.

Registrations by registration type as at 30 June 2013 were as follows:

Registration Type	Principal Place of Practice (PPP) in NSW	NSW Share of registrants with no PPP listed	Registrants for whom fees were paid to NSW (PPP + no PPP)
General	4,142	10	4,152
Limited	53	0	53
Provisional	20	0	20
Non-practising	49	0	49
Total	4,264	10	4,274

Notifications (Complaints) Received

Any person may make a notification (complaint) against a registered occupational therapist or student. Notifications (complaints) may relate to the conduct, health or performance of a registered practitioner or the health or conduct of a registered student. A notification (complaint) may be made to the HCCC, the Council, or AHPRA.

The *Health Care Complaints Act 1993* requires the Council and the HCCC to advise each other about notifications (complaints) received and to consult on the course of action to be taken. A notification made to the Council is deemed to be also made to the HCCC, and vice versa.

The Council received eight notifications (complaints) during the reporting period.

The level of notifications (complaints) as a percentage of the number of registered occupational therapists NSW is less than 0.2%.

A more accurate measure is the percentage of occupational therapists about whom a notification was received i.e. a practitioner with more than one notification is only counted once in the calculation. On this basis, the percentage of notifications (complaints) received on occupational therapists practising in NSW was 0.18% for the year.

The notifications (complaints) managed by the Council in 2012/2013 were as follows:

Notifications (Complaints)	Number
Notifications received in 2012/2013	8
Notifications closed in 2012/2013	5
Case volume open* at 30/6/2013	3

* See Glossary for definition of open matters

When they are received, notifications (complaints) are classified to the conduct, health or performance stream, depending on the nature of the matter. In some instances, more than one stream may be applicable, however one stream is identified as the primary stream based on the seriousness of the matter. There were two notifications (complaints) classified as performance issues and five conduct issues. There was one notification related to health issues.

Notifications are also allocated to an issue category. The Council has adopted the issue categories that have been developed by the AHPRA, which facilitates reporting across jurisdictions.

The number of notifications (complaints) received by the issue category was as below:

Category	Number
Behaviour	1
Clinical Care	1
Confidentiality/Privacy	1
Health Impairment	1
Medico-legal	1
National Law	1
Offence	2

The sources of notifications received in 2012/2013 were:

Sources	Number
Anonymous	1
Employer - LHD	1
Employer - non LHD	2
Other	1
Patient	2
Treating Practitioner	1

Mandatory Notifications

The Law requires health practitioners, employers and education providers to make mandatory notifications to AHPRA if they believe an occupational therapist or student has behaved in a way that constitutes notifiable conduct i.e.

For a health practitioner:

- the practice of the profession while intoxicated by alcohol or other drugs, engaging in sexual misconduct in connection with practice, placing the public at substantial harm because the practitioner has an impairment or placing the public at risk because the practitioner has practised in a way that constitutes a significant departure from accepted professional standards.

For a student:

- has an impairment that, in the course of the student undertaking clinical training, may place the public at substantial risk of harm.

AHPRA then refers the matter to the Council for management.

There was one mandatory notification about an occupational therapist received during the reporting period, which was related to impairment. The matter was closed during the year.

Notifications (Complaints) Management

A decision is made by the Council (in consultation with the HCCC) about which agency will manage the matter. Sometimes this decision is deferred until further assessment or investigation is carried out. Information on the processes for making and managing notifications (complaints) is available on the Council's website.

Following an assessment, the HCCC and the Council determine if the matter should be dismissed or whether the matter requires some form of action. A notification (complaint) may be dismissed if the matter falls outside the jurisdiction of the Council or the HCCC; if it does not raise issues of sufficient seriousness to warrant further action, or if the parties have resolved the matter.

When action is required, further assessment or investigation occurs. Some matters may also be referred for further inquiry by a Tribunal, Panel or Committee.

Following consultation with the HCCC, the majority of matters were either discontinued or referred to the Council for further management.

Of notifications managed in 2012/2013, one matter was referred to an Impaired Registrants Panel and was finalised during the period.

Protective Orders - Immediate Action under s 150 of the Law

The Council must exercise its powers to either suspend an occupational therapist's registration, or impose conditions on their practice if it is satisfied that such action is appropriate for the protection of the health or safety of the public, or is otherwise in the public interest.

During the reporting period, the Council did not take immediate action on any matter.

Health

The object of the Council's health program is to protect the public, while maintaining the high standards the public is entitled to expect, and enabling occupational therapists with an impairment to remain in practice when it is safe to do so.

During the reporting period the Council managed one matter in the health stream which involved a practitioner with a physical impairment.

Council Appointed Practitioner Assessments

The Council may refer an occupational therapist or student, who is the subject of a notification (complaint), for a health assessment to determine whether the person has an impairment. This may include a medical, physical, psychiatric or psychological examination or testing.

The Council managed one notification matter by referral for a health assessment during the reporting period. This matter was then referred to an Impaired Registrants Panel.

Impaired Registrants Panels

The Law provides for the convening of Impaired Registrants Panels (IRPs) to deal with matters concerning practitioners who suffer from a physical or mental impairment which affects or is likely to affect the practitioner's capacity to practise.

An IRP is non-disciplinary and aims to assist occupational therapists to manage their impairment while remaining in professional practice as long as this poses no risk to the public. The Panel's role is to inquire into and assess the matter, obtain reports and other information from any source it considers appropriate, and to make recommendations to the Council.

The Panel may counsel the practitioner or, on the recommendation of the Panel, the Council may counsel the practitioner, impose conditions on the registration, or suspend the registration for a period if the Council is satisfied the practitioner or student has voluntarily agreed to the conditions or suspension.

One matter was referred to an IRP and was resolved by the Council on the recommendation of the IRP that the practitioner was not impaired.

Performance

Performance issues generally relate to concerns about the standard of an occupational therapist's clinical performance, that is, whether the knowledge, skill or judgement possessed, or care exercised, is significantly below the standard reasonably expected of a practitioner of an equivalent level of training or experience.

The Council's performance program provides

an avenue for education and retraining where inadequacies in competency are identified, while at all times ensuring that the public is appropriately protected. The program aims to address patterns of practice rather than one-off incidents unless a single incident is thought to be demonstrative of a broader problem.

Two occupational therapists were managed in the performance stream in 2012/2013. The performance issues were related to inadequate or inappropriate treatment and delayed, inadequate or inaccurate medico-legal assessment.

Performance Assessments

The Council may require an occupational therapist to participate in a performance assessment to assist it in determining a course of action. The aim of such an assessment is to establish whether their performance is at a standard expected of a similarly trained or experienced practitioner. Consequently, assessments are intended to be broad-based and not limited to the substance of the matter that triggered it.

The assessment is generally conducted in the occupational therapist's own practice environment by assessors appointed by the Council who are familiar with the area of practice of the practitioner concerned.

There were no matters managed by referral to a performance assessment in the period

Performance Review Panel

If a performance assessment finds that the professional performance of an occupational therapist is unsatisfactory, the Council may decide to refer the matter to a Performance Review Panel (PRP). The role of the Panel is to review the professional performance of the occupational therapist by examining the evidence placed before it to establish whether their practice meets the standard reasonably expected of an occupational therapist of 'an equivalent level of training or experience' at the time of the review.

Where deficiencies are identified, the occupational therapist is required to undertake remediation tailored to their individual needs. This may entail attending courses, undertaking supervision or engaging in additional continuing professional development. Conditions on practice may also be required to ensure the public is protected while the occupational

therapist is undertaking remediation.

There were no PRPs held during the reporting period.

Conduct

Conduct issues generally relate to behavioural acts or omission and often go to the question of character and may be categorised as unsatisfactory professional conduct or professional misconduct.

Five occupational therapists were managed in the conduct stream in 2012/2013. The conduct issues related to:

Issues	Number
Threats, bullying, reprisals or intimidation	1
Directing or inciting unprofessional conduct	1
Inappropriate collection or use of patient information	1
Inappropriate disclosure of patient information	1
Dishonesty offence	1

Investigations by the Health Care Complaints Commission (HCCC)

During 2012/2013, no matters were investigated by the HCCC.

Council Inquiry

Complaints of unsatisfactory professional conduct may be dealt with under Part 8 Division 3 Subdivision 5 of the Law by way of disciplinary proceedings held at a meeting of the Council. The resulting action taken may include a caution or reprimand, imposition of conditions on registration, issuing of an order requiring medical or psychiatric treatment or counselling, completion of an educational course or some other action.

There were no matters managed by Council Inquiry during the reporting period.

Reviews by the Council

Occupational therapists who have had conditions placed on their registration or had their registration suspended as a result of Council's immediate action powers under s 150 of the Law or on the recommendation of an Impaired Registrants Panel may request a review of the conditions or suspension by the Council.

There were no reviews conducted by the Council in the reporting period.

Occupational Therapy Tribunal

The Occupational Therapy Tribunal deals with serious notifications (complaints) that may lead to suspension or deregistration, appeals against Council decisions regarding regulatory matters and appeals against decisions of the National Board in relation to registration matters.

There were no matters referred to or heard by the Tribunal in the period.

Tribunal Reviews

Occupational therapists who have had restrictions placed on their practice or registration by a Tribunal may request a review of conditions and suspension or can request to be reinstated following cancellation of registration by the Tribunal.

There were no matters referred to or heard by the Tribunal for a review during the period.

Appeals to the Tribunal

Occupational therapists who have had conditions imposed on their registration by the Council or a Performance Review Panel, had their registration suspended by the Council, or who have had a request for review of conditions or suspension refused by the Council, may appeal to the Tribunal. Practitioners may also lodge an appeal against a decision of the Occupational Therapy Board of Australia regarding registration status.

During the reporting period one appeal was finalised. The appeal was against the Occupational Therapy Board of Australia decision about registration status and was withdrawn by the practitioner.

Appeals to the Supreme Court

Occupational therapists may appeal a decision made by the Tribunal to the Supreme Court. There were no appeals in 2012/2013.

Notifications (Complaints) Outcomes

The outcomes of all notifications (complaints) closed in 2012/2013 are summarised below. The majority of matters were dealt with expeditiously and did not require investigation or referral to a regulatory or adjudicating body.

The outcomes of these matters were as follows:

Outcome	Number
No further action with advice	2
Outside of jurisdiction	1
Refer to another entity	1
Complaint withdrawn	1

* See Glossary for definition of open matters

Of the notifications closed in 2012/2013, five were considered to require no action by the Council and were closed following advice being provided to the practitioner.

Four matters were closed at the assessment stage and one following an IRP.

Counselling

The Council may direct an occupational therapist or student to attend for counselling. This is a non-disciplinary process that enables the Council to address performance or conduct concerns in an informal but sound and influential manner. Counselling may be conducted by two or three Council members.

No matters were managed by counselling.

Matters Referred to Another Entity

During the reporting period, the Council directed one matter to a Local Health District. The complaint concerned industrial issues and was outside the Council's jurisdiction.

Matters Referred to HCCC for Assisted Resolution and Conciliation

The Council may refer a notification to the HCCC for assisted resolution or conciliation to be dealt with under the *Health Care Complaints Act 1993*. In 2012/2013, there were no matters referred to the HCCC for either of these actions.

Outcomes of Mandatory Notifications

The outcome of the mandatory notification completed in the reporting period resulted in no further action following Council processes.

Monitoring and Compliance of Orders and Conditions

The Council is responsible for monitoring compliance with orders made and conditions imposed by the Occupational Therapy Tribunal, a Council Inquiry, a PRP, an immediate action

(s 150) decision, or conditions following an IRP.

Conditions fall into two categories:

- a) practice conditions, which are published on the AHPRA website (www.ahpra.gov.au) or
- b) health conditions, which are not published.

During the year, one case was monitored and remains active as at 30 June 2013.

The monitoring matter related to review by a treating health practitioner.

Throughout the year effective working relationships with AHPRA facilitated compliance monitoring across both organisations.

Management and Administration



Shared Services

The HPCA provides shared executive and corporate services to the 14 NSW health professional Councils to support their regulatory responsibilities.

On behalf of the Councils, the HPCA liaises with:

- AHPRA regarding financial, registration and reporting matters
- the HCCC on notifications (complaints) management issues, and
- the Ministry of Health on human resources and providing advice and responses to the Minister for Health and the Director-General on regulatory matters and appointments.

This coordinated approach provides efficiencies through shared services that would be costly for small bodies like the Councils, to implement on their own. It also allows Councils to direct their attention to protection of the public by concentrating on their core regulatory functions.

The Council and the HPCA have signed a three year service level agreement (SLA) effective from 1 July 2012. The SLA articulates the services the HPCA provides and key performance indicators against which performance is assessed annually. It provides certainty and a shared understanding for the Council and the HPCA on the range and quality of services provided.

Access to Information - Government Information Public Access (GIPA)

The Council is committed to the principles of the *Government Information (Public Access) Act 2009* (GIPA Act) and provides access to policies, publications and information through the Council website. The Council complies with the *Government Information (Public Access) Regulation 2009* regarding annual reporting requirements.

The Agency Information Guide is accessible on the website.

Review of Proactive Release Program

The Council reviewed its program for the release of government information to identify the type of information that can be made publicly available.

The Council releases all new and revised policies and other information publicly on the website. In addition, the Council reviewed the program and the policy register including monitoring

the completion and approval of relevant information.

New and revised policies and documents released on the Council website are:

- Conflict of Interest Policy
- Gifts and Benefits Policy
- Reporting Corrupt Conduct
- Member Remuneration Payment Policy
- Official Travel Policy
- Audit and Risk Committee Charter
- Council newsletter.

The Council also complies with NSW Government policies and procedures including those that are available on the Department of Premier and Cabinet, Public Service Commission and the NSW Ministry of Health websites.

Number of Access Applications Received

The Council received no formal access applications (including withdrawn applications excluding invalid applications).

Number of Refused Applications for Schedule 1 Information - Clause 7(c)

The Council refused no (either wholly or partly) applications for the disclosure of information (information for which there is conclusive presumption of overriding public interest against disclosure).

The Council's GIPA statistics are reported in Appendix 2.

Privacy

The Council is subject to the provisions of the *Privacy and Personal Information Protection Act 1998* and the *Health Records and Information Privacy Act 2002*.

The Council received no complaints regarding privacy matters.

The Council has adopted the NSW Health Privacy Management policy pending development of a specific privacy management plan. A number of staff attended privacy awareness training conducted by the Office of the Information and Privacy Commissioner.

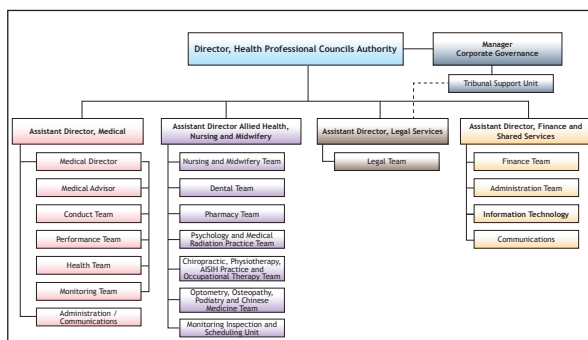
Human Resources

The HPCA staff who support the Council are employed under Chapter 1A of the *Public Sector Employment and Management Act 2002*.

As at 30 June 2013 the HPCA employed 97 permanent full-time equivalent (FTE) staff and

two temporary FTE staff, of whom 0.58 FTE staff provided secretariat support directly to the Council.

HPCA Organisation Chart as at 30 June 2013



Learning and Development

Learning and development opportunities are available to staff to ensure that they have the skills and knowledge to support the Council's core business and the HPCA's organisational priorities. Individual staff training needs are identified through the Coaching and Performance System (CAPS).

Staff attended training sessions on:

- GIPA, privacy management and public interest disclosure provisions
- Writing procedures and policy documents, and minute taking
- Dealing with difficult complainants
- TRIM records management system and Monitoring and Complaints System (MaCS) for case management
- Understanding of the *Health Practitioner Regulation National Law (NSW)* - regulatory responsibilities and Council processes to protect the public.

Public Interest Disclosures

The Council is subject to the provisions of the *Public Interest Disclosures Act 1994* and the reporting requirements of the *Public Interest Disclosures Regulation 2011*. Staff and Council members comply with the policy and information is available on the requirements and processes for making and managing disclosures. The Council provides six monthly reports to the NSW Ombudsman and Ministry of Health.

There were no public interest disclosures (PIDs) made by staff or Council members during the year:

July 2012 - June 2013

Number of public officials who made PIDs	0
Number of PIDs received	0
Of PIDs received, number primarily about:	0
Corrupt conduct	0
Maladministration	0
Serious and substantial waste	0
Government information contravention	0
Number of PIDs finalised	0

Audit and Risk Management

In 2012/2013 the HPCA Audit and Risk Committee continued to review and monitor the Risk Register, discussed and monitored internal audits and reviews, and received high level summaries on the Council's financial reports. On the Committee's advice the HPCA established the role of Chief Audit Executive, which is fulfilled by the HPCA Assistant Director, Legal.

During the year the HPCA implemented the recommendations of the Audit Office of NSW 2011/2012 Management Letter, developed a business continuity management framework and commissioned a review of the 2012/2013 budget process following the identification of certain errors and omissions in some budget line items. These matters have been addressed and monitored through the 2013/2014 budget development process.

The business continuity management framework comprises a policy, Business Continuity Plan and procedures. Members of the Recovery Team have received training and been issued with documents and resources in case of an emergency. Documentation of an IT disaster recovery plan has been initiated and will be completed during 2013/2014.

IAB is commissioned to undertake the internal audits nominated in the internal audit plan. The IAB conducted an internal audit of the HPCA's Workforce Management Framework, which identified the need for a more consistent approach to performance monitoring, and improving turnaround times on recruitment activity. All of the review's recommendations were accepted and are being addressed.

A review of monitoring of practitioners with orders and/or conditions on their registration commenced in June 2013.

Information Management and Systems

Further improvements have been achieved in information management, control and reporting. System modifications have been made to the case management system (MaCS), to improve usability and reporting. The MaCS user group guides priorities and contributes to user testing. Staff received ongoing training and support as changes are implemented and the accuracy and reliability of reporting is improving.

The TRIM records management system has been further embedded in practice. The Business Classification Scheme was reviewed and is being modified to address the specific needs of Councils. Training has been a focus and priorities developed to promote the use of TRIM to meet State Records compliance requirements.

Exemptions from the Reporting Provisions

As a small statutory body, the Council is exempt from certain reporting provisions and provides a triennial report in relation to:

- multicultural policies and services programs
- disability services
- equal employment opportunity
- occupational health and safety, and
- waste management (WRAPP).

The Council will report in 2013/2014. The Council meets its compliance obligations with regard to each of these matters and is committed to implementing the relevant policy requirements.

Consultants

The health professional Councils together commissioned six consultancies related to Council business process improvement, system improvements and the ongoing development of the HPCA's shared services to Councils.

The Council made the following contribution to these consultancies:

Engagements costing less than \$50,000

Service Provided	No.	Cost inc. GST \$
Administration	2	724.53
Council business processes	1	1,326.64
Financial management	1	523.46
Information management and systems	2	161.76
Total	6	2,736.39

Business Process Improvement

Through the course of several reviews (including of Council business planning processes), risk assessment and the 2011/2012 Council Satisfaction Survey a number of Councils and the HPCA identified the need to embark on a project to analyse selected core processes and to develop maps and procedure documents to guide work processes and decision-making. A consultant was engaged to undertake the project.

The purpose of process mapping is to optimise efficiency and provide support tools to staff and Councils and to help manage workflow and assist with sound decision-making.

The consultants are working with staff on process maps for the management of correspondence, handling notifications and immediate action, and refinement of the business classification scheme for records management.

Insurance

The Council's insurance activities are conducted by the HPCA through the NSW Ministry of Health's insurance cover with the NSW Treasury Managed Fund, and include:

- legal liability - public liability, professional indemnity, product liability
- Comprehensive Motor Vehicle Insurance Policy
- Personal Accident Policy for volunteer workers
- property coverage, and
- workers' compensation.

Annual Report Costs

The Council did not produce printed copies of this Annual Report in accordance with the Premier's Memorandum *Production Costs of Annual Reports* (M2013-09). The total cost of layout and design was \$528.66 (GST inc.).

The report is published on the Council's website.

Financial Management

The HPCA provides financial management services to the Council including the payment of accounts, budget preparation and monitoring and coordination of regular financial reporting to the Council.

In signing the SLA, the Council endorsed a revised cost allocation methodology for the

distribution of shared costs across all Councils. The methodology is largely based on Council activity and provides a formula to apportion shared services staff, facilities and other resources. The methodology will be reviewed in 2013/2014 to ensure that it is equitable and is the best means of cost allocation.

Format

The accounts of the Council's administrative operations, including the Education and Research activities, together with the Independent Auditor's Report are set out in the Financial Statements starting on page 16.

Performance

The Council's accounts performance as reported in the Financial Statements is as follows:

	\$
Operating expenditure	187,273
Revenue	391,025
Net profit/(loss)	212,807
Net cash reserves (cash and cash equivalents minus current liabilities)	197,239

Investment Performance

The Council, through a Special Interest Arrangement with the Commonwealth Bank of Australia earned an average of 3.04% p.a. on all bank account balances.

Payments Performance

The Council's accounts are managed by the Health Administration Corporation. The consolidated accounts payable performance report for all 14 Councils is as shown below:

Quarter	Current (within due date) \$	Less than 30 days overdue \$	Between 30 to 60 days overdue \$	Between 60 to 90 days overdue \$	More than 90 days overdue \$
All suppliers					
September	1,201,178	620	0	218	0
December	1,106,321	26,167	0	165	0
March	1,310,988	1,225	0	657	0
June	1,758,606	4,583	141	1,758	0
Small business suppliers					
September	426,997	620	0	218	0
December	255,185	11,203	0	165	0
March	501,058	1,225	0	657	0
June	678,088	3,106	0	706	0

Measure	Sept	Dec	Mar	June
All suppliers				
Number of accounts due for payment	158	130	130	198
Number of accounts paid on time	156	105	128	177
% of accounts paid on time (based on number of accounts)	98.7	80.8	98.5	89.4
\$ amount of accounts due for payment	1,202,016	1,132,653	1,312,870	1,765,088
\$ amount of accounts paid on time	1,201,178	1,106,321	1,310,988	1,758,606
% of accounts paid on time (based on \$)	99.9	97.7	99.9	99.6
Number of payments for interest on overdue accounts	0	0	0	0
Interest paid on overdue accounts	0	0	0	0

Measure	Sept	Dec	Mar	June
Small business suppliers				
Number of accounts due for payment	141	112	120	170
Number of accounts paid on time	139	96	118	156
% of accounts paid on time (based on number of accounts)	98.6	85.7	98.3	91.8
\$ amount of accounts due for payment	427,835	266,553	502,940	681,900
\$ amount of accounts paid on time	426,997	255,185	501,058	678,088
% of accounts paid on time (based on \$)	99.8	95.7	99.6	99.4
Number of payments for interest on overdue accounts	0	0	0	0
Interest paid on overdue accounts	0	0	0	0

The HPCA is confirming relevant details with small business suppliers in accordance with Treasury Circular TC11/21.

Budget

The budget for the period 1 July 2013 to 30 June 2014 is as follow:

	\$
Revenue	365,683
Operating expenses	188,213
Education and research	50,000
Net profit/(loss)	127,470

OCCUPATIONAL THERAPY COUNCIL OF NEW SOUTH WALES**YEAR ENDED 30 JUNE 2013****STATEMENT BY MEMBERS OF THE COUNCIL**

Pursuant to s 41C(1B) *Public Finance and Audit Act 1983*, and in accordance with the resolution of the members of the Occupational Therapy Council of New South Wales, we declare on behalf of the Council that in our opinion:

1. The accompanying financial statements exhibit a true and fair view of the financial position of the Occupational Therapy Council of New South Wales as at 30 June 2013 and financial performance for the year then ended.
2. The financial statements have been prepared in accordance with the provisions of Australian Accounting Standards, Accounting Interpretations, the *Public Finance and Audit Act 1983*, the *Public Finance and Audit Regulation 2010*, and the Treasurer's Directions.

Further, we are not aware of any circumstances which would render any particulars included in the financial statements to be misleading or inaccurate.



Council Member:

Date: 21/10/2013



Council Member:

Date: 22/10/13



INDEPENDENT AUDITOR'S REPORT

Occupational Therapy Council of New South Wales

To Members of the New South Wales Parliament

I have audited the accompanying financial statements of the Occupational Therapy Council of New South Wales (the Council), which comprise the statement of financial position as at 30 June 2013, the statement of comprehensive income, statement of changes in equity and statement of cash flows, for the year then ended, notes comprising a summary of significant accounting policies and other explanatory information.

Opinion

In my opinion, the financial statements:

- give a true and fair view of the financial position of the Council as at 30 June 2013, and of its financial performance and its cash flows for the year then ended in accordance with Australian Accounting Standards
- are in accordance with section 41B of the *Public Finance and Audit Act 1983* (the PF&A Act) and the Public Finance and Audit Regulation 2010.

My opinion should be read in conjunction with the rest of this report.

The Council's Responsibility for the Financial Statements

The members of the Council are responsible for the preparation of the financial statements that give a true and fair view in accordance with Australian Accounting Standards and the PF&A Act, and for such internal control as the members of the Council determine is necessary to enable the preparation of financial statements that give a true and fair view and that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

My responsibility is to express an opinion on the financial statements based on my audit. I conducted my audit in accordance with Australian Auditing Standards. Those Standards require that I comply with relevant ethical requirements relating to audit engagements and plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgement, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the Council's preparation of the financial statements that give a true and fair view in order to design audit procedures appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Council's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by the members of the Council, as well as evaluating the overall presentation of the financial statements.

I believe the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinion.

My opinion does *not* provide assurance:

- about the future viability of the Council
- that it has carried out its activities effectively, efficiently and economically
- about the effectiveness of its internal control
- about the security and controls over the electronic publication of the audited financial statements on any website where they may be presented
- about other information which may have been hyperlinked to/from the financial statements.

Independence

In conducting my audit, I have complied with the independence requirements of the Australian Auditing Standards and other relevant ethical pronouncements. The PF&A Act further promotes independence by:

- providing that only Parliament, and not the executive government, can remove an Auditor-General
- mandating the Auditor-General as auditor of public sector agencies, but precluding the provision of non-audit services, thus ensuring the Auditor-General and the Audit Office of New South Wales are not compromised in their roles by the possibility of losing clients or income.



C J Giumelli
Director, Financial Audit Services

24 October 2013
SYDNEY

Occupational Therapy Council of New South Wales

Statement of Comprehensive Income for the Year Ended 30 June 2013

	Notes	2013 \$
EXPENSES EXCLUDING LOSSES		
Operating expenses		
Personnel services	2(a)	(95,988)
Other operating expenses	2(b)	(54,516)
Depreciation and amortisation	2(c)	(5,471)
Finance costs	2(d)	(188)
Other expenses	2(e)	(31,110)
Total Expenses Excluding Losses		(187,273)
REVENUE		
Registration fees		382,180
Interest revenue	4(a)	7,515
Other revenue	4(b)	1,330
Total Revenue		391,025
Gain/(Loss) on disposal/additions	5	9,055
Net Result		212,807
Other comprehensive income		-
Total Comprehensive Income		212,807

The accompanying notes form part of these financial statements.

Occupational Therapy Council of New South Wales

Statement of Financial Position as at 30 June 2013

	Notes	2013 \$
ASSETS		
Current Assets		
Cash and cash equivalents	6	400,568
Receivables	7	9,651
Total Current Assets		410,219
Non-Current Assets		
Plant and equipment	8	
Leasehold improvements		1,323
Motor vehicles		192
Furniture and fittings		310
Other		2,739
Total plant and equipment		4,564
Intangible assets	9	5,722
Total Non-Current Assets		10,286
Total Assets		420,505
LIABILITIES		
Current Liabilities		
Payables	10	30,991
Fees in advance	11	172,338
Total Current Liabilities		203,329
Non-Current Liabilities		
Provisions	12	4,369
Total Non-Current Liabilities		4,369
Total Liabilities		207,698
Net Assets		212,807
EQUITY		
Accumulated funds		212,807
Total Equity		212,807

The accompanying notes form part of these financial statements.

Occupational Therapy Council of New South Wales

Statement of Changes In Equity for the Year Ended 30 June 2013

	Notes	Accumulated Funds \$
Balance at 1 July 2012		-
Net Result for the Year		212,807
Other comprehensive income		-
Balance at 30 June 2013		212,807

The accompanying notes form part of these financial statements.

Occupational Therapy Council of New South Wales

Statement of Cash Flows for the Year Ended 30 June 2013

	Notes	2013 \$
CASH FLOWS FROM OPERATING ACTIVITIES		
Payments		
Personnel services		(86,426)
Other		(64,197)
Total Payments		(150,623)
Receipts		
Receipts from registration fees		545,443
Interest received		6,939
Total Receipts		552,382
Net Cash Flows from Operating Activities	16	401,759
CASH FLOWS FROM INVESTING ACTIVITIES		
Purchases of plant and equipment and intangible assets		(1,192)
Net Cash Flows from Investing Activities		(1,192)
CASH FLOWS FROM FINANCING ACTIVITIES		
Net Cash Flows from Financing Activities		-
Net Increase/(Decrease) in Cash		400,568
Opening cash and cash equivalents		-
Closing Cash and Cash Equivalents	6	400,568

The accompanying notes form part of these financial statements.

Occupational Therapy Council of New South Wales

Notes to the Financial Statements

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

a. Reporting Entity

The Occupational Therapy Council of New South Wales (the Council), established on 1 July 2012, as a not-for-profit reporting entity with no cash generating units, performs the duties and functions contained in the *Health Practitioner Regulation National Law (NSW) No 86a* (the Law).

These financial statements for the year ended 30 June 2013 have been authorised for issue by the Council on 22 October 2013.

b. Basis of Preparation

The Council has adopted the going concern basis in the preparation of the financial statements.

The Council's financial statements are general purpose financial statements and have been prepared in accordance with:

- applicable Australian Accounting Standards (which include Australian Accounting Interpretations), and
- the requirements of the *Public Finance and Audit Act 1983* and Regulation.

The financial statements have been prepared on the basis of historical cost.

Judgements, key assumptions and estimations management has made are disclosed in the relevant notes to the financial statements.

All amounts are rounded to the nearest dollar and are expressed in Australian currency.

c. Statement of Compliance

The financial statements and notes comply with Australian Accounting Standards, which include Australian Accounting Interpretations.

d. Significant Accounting Judgments, Estimates and Assumptions

Effective from 1 July 2012, the Health Professional Councils Authority (HPCA) introduced an agreed cost sharing arrangement for the distribution of pooled costs between health professional Councils. This was a change from the cost sharing arrangements from prior years.

These indirect costs are shown as part of the Council's statement of comprehensive income under the following expense line items:

1. Personnel services
2. Rent and building expenses
3. Contracted labour
4. Depreciation and amortisation
5. Postage and communication
6. Printing and stationery

e. Insurance

The Council's insurance activities are conducted through the NSW Treasury Managed Fund Scheme of self-insurance for Government entities. The expense (premium) is determined by the Fund Manager based on past claim experience.

f. Accounting for the Goods and Services Tax (GST)

Income, expenses and assets are recognised net of the amount of GST, except that:

- the amount of GST incurred by the Council as a purchaser that is not recoverable from the Australian Taxation Office is recognised as part of the cost of acquisition of an asset or as part of an item of expense, and
- receivables and payables are stated with the amount of GST included.

Cash flows are included in the statement of cash flows on a gross basis. However, the GST components of cash flows arising from investing and financing activities which are recoverable from, or payable to, the Australian Taxation Office are classified as operating cash flows.

Occupational Therapy Council of New South Wales

Notes to the Financial Statements

g. Income Recognition

Income is measured at the fair value of the consideration or contribution received or receivable.

The National Registration and Accreditation Scheme (NRAS) for all health professionals commenced on 1 July 2010. NSW opted out of the complaint handling component of the National scheme and the health professional Councils were established in NSW effective from 1 July 2010 to manage the complaints function in a co-regulatory arrangement with the NSW Health Care Complaints Commission (HCCC). The Council was established on 1 July 2012 upon joining the NRAS.

Under s 26A of the Law, the complaints element of the registration fees payable during 2013 by NSW health practitioners was decided by the Council established for that profession subject to approval by the Minister for Health.

The Council, under the Law, receives fees on a monthly basis from the Australian Health Practitioner Regulation Agency (AHPRA) being the agreed NSW complaints element for the 2013 registration fee.

Fees are progressively recognised as income by the Council as the annual registration period elapses. Fees in advance represent unearned income at balance date.

h. Personnel Services

Ministry of Health (MOH) being the employer charges the council for personnel services relating to the provision of all employees. Staff costs are shown in the Statement of Comprehensive Income as personnel services in the financial statements of the Council. Amounts owing for personnel services in the Statement of Financial Position represent amounts payable to the MOH in respect of personnel services.

i. Interest Revenue

Interest revenue is recognised using the effective interest method as set out in AASB 139 Financial Instruments: *Recognition and Measurement*.

j. Assets

i. Acquisitions of Assets

The cost method of accounting is used for the initial recording of all acquisitions of assets controlled by the Council. Cost is the amount of cash or cash equivalents paid or the fair value of the other consideration given to acquire the asset at the time of its acquisition or construction or, where applicable, the amount attributed to that asset when initially recognised in accordance with the requirements of other Australian Accounting Standards.

Assets acquired at no cost, or for nominal consideration, are initially recognised at their historical cost at the date of acquisition.

Fair value is the amount for which an asset could be exchanged between knowledgeable, willing parties in an arms-length transaction.

Where payment for an item is deferred beyond normal credit terms, its cost is the cash price equivalent, i.e. the deferred payment amount is effectively discounted at an asset-specific rate.

ii. Capitalisation Thresholds

The Health Professional Councils Authority (HPCA) acquires all assets on behalf of the Council. Shared use assets that cost over \$5,000 at the time of purchase by the HPCA are capitalised. These capitalised shared use assets are then allocated to the Council using an appropriate allocation method. The minimum capitalisation threshold limits applied to the Council for the asset are \$61 (all Council shared use asset), or \$95 (Pitt Street shared use asset), whichever is applicable.

iii. Impairment of Plant and Equipment

As a not-for-profit entity with no cash generating units, AASB 136 Impairment of Assets effectively is not applicable. AASB 136 modifies the recoverable amount test to the higher of fair value less costs to sell and depreciated replacement cost. This means that, where an asset is already measured at fair value, impairment can only arise if selling costs are material. Selling costs for the entity are regarded as immaterial.

Occupational Therapy Council of New South Wales

Notes to the Financial Statements

iv. Depreciation of Plant, Equipment and Leasehold Improvements

Depreciation and amortisation is provided for on a straight-line basis for all depreciable assets so as to write off the amounts of each asset as it is consumed over its useful life to the Council.

Depreciation and amortisation methods, useful lives and residual values are reviewed at each reporting date and adjusted if appropriate.

Depreciation rates used are as follows:

Plant and equipment 20% - 25%

Furniture and fittings 16% - 20%

Motor vehicles 25% - 29%

Leasehold improvements 1.7% - 4%

v. Revaluation of Plant and Equipment

There has been no revaluation on any of the Council's plant and equipment as they are non-specialised assets. Non-specialised assets with short useful lives are measured at depreciated historical cost as a surrogate for fair value.

vi. Maintenance

Day-to-day servicing costs or maintenance are charged as expenses as incurred, except where they relate to the replacement of a component of an asset, in which case the costs are capitalised and depreciated.

vii. Intangible Assets

The Council recognises intangible assets only if it is probable that future economic benefits will flow to the entity and the cost of the asset can be measured reliably. Intangible assets are measured initially at cost. Where an asset is acquired at no or nominal cost, the cost is its fair value as at the date of acquisition.

All research costs are expensed. Development costs are only capitalised when certain criteria are met.

The useful lives of intangible assets are assessed to be finite.

Intangible assets are subsequently measured at fair value only if there is an active market. As there is no active market for the entity's intangible assets, the assets are carried at cost less any accumulated amortisation.

Intangible assets are tested for impairment where an indicator of impairment exists. If the recoverable amount is less than its carrying amount, the carrying amount is reduced to recoverable amount and the reduction is recognised as an impairment loss.

The Council's intangible assets are amortised using the straight line method over a period of four years. In general, intangible assets are tested for impairment where an indicator of impairment exists. However, as a not-for-profit entity with no cash generating units, the Council is effectively exempted from impairment testing.

viii. Loans and Receivables

Loans and receivables are recognised initially at fair value, usually based on the transaction cost or face value. Subsequent measurement is at amortised cost using the effective interest method, less an allowance for any impairment of receivables. Short-term receivables with no stated interest rate are measured at the original invoice amount where the effect of discounting is immaterial. An allowance for impairment of receivables is established when there is objective evidence that the Council will not be able to collect all amounts due. The amount of the allowance is the difference between the assets carrying amount and the present value of the estimated future cash flows, discounted at the effective interest rate. Bad debts are written off as incurred.

Occupational Therapy Council of New South Wales

Notes to the Financial Statements

k. Liabilities

i. Trade and Other Payables

These amounts represent liabilities for goods and services provided to the Council and other amounts. Payables are recognised initially at fair value, usually based on the transaction cost or face value. Subsequent measurement is at amortised cost using the effective interest method. Short-term payables with no stated interest rates are measured at the original invoice amount where the effect of discounting is immaterial.

ii. Personnel Services - Ministry of Health

Personnel services are acquired from the MOH. As such the MOH accounting policy is below.

Liabilities for salaries and wages (including non-monetary benefits), recreation leave and paid sick leave that are due to be settled within 12 months after the end of the period in which the employees render the service are recognised and measured in respect of employees' services up to the reporting date at undiscounted amounts based on the amounts expected to be paid when the liabilities are settled.

Unused non-vesting sick leave does not give rise to a liability as it is not considered probable that sick leave taken in the future will be greater than the benefits accrued in the future.

The outstanding amounts of payroll tax, workers' compensation insurance premiums and fringe benefits tax, which are consequential to employment, are recognised as liabilities and expenses where the employee benefits to which they relate have been recognised.

All employees receive the Superannuation Guarantee Levy contribution. All superannuation benefits are provided on an accumulation basis - there are no defined benefits. Contributions are made by the entity to an employee superannuation fund and are charged as an expense when incurred.

iii. Provision for Make Good

Provisions include the Council's proportionate liability (allocated to the Council using an appropriate allocation method) of the estimated make good liability, discounted to today's present value.

l. Equity

Accumulated Funds

The category 'Accumulated Funds' includes all current period funds only since the Council was established on 1 July 2012.

m. Comparative information

There is no comparative information available as this is the first year of preparation of the financial statements.

n. Cash and cash equivalents

Cash and cash equivalent assets in the statement of financial position would normally comprise cash on hand, cash at bank and short-term deposits and include deposits in the NSW Treasury Corporation's Hour-Glass cash facility, other Treasury Corporation deposits (less than 90 days) and other at-call deposits that are not quoted in the active market.

Bank overdrafts are included within liabilities.

Occupational Therapy Council of New South Wales

Notes to the Financial Statements

o. Adoption of New and Revised Accounting Standards

A number of new standards, amendments to standards and interpretations are effective for annual periods beginning after 1 July 2013, and have not been applied in preparing these financial statements. None of these are expected to have a significant effect on the financial statements of the Council.

NSW Treasury issued NSWTC13/02 circular which states none of the new or revised Standards of Interpretations are to be adopted early.

List of new standards that are relevant to the Council are as follows:

- a) AASB 9 Financial Instruments (2010), AASB 9 Financial Instruments (2009)
- b) AASB 13 Fair Value Measurement (2011)

2. EXPENSES EXCLUDING LOSSES

a. Personnel services expenses

Personnel services expenses are acquired from the MOH and comprise the following:

	2013 \$
Salaries and wages (including recreation leave)	82,771
Superannuation	5,704
Payroll taxes	6,404
Workers compensation insurance	1,109
	<u>95,988</u>

b. Other operating expenses

	2013 \$
Auditor's remuneration	5,125
Rent and building expenses	18,105
Council fees	11,096
Sitting fees	3,815
Contracted labour	16,375
	<u>54,516</u>

Occupational Therapy Council of New South Wales

Notes to the Financial Statements

c. Depreciation and amortisation expense

2013
\$

Depreciation

Motor vehicles	89
Furniture and fittings	77
Other	1,984
	<u>2,150</u>

Amortisation

Leasehold improvement	422
Intangible assets	2,899
	<u>3,321</u>

Total Depreciation and Amortisation

5,471

d. Finance costs

2013
\$

Unwinding of discount rate on make good provision	188
	<u>188</u>

e. Other expenses

2013
\$

Subsistence and transport	6,596
Fees for service	17,521
Postage and communication	1,528
Printing and stationery	2,469
Equipment and furniture	255
General administration expenses	2,741
	<u>31,110</u>

Occupational Therapy Council of New South Wales

Notes to the Financial Statements

3. EXPENDITURE MANAGED ON BEHALF OF THE COUNCIL THROUGH THE HEALTH ADMINISTRATION CORPORATION

The Council's accounts are managed by the Health Administration Corporation (HAC). Executive and administrative support functions are provided by the HPCA, which is an administrative unit of the HAC. The HAC has determined the basis of allocation of material costs to the Council.

Salaries and associated oncosts are paid by the MOH. The MOH continues to pay for the staff and associated oncosts. These costs are reimbursed by the Council to the MOH.

Details of transactions managed on behalf of the Council through the HAC are detailed above in Notes 2 to 11.

4. (a) INTEREST REVENUE

	2013 \$
Interest revenue from financial assets not at fair value through profit or loss	7,515
	<u>7,515</u>

The interest received was paid under a Special Interest Arrangement with the bank which applied to all daily balances of bank accounts administered on behalf of all health professional Councils by the HAC. In addition to daily balances receiving interest at a rate revised each week, the bank also waived normal bank fees payable such as transaction fees, dishonoured cheque fees and overseas draft fees.

	2013 %
Weighted Average Interest Rate	3.042

(b) OTHER REVENUE

	2013 \$
Make good revenue resulting from decrease in make good provision	1,330
Other Revenue	-
	<u>1,330</u>

5. GAIN/(LOSS) ON DISPOSAL/ADDITIONS

	2013 \$
Plant and equipment	
Net book value disposed/acquired during the year	1,289
Proceeds from sale/acquisition costs	-
	<u>1,289</u>

Occupational Therapy Council of New South Wales

Notes to the Financial Statements

Intangible assets

Net book value disposed/acquired during the year	7,766
Proceeds from sale/acquisition costs	-
	<u>7,766</u>

Total Gain/(loss) on Disposal/Additions	<u>9,055</u>
--	---------------------

Included in the above Gain/(Loss) on Disposal/Additions for 2013 is an adjustment arising from the Council's decision to acquire an increased portion of its share of the opening carrying values of the pooled assets located at Level 6, 477 Pitt Street, Sydney for no charge.

This adjustment was necessary as the HPCA introduced a revised cost sharing arrangement with the agreement of all the health professional Councils for the distribution of costs of depreciation of the pooled assets between all the Health Professional Councils effective from 1 July 2012 - refer Note 1.d.

6. CASH AND CASH EQUIVALENTS2013
\$

Cash at bank and on hand	-
Short-term bank deposits	-
Cash at bank - held by HPCA*	400,568
	<u>400,568</u>

* This is cash held by the HPCA, an administrative unit of the HAC, on behalf of the Council for its operating activities.

7. RECEIVABLES2013
\$

Prepayments	333
Other receivables	(60)
Interest receivable	576
Trade receivables	8,802
Less: allowance for impairment	-
	<u>9,651</u>

Occupational Therapy Council of New South Wales

Notes to the Financial Statements

Movement in the Allowance for Impairment

Balance at 1 July 2012	-
Amounts written off during the year	-
Amounts recovered during the year	-
Increase/(decrease) in allowance recognised in profit or loss	-
Balance at 30 June 2013	-

No receivables are considered impaired.

The trade receivables include monies that AHPRA has collected from registrants as at 30 June 2013 and has remitted the monies to HPCA in July 2013.

Analysis of Trade Debtors Overdue

2013	Total	Past due but not impaired	Considered impaired
	\$	\$	\$
< 3 months overdue	-	-	-
3-6 months overdue	-	-	-
> 6 months overdue	-	-	-
2012			
< 3 months overdue	-	-	-
3-6 months overdue	-	-	-
> 6 months overdue	-	-	-

Notes

- Each column in the table represents the 'gross receivables'.
- The ageing analysis excludes statutory receivables that are not past due and not impaired.

Occupational Therapy Council of New South Wales

Notes to the Financial Statements

8. PLANT AND EQUIPMENT

The Council has an interest in plant and equipment used by all health professional Councils. Plant and equipment is not owned individually by the Council. The amounts recognised in the financial statements have been calculated based on the benefits expected to be derived by the Council.

	Leasehold Improvements	Motor Vehicles	Furniture & Fittings	Other	Total
	\$	\$	\$	\$	\$
At 1 July 2012					
Gross carrying amount	-	-	-	-	-
Accumulated depreciation and impairment	-	-	-	-	-
Net Carrying Amount	-	-	-	-	-
At 30 June 2013					
Gross carrying amount	1,462	355	387	11,924	14,128
Accumulated depreciation and impairment	(139)	(163)	(77)	(9,185)	(9,564)
Net Carrying Amount	1,323	192	310	2,739	4,564

Reconciliation

A reconciliation of the carrying amount of each class of plant and equipment at the beginning and end of the current reporting period is set out below:

	Leasehold Improvements	Motor Vehicles	Furniture & Fittings	Other	Total
	\$	\$	\$	\$	\$
Year Ended 30 June 2013					
Net carrying amount at start of year	-	-	-	-	-
Additions	-	-	-	336	336
Disposals	-	-	-	-	-
Other ¹	1,745	281	387	4,387	6,800
Depreciation	(422)	(89)	(77)	(1,984)	(2,572)
Net Carrying Amount at End of Year	1,323	192	310	2,739	4,564

1. Other includes:

- Adjustments required to opening balances due to the implementation of agreed Cost Allocation Methodology as at 1 July 2012.
- Adjustments required to make good asset / liability in accordance with AASB 137.

Occupational Therapy Council of New South Wales

Notes to the Financial Statements

9. INTANGIBLE ASSETS

The Council has an interest in intangible assets used by all health professional Councils. The asset is not owned individually by the Council. The amounts recognised in the financial statements have been calculated based on the benefits expected to be derived by the Council.

	Software Work in Progress	Software	Total
	\$	\$	\$
At 1 July 2012			
Cost (gross carrying amount)	-	-	-
Accumulated amortisation and impairment	-	-	-
Net Carrying Amount	-	-	-

At 30 June 2013			
Cost (gross carrying amount)	833	21,747	22,580
Accumulated amortisation and impairment	-	(16,858)	(16,858)
Net Carrying Amount	833	4,889	5,722

	Software Work in Progress	Software	Total
	\$	\$	\$
Year Ended 30 June 2013			
Net carrying amount at start of year	-	-	-
Additions	833	22	855
Disposals	-	-	-
Other ¹	-	7,766	7,766
Amortisation	-	(2,899)	(2,899)
Net Carrying Amount at End of Year	833	4,889	5,722

1. Other includes:

- a. Adjustments required to opening balances due to the implementation of agreed Cost Allocation Methodology as at 1 July 2012.

Occupational Therapy Council of New South Wales

Notes to the Financial Statements

10. PAYABLES

	2013 \$
Personnel services - Ministry of Health	9,562
Trade and other payables	21,429
	<u>30,991</u>

11. FEES IN ADVANCE

	2013 \$
Current	
Registration fees in advance	172,338
	<u>172,338</u>

Registration fees in advance is the unearned revenue from NSW Regulatory Fees received on behalf of the Council by the HPCA from the AHPRA.

12. PROVISIONS

	2013 \$
Non-Current	
Make good	4,369
	<u>4,369</u>

Movement in Provisions (other than personnel services)

Movements in each class of provision during the financial year, other than personnel services, are set out below:

	Make Good 2013 \$
Carrying amount at the beginning of year	-
Increase in provisions recognised due to re-allocation of opening balances as at 1 July 2012	6,754
Decrease in provisions recognised due to the decrease in the provision for make good due to changes in restoration costs and interest rates	(2,573)
Amount used	-
Unused amounts reversed	-
Unwinding/change in discount rate	188
Carrying Amount at the End of Year	<u><u>4,369</u></u>

Occupational Therapy Council of New South Wales

Notes to the Financial Statements

The HPCA recognised a lease make good provision on entering into lease arrangements for Level 6, 477 Pitt Street. The provision was first included in the financial statements for 30 June 2013 and was based on a market-based estimate of the cost per square metre to make good the areas of the Pitt Street building that the HPCA occupies at the end of the lease.

As required under paragraph 59 of AASB 137, provisions are required to be reviewed at the end of each reporting period and adjusted to reflect the current best estimate of the provision. The HPCA has recalculated the estimated lease make good provision as at 30 June 2013, taking into account the updated discount rate and inflation rates that are required under TC 11/17 and an updated estimate of the cost per square metre to make good the leased areas.

The impact of the changes to the three inputs to the overall lease make good provision has been to reduce the required provision as at 30 June 2013.

The lease arrangements for the Pitt Street building will expire on November 2016.

13. COMMITMENTS FOR EXPENDITURE

a. Operating Lease Commitments

Future non-cancellable operating lease rentals not provided for and payable:

	2013 \$
Not later than one year	21,808
Later than one year and not later than five years	56,561
Total (including GST)	78,369

14. RELATED PARTY TRANSACTIONS

The Council has only one related party, being the HPCA, an administrative unit of the HAC.

The Council's accounts are managed by the HAC. Executive and administrative support functions are provided by the HPCA. All accounting transactions are carried out by the HPCA on behalf of the Council.

15. CONTINGENT LIABILITIES AND CONTINGENT ASSETS

There are no material unrecorded contingent assets and liabilities as at 30 June 2013.

16. RECONCILIATION OF NET RESULT TO CASH FLOWS FROM OPERATING ACTIVITIES

	2013 \$
Net result	212,807
Depreciation and amortisation	5,471
Increase/(Decrease) in receivables	(9,651)
Increase/(Decrease) in fees in advance	172,338
Increase/(Decrease) in payables	30,991
Increase/(Decrease) in provisions	(1,142)
Net gain/(loss) on sale of plant and equipment	(9,055)
Net Cash used on Operating Activities	401,759

Occupational Therapy Council of New South Wales

Notes to the Financial Statements

17. FINANCIAL INSTRUMENTS

The Council's main risks arising from financial instruments are outlined below, together with the Council's objectives, policies and processes for measuring and managing risk. Further quantitative and qualitative disclosures are included throughout the financial statements.

The Council has overall responsibility for the establishment and oversight of risk management and reviews and agrees on policies for managing each of these risks.

a. Financial Instrument Categories

Financial Assets	Note	Category	Carrying Amount 2013
Class			\$
Cash and Cash Equivalents	6	N/A	400,568
Receivables ¹	7	Loans and receivables (measured at amortised cost)	9,378
Financial Liabilities	Note	Category	Carrying Amount 2011
Class			\$
Payables ²	10	Financial liabilities (measured at amortised cost)	30,991

Notes:

1. Excludes statutory receivables and prepayments (i.e. not within scope of AASB 7).
2. Excludes statutory payables and unearned revenue (i.e. not within scope of AASB 7).
3. There are no financial instruments accounted for at fair value.

Occupational Therapy Council of New South Wales

Notes to the Financial Statements

b. Credit Risk

Credit risk arises when there is the possibility of the Council's debtors defaulting on their contractual obligations, resulting in a financial loss to the Council. The maximum exposure to credit risk is generally represented by the carrying amount of the financial assets (net of any allowance for impairment).

Credit risk arises from the financial assets of the Council, including cash, receivables, and authority deposits. No collateral is held by the Council. The Council has not granted any financial guarantees.

Cash

Cash comprises cash on hand and bank balances held by the Council and the HPCA on behalf of the Council. Interest is earned on the daily bank balances.

Receivables - Trade Debtors

All trade debtors are recognised as amounts receivable at balance date. Collectability of trade debtors is reviewed on an ongoing basis. Debts which are known to be uncollectible are written off. An allowance for impairment is raised when there is objective evidence that the entity will not be able to collect all amounts due. This evidence includes past experience, and current and expected changes in economic conditions and debtor credit ratings. No interest is earned on trade debtors. The Council is not materially exposed to concentrations of credit risk to a single trade debtor or group of debtors.

c. Liquidity Risk

Liquidity risk is the risk that the Council will be unable to meet its payment obligations when they fall due. The HPCA on behalf of the Council continuously manages risk through monitoring future cash flows and maturities planning to ensure adequate holding of high quality liquid assets.

The liabilities are recognised for amounts due to be paid in the future for goods or services received, whether or not invoiced. Amounts owing to suppliers (which are unsecured) are settled in accordance with the policy set out in Treasurer's Direction 219.01. If trade terms are not specified, payment is made no later than the end of the month following the month in which an invoice or a statement is received. Treasurer's Direction 219.01 allows the Minister to award interest for late payment.

All payables are current and will not attract interest payments.

d. Market Risk

The Council does not have exposure to market risk on financial instruments.

18. EVENTS AFTER THE REPORTING PERIOD

There are no events after the reporting period to be included in the financial statements as of 30 June 2013.

End of Audited Financial Statements

Appendix 1 - Legislative Changes

Health Practitioner Regulation National Law

During 2012/2013 the NSW Parliament passed two minor amendments to the *Health Practitioner Regulation National Law (NSW)* (the Law).

Amendments were made by the *Health Legislation Amendment Act 2013*. Those amendments are:

1. The inclusion of s 150D(4A) to provide that notwithstanding ss 150D(3) and (4), the Health Care Complaints Commission is not required to investigate a complaint that is referred to it following the taking of immediate action under s 150 if the matter that is the subject of the complaint is being, or has been, investigated as, or as part of, another complaint to the Commission.
2. Amendment of s 152J(b) to provide that a practitioner's consent is required before the Council suspends his or her registration following the recommendation of an Impaired Registrants Panel (IRP). The amendment clarifies that, in keeping with the cooperative and remedial nature of the impaired practitioner process, both suspension and conditions on registration following an IRP require the practitioner's consent.
3. Amendment of clause 11 of Schedule 5C to provide that the appointment of a person as an acting member of a Council or of a member as the acting President of a Council is by the Minister for Health rather than by the Governor.

Health Practitioner Regulation (New South Wales) Regulation 2010

The Governor approved amendments to the *Health Practitioner Regulation (New South Wales) Regulation 2010* concerning the composition of certain Councils.

Amendments were made by the *Health Practitioner Regulation (New South Wales) Amendment (Health Professional Councils) Regulation 2012*. They comprised minor amendments to the membership composition of the Dental Council, Medical Council, Nursing and Midwifery Council, Pharmacy Council, Physiotherapy Council and Psychology Council.

Appendix 2 - GIPA Statistics 2012/2013

Government Information (Public Access) Act 2009

Table A: Number of applications by type of applicant and outcome*

	Access granted in full	Access granted in part	Access refused in full	Information not held	Information already available	Refuse to deal with application	Refuse to confirm/deny whether information is held	Application withdrawn
Media	0	0	0	0	0	0	0	0
Members of Parliament	0	0	0	0	0	0	0	0
Private sector business	0	0	0	0	0	0	0	0
Not for profit organisations or community groups	0	0	0	0	0	0	0	0
Members of the public (application by legal representative)	0	0	0	0	0	0	0	0
Members of the public (other)	0	0	0	0	0	0	0	0

* More than one decision can be made in respect of a particular access application. If so, a recording must be made in relation to each such decision. This also applies to Table B.

Table B: Number of applications by type of application and outcome

	Access granted in full	Access granted in part	Access refused in full	Information not held	Information already available	Refuse to deal with application	Refuse to confirm/deny whether information is held	Application withdrawn
Personal information applications*	0	0	0	0	0	0	0	0
Access applications (other than personal information applications)	0	0	0	0	0	0	0	0
Access applications that are partly personal information applications and partly other	0	0	0	0	0	0	0	0

* A **personal information application** is an access application for personal information (as defined in clause 4 of Schedule 4 to the Act) about the applicant (the applicant being an individual).

Appendix 2 - GIPA Statistics 2012/2013

Table C: Invalid applications

Reason for invalidity	No of applications
Application does not comply with formal requirements (s 41 of the Act)	0
Application is for excluded information of the agency (s 43 of the Act)	0
Application contravenes restraint order (s 110 of the Act)	0
Total number of invalid applications received	0
Invalid applications that subsequently became valid applications	0

Table D: Conclusive presumption of overriding public interest against disclosure: matters listed in Schedule 1 to Act

	Number of times consideration used*
Overriding secrecy laws	0
Cabinet information	0
Executive Council information	0
Contempt	0
Legal professional privilege	0
Excluded information	0
Documents affecting law enforcement and public safety	0
Transport safety	0
Adoption	0
Care and protection of children	0
Ministerial code of conduct	0
Aboriginal and environmental heritage	0

* More than one public interest consideration may apply in relation to a particular access application and, if so, each such consideration is to be recorded (but only once per application). This also applies in relation to Table E.

Table E: Other public interest considerations against disclosure: matters listed in table to s 14 of Act

	Number of occasions when application not successful
Responsible and effective government	0
Law enforcement and security	0
Individual rights, judicial processes and natural justice	0
Business interests of agencies and other persons	0
Environment, culture, economy and general matters	0
Secrecy provisions	0
Exempt documents under interstate Freedom of Information legislation	0

Table F: Timeliness

	Number of applications
Decided within the statutory timeframe (20 days plus any extensions)	0
Decided after 35 days (by agreement with applicant)	0
Not decided within time (deemed refusal)	0
Total	0

Table G: Number of applications reviewed under Part 5 of the Act (by type of review and outcome)

	Decision varied	Decision upheld	Total
Internal review	0	0	0
Review by Information Commissioner*	0	0	0
Internal review following recommendation under s 93 of Act	0	0	0
Review by ADT	0	0	0
Total	0	0	0

* The Information Commissioner does not have the authority to vary decisions, but can make recommendations to the original decision-maker. The data in this case indicates that a recommendation to vary or uphold the original decision has been made by the Information Commissioner.

Table H: Applications for review under Part 5 of the Act (by type of applicant)

	Number of applications for review
Applications by access applicants	0
Applications by persons to whom information the subject of access application relates (see s 54 of the Act)	0

Appendix 3 - Members of Panels and Tribunals 2012/2013

Occupational Therapy Tribunal

Chairperson

Ms Julie Hughes

Deputy Chairpersons

The Hon. Jennifer Boland AM

Ms Mary Brennan

Mr Peter Dwyer

Mr Michael Joseph SC

Mr Mark Lynch

The Hon. Graham Mullane

Ms Joanne Muller

Mr Ian Newbrun

Mr Nicholas O'Neill

Ms Diane Robinson

Mr Oscar Shub

Mr Robert Titterton

Impaired Registrants Panel

Registered Medical Practitioners

Dr Sue Messner

Professional members

Mr Jean-Jacques Dath

Ms Daena Wilson

Glossary

Adjudication Body

The Council, a Panel, Tribunal or Court can be declared an adjudication body for the purposes of the Law

Cancellation

- A Council may recommend the cancellation of a practitioner's registration to the Tribunal Chair if the practitioner does not have sufficient physical and mental capacity to practice the profession
- A Council may recommend the cancellation of a student's registration if the student has an impairment
- The Tribunal may order the cancellation of a practitioner's or student's registration if it is satisfied that the practitioner is not competent to practise or is guilty of professional misconduct, or if the practitioner/student is unfit in the public interest to practise/to undertake clinical training or is not a suitable person for registration in the profession
- The Tribunal must cancel a practitioner's or student's registration if he/she has contravened a critical compliance order

Closed Notification

A notification (complaint) is closed when a final outcome/decision has been determined by the Council or other decision-making entity under the Law, such as a Tribunal, Professional Standards Committee, Performance Review Panel or Court. This decision disposes of the matter

Complainant

A person who makes a notification (complaint) to a health complaint entity:

- A health professional Council of NSW
- Health Professional Councils Authority (HPCA)
- Health Care Complaints Commission (HCCC)
- Australian Health Practitioner Regulation Agency (AHPRA)

Conciliation

The Council may refer a notification (complaint) to the HCCC for conciliation, whereby the parties involved can negotiate a resolution

Caution

A caution is a formal warning intended to act as a deterrent to a practitioner not to repeat conduct. This is a less serious outcome than a reprimand

Condition

A condition aims to restrict a practitioner's practice in some way or may relate to the management of the practitioner's health, to protect the public. Conditions on practice are displayed on the public register maintained by AHPRA

Notification (Complaint)

A notification (complaint) can be either a voluntary notification or a mandatory notification. A voluntary notification is about behaviour which presents a risk but is not as serious as a mandatory notification

Notifiable Conduct/Mandatory Reporting

Notifiable conduct includes practising whilst intoxicated, engaging in sexual misconduct, placing the public at risk of substantial harm due to an impairment or a significant departure from accepted professional standards

Open Matter

A notification (complaint) remains open until such time as a final outcome/decision has been determined by the Council or other decision-making entity under the Law, such as a Tribunal, Professional Standards Committee, Performance Review Panel or Court. This decision disposes of the matter

Order

An order is a decision, condition or restriction placed on a practitioner's registration or practice

Professional Misconduct

Unsatisfactory professional conduct of a sufficiently serious nature to justify suspension or cancellation of the practitioner's registration

Reprimand

A reprimand is a formal rebuke or chastisement for inappropriate and unacceptable conduct and appears on a practitioner's registration

Stage

This refers to the stage at which a matter was at any point in time. These are:

- Assessment by the HCCC and/or Council to determine the course of action to be taken
- Health - the matters primarily relates to determining if the registrant has a health issue that impacts on practice and the support of the registrant in managing the health issues to remain in practice
- Performance - the matters primarily relates to determining if the registrant has a performance issue that impacts on practice and the support of the registrant in managing the health issues to remain in practice
- Investigation by the HCCC or being considered by the HCCC for prosecution
- Panel - the matter has been referred to or is being considered by an Impaired Registrants Panel (IRP) a Performance Review Panel (PRP) and Inquiry at a meeting of the Council [except for medical, nursing and midwifery registrants] or a Professional Standards Committee (PSC) [only for medical, nursing and midwifery registrants]
- Tribunal - the matter has been referred to or is being heard by the Tribunal
- Appeal/Court - appeals against the decisions of an adjudicating body

Stream

Health: a practitioner who may have a physical or mental impairment, disability, condition or disorder that detrimentally affects, or is likely to detrimentally affect their capacity to practise their profession

Conduct: behaviour by a practitioner that may be categorised as professional misconduct or unsatisfactory professional conduct

Performance: professional performance that is considered unsatisfactory because it is below the standard reasonably expected of a practitioner of an equivalent level of training or experience

Supervision

Supervision is the performing of one's duties or practice under the supervision of another similarly qualified practitioner

Suspension

- A Council may suspend a practitioner's registration for an interim period if it determines that immediate action is required to protect the health or safety any person(s) or the action is in the public interest
- With the voluntary agreement of the practitioner or student, a Council may suspend registration if recommended by an Impaired Registrants Panel
- A Council may recommend the suspension of a practitioner's registration to the Tribunal Chair if the practitioner does not have sufficient physical and mental capacity to practice the profession. It may recommend the suspension of a student's registration if the student has an impairment
- The Tribunal may order the suspension of a practitioner's or student's registration if it is satisfied that the practitioner is not competent to practise or is guilty of professional misconduct, or if the practitioner/student is unfit in the public interest to practise/to undertake clinical training or is not a suitable person for registration in the profession

Unsatisfactory Professional Conduct

Conduct which is:

- significantly below reasonable standards
- in contravention of the Law or regulations
- in contravention of conditions of registration
- failure to comply with order/decision of a Professional Standards Committee or Tribunal
- accepting or offering a benefit for referral or recommendation to a health service provider or a health product
- engaging in over servicing
- failure to disclose pecuniary interest in giving a referral or recommendation
- permitting assistants not registered in the profession to provide services requiring professional discretion or skill, or
- other unethical or improper behaviour.

Additional matters apply to medical practitioners and pharmacists.

Abbreviations

AABS	Australian Accounting Standards Board	HCCC	Health Care Complaints Commission
AHPRA	Australian Health Practitioner Regulation Agency	HPCA	Health Professional Councils Authority
ARC	Australian Research Council	IAB	Internal Audit Bureau
ATO	Australian Taxation Office	IRP	Impaired Registrants Panel
AustLII	Australasian Legal Information Institute	MaCS	Monitoring and Complaints System
CAP	Council appointed practitioner	MOH	Ministry of Health
CAPS	Coaching and Performance System	NB	National Board
CPI	Consumer Price Index	NRAS	National Registration and Accreditation Scheme
DP	Director of Proceedings	PA	Performance Assessment
DPP	Director of Public Prosecutions	PRP	Performance Review Panel
EEO	Equal Employment Opportunity	SLA	Service level agreement
FTE	Full-time Equivalent	The Law	<i>Health Practitioner Regulation National Law (NSW) No 86a</i>
GIPA Act	<i>Government Information (Public Access) Act 2009</i>	TRIM	Total Records Information Management - the document management system used by the HPCA
GST	Goods and Services Tax	WRAPP	Waste Reduction and Purchasing Policy
HAC	Health Administration Corporation		

Index

	Page		Page
Access	Inside Front Cover	IAB	11, 46
Access to Information (GIPA)	10, 40	Impaired Registrants Panel (IRP)	7, 9, 44, 46
Accounts Payable	14	Independent Auditor's Report	17
Administration	10	Information Management and Systems	12
AHPRA	4, 5, 6, 9, 10, 24, 30, 34, 43, 46	Insurance	12
Aims and Objectives	3	Investigations by the HCCC	8
Annual Report Costs	12	Investment Performance	13
Appeals	8		
Assessment Committee	4	Learning and Development	11
Attendance at Council Meetings	3	Legislative Changes	4, 46
Audit	11	Letter to the Minister	1
Audit and Risk Committee	10, 11		
Audit Office of New South Wales	11	Mandatory Notifications	6, 9
Australian Health Practitioner Regulation Agency (AHPRA)	4, 5, 6, 9, 10, 24, 30, 34, 43, 46	Matters Referred to Another Entity	9
		Matters Referred to HCCC for Conciliation	9
Budget	15	Meetings and Conferences	4
Business Process Improvement	12	Membership, Council	3
		Membership, Tribunal	42
Charter	3	Ministry of Health (MOH)	10, 11, 12, 24, 26, 34, 46
Complaints Received About Council Administrative Processes	4	Monitoring and Compliance of Orders and Conditions	9
Conditions of Registration	45	National Registration and Accreditation Scheme	4, 5, 46
Conduct Program	8	Notes to Financial Statements	23
Consultants	12	Notifications (Complaints) Management	6
Council Activities, Promotion of	4	Notifications (Complaints) Outcomes	9
Council Approved Practitioner Assessments	7	Notifications (Complaints) Received	5
Council Committees	4		
Council Inquiry	8	Occupational Therapy Board of Australia	5, 8
Council Membership	3	Occupational Therapy Council of NSW	3
Counselling	9	Occupational Therapy Tribunal of NSW	4
		Organisation Chart	11
Education and Research	4	Overseas Travel	4
Executive Officer	4		
Exemptions from the Reporting Provisions (EEO, OHS, WRAPP, multicultural and disability)	12	Payments Performance	14
Expenditure	13, 29, 35	Performance	13
		Performance Assessment	7
Financial Management	12	Performance Program	7
Financial Statements	16	Performance Review Panel (PRP)	7
Format	13	Privacy	10
		Promotion of Council Activities	4
Government Information (Public Access)		Protective Orders	6
Act 2009 (GIPA)	10, 40	Public Interest Disclosures	11
Health Care Complaints Commission (HCCC)	3, 5, 6, 8, 9, 10, 43, 44, 46		
Health Practitioner Regulation National Law (NSW)	3, 11, 38, 46	Registration	5
Health Practitioner Regulation (New South Wales) Regulation 2010	38	Regulatory Committees	4
Health Professional Councils Authority (HPCA)	3, 10, 11, 12, 14, 43	Remuneration	3
Health Program	7	Reviews by the Council	8
Human Resources	10	Risk Management	11
		Section 150	6
		Service Level Agreement	10, 13, 46
		Shared Services	10
		Staff Training	11
		Statement by Members of the Council	16
		Tribunal	4, 8, 42
		Tribunal Reviews	8
		Website	4, 6, 10, 12

