

Media release

26 April 2016

If chiropractic advertising doesn't meet legal obligations, we will take action

The Chiropractic Board of Australia and AHPRA will, in the most serious cases, prosecute chiropractors who are breaching their legal obligations and refusing to correct their advertising.

Chiropractic Board of Australia Chair Dr Wayne Minter AM, said the Board's role is to protect the public and is taking strong action.

'We are taking action to make sure that chiropractors clearly understand and meet their legal obligations. If they don't, we will take regulatory action under the National Law', said Dr Minter.

'The Board consists of both practitioner and community members and our main objective is to protect the public. This is made clear in the Law, as well as in the [Regulatory principles](#) shared by all the regulatory Boards and AHPRA', said Dr Minter.

AHPRA CEO Mr Martin Fletcher said the national regulatory scheme is in place to protect patients and health consumers, and that all chiropractic advertising complaints are considered and assessed.

'We have a number of ongoing matters regarding alleged breaches of advertising. In most cases, practitioners correct their advertising after we require them to make changes, without needing further action, said Mr Fletcher.

'If the practitioner does not address their advertising, the next step is taking further regulatory action. That is why we must ensure our investigations are thorough and fair, and that we have evidence that meets our legal requirements', he said.

'As soon as we can discuss the nature of the action being taking, we will share this information with the Australian public so they can be assured that the regulators are taking firm action that is within the law', said Mr Fletcher.

The Board and AHPRA have published a [detailed background statement](#) outlining how the advertising provisions work in the National Law.

Example

An example of where a registered chiropractor has been the subject of tribunal or court findings about breaches of advertising requirements is the case of Dr Malcolm Hooper, a formerly registered chiropractor.

In this case, the Chiropractic Board of Australia used its full powers under the National Law and laid a complaint against Malcolm Hooper in the Victorian Civil and Administrative Tribunal, in one of the most protracted legal actions in health practitioner regulation in Australia.

The Tribunal found that Dr Hooper's claims on his website about hyperbaric oxygen treatment were misleading and deceptive because he did not present a balanced view about the effectiveness of hyperbaric oxygen treatment for specified conditions, including that such treatment was not conventionally used in Australia and in western countries with a comparable health service culture and was not supported by medical and scientific evidence.

As a result of the action taken by the Chiropractic Board of Australia and the tribunal decision, his registration was cancelled and his name was removed from the public register of registered practitioners on 30 August 2013. Malcolm Hooper is now listed on the [List of cancelled practitioners](#).

For more information

- [Briefing note about advertising provisions in the National Law](#)
- The [Code of conduct for chiropractors](#)
- The [Guidelines for advertising regulated health services](#) apply to all registered health practitioners and anyone advertising a regulated health service
- The [Board's newsletter](#), featuring information about advertising requirements, released in September and emailed to all registered chiropractors
- The [Health Practitioner Regulation National Law](#), as in force in each state and territory (National Law) - section 133 addresses advertising
- View the media release published March 2016: [Chiropractors must ensure their advertising is within the law](#)
- For media enquiries, call (03) 8708 9200.