

New Zealand Chiropractic Board
Submission

To the Australian Productivity Commission on
The Trans-Tasman Mutual Recognition Agreement

Chiropractic Board contact details:

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NZ Chiropractic Board submission to the Australian Productivity Commission on the Trans-Tasman Mutual Recognition agreement.

1. Executive Summary

- 1) The Chiropractic Board is the statutory body charged with the responsibility for the protection of the public by the registration and discipline of registered chiropractors in New Zealand.
- 2) There are currently 264 practising chiropractors in New Zealand.
- 3) The Chiropractic Board supports the philosophy behind the enactment of the Trans-Tasman Mutual Recognition (TTMR) legislation and believes that in general terms it has worked to the benefit of professions on both sides of the Tasman.
- 4) Despite its support for the legislation, the Board notes that in its provisions have allowed non Australian and New Zealand chiropractors who have not been able to demonstrate competence to become registered in one of the participating jurisdictions, and to use that registration to obtain registration in other jurisdictions.
- 5) The Board proposes amending the legislation to incorporate a requirement for applicants for registration under the provisions of TTMR to have:
 - a. Established residency of at least 12 months in an Australasian jurisdiction; and
 - b. Good standing in a chiropractic jurisdiction within Australasia

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2. Introduction

1. This submission is from the New Zealand Chiropractic Board. The Board has administered the TTMRA on behalf of the chiropractic profession since 1996.
2. The Chiropractic Board is a statutory body charged with responsibility for the protection of the public through the registration and discipline of chiropractors registered in New Zealand.
3. Members of the Chiropractic Board are appointed by the Minister of Health.
4. The detailed functions of the Board are set out in the Chiropractic Act 1982. They are as follows:
 - (a) To advise and make recommendations to the Minister in respect of any matter relating to the education, registration and discipline of chiropractors:
 - (b) To receive applications for registration under this Act, and to authorise registration in proper cases:
 - (c) To set and conduct examinations of candidates for registration under this Act:
 - (d) To promote and encourage high standards of professional education and professional conduct among chiropractors:
 - (e) Generally, within the scope of its authority, to do whatever may in its opinion be necessary for the effective administration of this Act:
 - (f) To perform such functions as may be conferred on it by this Act or any other enactment.

3. Concerns related to the TTMRA

1. The Board has three major concerns related to the impact of the TTMRA;
 - a. The Act circumvents the ability of the Board to establish the competence of applicants for registration before they are registered;
 - b. The Act circumvents the ability of the Board to independently establish the good standing of candidates for registration before they are registered; and
 - c. The Act circumvents the ability of the Board to protect the safety of members of the public being treated by chiropractors.

a. Competence of applicants for registration

The Board has become aware of instances where chiropractic practitioners have applied for registration (outside the provisions of the TTMR) in New Zealand and subsequently failed the Board's competency examinations. In a number of cases the individuals concerned have then applied for, and obtained, registration under the provisions of TTMR.

In one instance a Canadian chiropractor applied for registration and undertook the Board's competency examinations in September 2001. The candidate failed the Board's examinations dismally.

The Board then received an application from the same chiropractor under the provisions of TTMRA. He had been able to obtain registration in Victoria, a state which at that time did not require candidates for registration to undertake competency examinations, and used that registration as a basis for his TTMRA application for registration in New Zealand.

In the Board's view this chiropractor's inability to pass entry-level competency examinations indicates that he could be a danger to the New Zealand public should he practice in this country. However, the provisions of the TTMRA obligate the Board to register him

b. Good standing of applicants for registration

Of equal concern to the Board are instances where their lack of powers to require good standing of a candidate for registration has led to undesirable practitioners being registered.

In one instance the Board has received accusations of serious sexual misconduct against a New Zealand registered chiropractor and disciplinary proceedings have commenced. Subsequent investigations have shown that this chiropractor moved to New Zealand from Queensland while accusations of sexual misconduct were in the process of being investigated.

This chiropractor gained registration in New Zealand via the TTMRA and it was only subsequently that his previous history of sexual misconduct was discovered.

The Board notes that, in this case, a lack of any requirement for TTMRA applicants to provide evidence of good standing has allegedly placed members of the New Zealand public in serious danger.

c. Public safety

It is the Board's view that the situation outlined in a and b above have important implications for the safety of members of the public being treated by chiropractors and, by extension, other health practitioners registered under the provisions of TTMRA.

It is clear to the Board that over time chiropractors around the world have become aware of the provisions of the TTMRA which allow non-Australasian residents to obtain registration in one jurisdiction, often one which has no requirement for applicants to demonstrate competence before they are registered, and to use that registration as an opportunity to obtain registration in other states, or in New Zealand.

In the Board's experience this practice has been particularly prevalent in the case of chiropractors from North America.

The Board's concerns are of long standing, and have been brought to the attention of the NZ Minister of Health as is required by the Chiropractors Act.

4. Addressing the Board's concerns

The Chiropractic Board is aware of the rationale for the TTMRA and recognises its importance in the relationship between New Zealand and Australia. However, the issues outlined in this submission suggest that the legislation may require modification to ensure that its provisions are not counterproductive.

The Board therefore suggests that consideration be given to amending the legislation to ensure that applicants for registration under the Act have:

- a. Established residence within Australasia;
- b. Good standing in a chiropractic jurisdiction within Australasia. This might be achieved by empowering a registering authority to make whatever enquiries it thinks are relevant to establish that a candidate for registration is a fit and proper person to be registered; and
- c. Successfully completed an examination as to their competency in a jurisdiction within Australasia.

In the Board's view these requirements would:

- i. Remove the possibility of individual jurisdictions within Australasia to facilitate less competent practitioner becoming registered; and
- ii. Establish a standard competency level for all practitioners with a practitioner group.

5. Conclusion

Thank you for the opportunity to present this submission to the Commission.

APPENDIX A

MEMBERSHIP OF THE NEW ZEALAND CHIROPRACTIC BOARD AS AT 17 February 2003

Current Chiropractic Board members are:

Dr Julian White, Levin (Chairperson)

Dr Simon Roughan, Christchurch (Deputy Chairperson)

Ms Caryl Blomkvist, Wanganui

Dr Lloyd Buscomb, Cambridge

Ms Lorna Dyall, Auckland

Dr Clive Hill, Auckland

Dr John Loveday, Nelson