



**Annual
Report
2015-16**

**Chiropractic
Council**

of New South Wales

President's message



*Chiropractic Council
of New South Wales*

I am pleased to present the Chiropractic Council of NSW's Annual Report for 2015/16.

There has been an increase in attention from particular interest groups in the Australian community targeting chiropractors over the last year. Due to this there was a significant increase in the number of complaints made about NSW chiropractors, nearly double the figures from 2014/15. Almost 27% of these complaints related to material published on a chiropractor's website or on social media. With this in mind, the Council has and will continue to engage with its key stakeholders such as the National Board, the HCCC, and professional associations to promote good professional practice and ethical decision making. The Council has been pro-active in this regard by initiating and assisting with sponsorship and presentation of educational seminars to assist practitioners to understand and operate within the appropriate guidelines.

The Council continues to draw on its accrued cash reserves, as expenses have been impacted by the increased numbers of complaints and various other factors, such as decreased interest rates and provision for redevelopment of ageing infrastructure for support services. It is important for equity levels to be maintained at a level sufficient to manage potential high costs that can be associated with serious matters if and when they arise. The Council is working collaboratively with the HPCA to actively manage sound budgetary planning. In addition, work has commenced to negotiate with AHPRA a review of the proportion of NSW registrant fees allocated for NSW regulatory activity. The Council is committed to responsible and improved fiscal management.

I wish to acknowledge Suzy Tay, our former legal member, who resigned from the Council after four years of service. Suzy was a dedicated and pragmatic member who took on her dual role of community representative and legal member with enthusiasm. The Council is very grateful for her contribution.

I also would like to thank the staff of the Health Professional Councils Authority for their hard work during the reporting year. In particular I must thank Sue Toohey, a long standing member of staff who retired during the year. The Council wishes her all the best for her next step.

Finally I must thank the Council members for their commitment and diligence during a very busy reporting year.

A handwritten signature in black ink, appearing to read 'A Richards', located below the main text of the message.

Dr Anthony Richards

President

Chiropractic Council of NSW

Regulation of Chiropractors in 2015/16

Overview

1,736

REGISTERED CHIROPRACTORS IN NSW

3.3% more than last year in NSW
33.6% of chiropractors in Australia

64

NEW COMPLAINTS RECEIVED RELATED TO

Conduct - 51
Performance - 13
Health - 0

81

COMPLAINTS WERE MANAGED

17 open at start of year
64 received during the year
52 closed during the year
29 open at end of year
8 active monitoring cases at end of year

52

CLOSED COMPLAINT OUTCOMES INCLUDED

3 registration suspended
1 conditions on registration
3 orders made but no conditions
1 reprimand issued
6 counselling
2 all or part referred to another body
19 no further action
17 discontinued
1 withdrawn

Regulation of Chiropractors in NSW in 2015/16

Year in summary

As at 30 June 2016 NSW had 1,736 registered chiropractors representing 33.6% of the 5,167 chiropractors registered to practise in Australia. There was an increase of 3.3% on the 1,681 chiropractors registered in NSW last year.

During the year the Chiropractic Council of NSW managed 81 complaints including:

- 17 open matters at the start of the year
- 64 new complaints received during the year.

By year end 52 complaints had been closed and 29 matters remained open.

The 64 new complaints received this year were about 50 practitioners representing 2.9% of NSW registered chiropractors. There were 30 more complaints received this year compared with the 34 complaints received in 2014/15. Complaints from AHPRA made up 25 of the complaints received, primarily as a result of recent work by the Statutory Offences unit in AHPRA concerning advertising or social media complaints.

Complaints were received from the following sources.

Source of Complaint	Number	Percentage of Total Complaints Received
AHPRA	25	39.0%
Anonymous	2	3.1%
Employee	1	1.6%
Government department	1	1.6%
Insurance company	2	3.1%
Members of the public	10	15.6%
Other health practitioners	6	9.4%
Patients	13	20.3%
Police	1	1.6%
Relatives of patient or practitioner	3	4.7%
TOTAL	64	100%

This year there were two mandatory notifications about one practitioner.

Complaints received about NSW chiropractors related to:

- Conduct – 51 complaints representing 79.7% of complaints received
- Performance – 13 complaints representing 20.3% of complaints received
- Health – 0 complaints.

One boundary violation matter received immediate action consideration.

After Council consultations with the HCCC, 31 of the complaints received during the year were referred for Council management.

Two matters were referred to NCAT.

A total of 13 assessments and hearings were concluded during the year including:

- Counselling or interviews – 9
- Council inquiries – 3
- Tribunals – 1

Outcomes for the 52 matters closed during the year were as follows.

Outcomes ¹	Number
Registration suspended	3
Conditions on registration imposed	1
Orders made but no conditions	3
Reprimand issued	1
Counselling	6
All or part referred to another body	2
No further action required	19
Discontinued	17
Withdrawn	1
TOTAL	53

¹ Each complaint may have more than one outcome, all outcomes have been included.

At year end seven conduct cases and one performance case was being actively monitored.

Council Membership

Section 41E of the Law prescribes that there are four members of the Chiropractic Council of NSW appointed by the Governor.

Members who are registered chiropractors:

- Dr Anthony Richards BAppSc (Chiro) - President
- Dr Lawrence Whitman BSc DC Chiro – Deputy President
- Dr Peter Cowie BAppSc (Chiro), FICC, FACC.

Legal member:

- Ms Suzanne Tay BA (Macq), BLaws (Macq), MLaws (Syd), Cert Counselling (JNInstitute).

Attendance at Council meetings

The Chiropractic Council met 11 times. The Council did not meet in January 2016. Attendance was as follows.

Member	Meetings Attended	Meetings Eligible to Attend
Dr Peter Cowie	10	11
Dr Anthony Richards	11	11
Ms Suzanne Tay	11	11
Dr Lawrence Whitman	11	11

Executive Officer

The Chiropractic Council was supported by the Executive Officer and 1.5 FTE staff allocation. Mr Brad Skidmore and Ms Sarah Carroll provided Executive Officer support during the reporting period. The Executive Officer and support staff are employed by the HPCA.

Committees of Council

Section 41F 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 Chiropractic 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. They include Assessment Committees, Impaired Registrants Panels and Performance Review Panels. The Chiropractic Council did not establish any of these bodies during the reporting period.

Meetings and conferences

The Chiropractic Council was represented at the following meetings.

Name	Attendance
Council Presidents' Forum	Dr Anthony Richards
Meeting with Chair and Executive Officer of the Chiropractic Board of Australia	Dr Anthony Richards Dr Lawrence Whitman Ms Suzanne Tay Dr Peter Cowie
Chiropractors' Association of Australia NSW Workshop 'Upgrading your clinical records'	Dr Anthony Richards Dr Lawrence Whitman Dr Peter Cowie
Chiropractors' Association of Australia NSW Annual General Meeting	Dr Lawrence Whitman Dr Peter Cowie

Overseas travel

There was no overseas travel during the reporting period.

Council Communications

The Chiropractic Council website is the principal medium used for communicating information to chiropractors, chiropractic students and the community. The website includes links to other key bodies in the National Registration and Accreditation Scheme. Further information may be accessed at www.chiropracticcouncil.nsw.gov.au.

Remuneration

Remuneration for members of the Council was as follows:

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

In addition, Council members receive sitting fees for the conduct of Council Inquiries and for attendance at committee meetings and other regulatory activities, if held on a day other than the Council meeting. Council members are reimbursed for expenses incurred when travelling on official business at Council direction.

Members of panels and Tribunals also receive remuneration and reimbursement of expenses.

Financial Management

The Chiropractic Council's accounts performance as reported in the Financial Statements was as follows.

Accounts Performance 2015/16	\$
Revenue	211,075
Operating expenditure	224,175
Gain/(loss) on disposal	80
Net result	(13,020)
Net cash reserves (cash and cash equivalents minus current liabilities)	760,622

* Included in the net cash reserves is Education and Research bank account balance of \$23,669.

The Chiropractic Council's budget for the period 1 July 2016 to 30 June 2017 is as follows.

Budget 2016/17	\$
Revenue	214,515
Operating expenditure	296,588
Net result	(82,073)

Full financial statements are presented in Part 3 of this report 'Financial Statements for NSW Health Professional Councils'.