



Issue 9 December 2004

## Dear Registrant

I write to you as the newly appointed President of the Chiropractors Registration Board of Victoria. For those chiropractors who I have yet to meet I feel it is appropriate to provide you with a brief background of my professional career and why I joined the Board.

I originally graduated from the Chiropractic College of Australasia in 1972 and later completed my Masters of Chiropractic Science in 1993 at Macquarie University. I have been actively involved with the profession, having served on the Executive Board's of both COCA and the CAA and was National President of COCA from 1996 to 2000. I have a special interest in continuing professional development and chiropractic education and was Chair of the Course Advisory Committee at RMIT University from 2001 to 2003. From my graduation in 1972 I have been in private practice and for the past 10 years have focused on occupational health and safety as well as the treatment of worker's compensation claimants.

My reasons for joining the Board are many and varied but one driving force was that, in my opinion, the public perception of the profession is suffering due to a small number of our colleagues, whom the public feels are behaving unethically. I am somewhat ashamed to admit that at times I have felt a little embarrassed to declare I was a chiropractor at social functions because of the stigma that parts of the profession have attracted by the behavior of these "bad apples". It has always puzzled me that if a person goes to a medical practitioner and is over serviced, misdiagnosed or treated in an unprofessional manner they usually just go to another doctor. Whereas, if they suffer similar treatment from a chiropractor they assume all chiropractors are the same and this experience tends to adversely impact on their decision to seek future chiropractic treatment.

***"Practitioners please note: As of the 1st of January, 2005, any Practitioner who continues to practice Acupuncture, or to hold themselves out to be an Acupuncturist without having been endorsed by the Chiropractors Registration Board, or registered with the Chinese Medicine Registration Board, will be liable for prosecution by the Chinese Medicine Registration Board."***

### Information and Contacts

If you are unsure or require further information on any topic, please contact the Registrar on:

**Telephone (03) 9639 8652**  
**Facsimile (03) 9639 8653**

The Board has a home page on the Internet, the address is:

**[chiroreg.vic.gov.au](http://chiroreg.vic.gov.au)**

### Board Members

Dr John Reggars  
*President*

Dr Sue Heringslake, D.C.  
*Vice President*

Dr Robert Cathie D.C.  
*Chiropractor*

Dr Amanda Kimpton  
*Chiropractor*

Mr Don O'Halloran  
*Lawyer member*

Mr William Burns  
*Non chiropractor*

Ms Anna Radonic  
*Non chiropractor*

Prior to joining the Board I, like probably many of you, wondered why the unscrupulous and unethical members of our profession appeared to, despite having been called to answer by the Board, were still allowed to practice and or received relatively minor penalties . In essence the Board's decisions and penalties for breaches of the Act must be in accord with Act, and while it could be debated that the current Act is in dire need of revision, the Board can only work within the powers provided in the legislation. For those of you unfamiliar with the Act and in particular how complaints and penalties are handled, I feel it is worthwhile to briefly describe the process.

Once a complaint has been received the Board is legally bound to investigate the complaint via by a preliminary investigation. A separate subcommittee is charged with this responsibility and the outcome determines whether the complaint should or should not proceed to a Formal or Informal Hearing.

If the determination is such that an Informal Hearing should be conducted a separate panel investigates the complaint and the practitioner is summoned to appear before that panel to answer to one or more charges. After hearing the evidence the panel is then required make one of three decisions. The complaint can either be dismissed, the charge or charges are sustained and a penalty dispensed or the charges are referred to be heard in a Formal Hearing.

If the Informal Hearing proceeds the panel is only able to make two findings:

- i. That the chiropractor has, whether by act or omission engaged in unprofessional conduct which is not of a serious nature
- ii. That the chiropractor has not engaged in unprofessional conduct.

If the chiropractor is found to have engaged in unprofessional conduct the panel can then make one of the following determinations:

- (a) That the chiropractor undergo counselling
- (b) That the chiropractor be cautioned
- (c) That the chiropractor be reprimanded

If the practitioner is referred to a Formal Hearing the panel can make one of three findings:

- (a) The chiropractor has, whether by act or omission, engaged in unprofessional conduct of a serious nature
- (b) The chiropractor has, whether by act or omission, engaged in unprofessional conduct which is not of a serious nature
- (c) The chiropractor has not engaged in unprofessional conduct

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If the chiropractor is found to have engaged in unprofessional conduct of a serious nature the panel can make one of the following determinations:

- a) Require the chiropractor to undergo counselling
- b) Caution the chiropractor
- c) Reprimand the chiropractor
- d) Require the chiropractor to undertake further education
- e) Impose conditions, limitations or restrictions on the registration of the chiropractor
- f) Impose a fine on the chiropractor of not more than \$2000
- g) Suspend the registration of the chiropractor for the period specified in the determination
- h) Cancel the registration of the chiropractor

If at the Formal Hearing the chiropractor is found to have engaged in unprofessional conduct not of a serious nature the panel can make a determination in accordance with the provisions as described for an Informal Hearing.

It is my hope, that by administering the Act as it was intended, public confidence in chiropractic will be restored and the profession can rightly take its place as a valuable and effective healthcare service.

I would also like to take this opportunity to welcome our new Chiropractic Member, Dr. Amanda Kimpton. Amanda graduated from RMIT University in 1986 and later gained her PhD from the Department of Neuroscience, Medical School, University of Edinburgh in 2002. Prior to her recent return to Australia Amanda spent 8 years practising in Scotland and on her return was appointed as the first chiropractor to be a Rehabilitation Officer with the Transport Accident Commission. I am confident that with Amanda's experience and qualifications she will be an invaluable asset to the Board.

The other Chiropractic Board Members are the Deputy President, Dr. Sue Heringslake who joined the Board in 2000 and Dr. Bob Cathie who joined in 1999. We also have a legal representative on the Board, Don O'Halloran who joined in 2003 and Anna Radonic, who also has legal qualifications, but represents the general public on the Board, joined the Board in 1997. Finally, Bill Burns, who is a retired Chartered Accountant, also joined the Board in 1997 and apart from his normal Board duties provides invaluable assistance on all the Board's financial matters. Holding us all together and doing the bulk of the work are the Registrar, Ken Badenoch and his newly appointed Assistant Registrar, Dr. Paul Fisher. Paul is a chiropractor, and with his intimate knowledge of the profession is able to advise the Registrar on any technical questions pertaining to the practise of chiropractic.

Over the past twelve months we had a total of 17 complaints, 8 of which are still under consideration by the Board. Since my appointment, some 12 months ago, the Board has considered a number of complaints relating to advertising and a copy of the latest Advertising Guidelines are included in the Newsletter for your perusal. Many of the advertising complaints relate to “Testimonials” which has been covered in previous Newsletters and to the use of “scientific evidence” to support claims that chiropractic therapy can successfully treat a number of non-musculoskeletal conditions. If any practitioner wishes to support his or her treatment in any form of advertising via the use of scientific information the scientific information must:

- Be presented in a manner that is accurate, balanced and not misleading.
- Use terminology that is readily understood by the audience to whom it is directed.
- Identify the relevant researchers, sponsors and the academic publication in which the data appears.

From the Board’s perspective scientific information which is published in trade journals, is not peer reviewed and is of poor quality would contravene the Guidelines. I respectfully suggest that if you wish to use scientific information in advertising and you are not sure as to whether it is permissible under the Guidelines submit it to the Board for approval prior to its use.

The Board has also had a number of complaints and has conducted a number of hearings relating to “Contracts of Care”. The Board is currently seeking advice as to whether these contracts are in the best interest and welfare of the public and whether they contravene the ACT or its Guidelines.

In conclusion, it would be remiss of me not to mention the Immediate Past President, Dr. John Waterhouse, who for the past 9 years has served the Board with unswerving diligence and commitment. John’s contribution to the Board and the profession is without equal and we are eternally in his debt and we wish him good health and success in his future endeavors.

On behalf of the Board I wish you and your family good health, a merry Christmas and a prosperous New Year

Dr. John W. Reggars  
President

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