

25 October 2013

## Statement by the Chiropractic Board of Australia

The role of the Chiropractic Board of Australia is to protect the public, including by investigating concerns about individual chiropractors.

As regulators, the Board and AHPRA must act lawfully, consistent with the National Law and within relevant privacy and confidentiality requirements. Under the National Law, AHPRA and the Board are not able to publicly disclose the evidence gathered or reports prepared in investigations into the professional conduct of individual practitioners.

Consistent with the principles of procedural fairness, when AHPRA investigates a matter, it discloses relevant information to the practitioner who is directly involved. Information is also provided to the notifier/s.

The specific information provided to each party is governed by privacy principles, confidentiality and consent requirements, the National Law and any other legislation that applies.

The Board and AHPRA are aware that some of the evidence gathered in a recent investigation into the professional conduct of a chiropractor has been publicly released.

The information which is now in the public domain is a subset of the information relied on by the Board in making a decision about this case. The Board and AHPRA did not publicly release this information and did not consent to its publication.

In investigating all matters, AHPRA gathers a wide range of evidence and prepares an investigation report for the Board to consider when making its decision.

Evidence gathered in this case included witness statements, a forensic paediatric medical report, a report from a consultant orthopaedic surgeon, the patient's hospital and other health records (including a range of scans), records held by the practitioner, and the report of an independent expert (from the same discipline as the practitioner whose conduct was under investigation).

We are concerned that the release of private health information about an infant raises a number of legal and ethical issues. We are considering what action may be taken as a result.

The legal framework set by governments when making the laws that govern health practitioner regulation in Australia, are designed to protect patients such as this infant and the integrity of investigations.

We are concerned that public discussion of incomplete information does not serve the public interest. As regulators, the Board and AHPRA must act lawfully and within relevant confidentiality and privacy provisions.

The Board and AHPRA are not able to comment further.

*For more information*

- Visit [www.ahpra.gov.au](http://www.ahpra.gov.au) under *Contact us* to lodge an online enquiry form
- For registration enquiries: 1300 419 495 (within Australia) +61 3 8708 9001 (overseas callers)
- For media enquiries: (03) 8708 9200