

**VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL
ADMINISTRATIVE DIVISION
OCCUPATIONAL & BUSINESS REGULATION LIST**

No. B112/2010

BETWEEN:

CHIROPRACTIC BOARD OF AUSTRALIA

Applicant

and

DR. MALCOLM HOOPER

Respondent

Dated: 14th November 2011

RESPONDENTS SUBMISSION TO DIRECTIONS HEARING

1. Respondent's first direction sought - 'set down hearing to examine the destruction of documents issue'.
2. Respondent's second direction sought - 'undertaking to restrain applicant's use of "plea of guilty" statements'.
3. Respondent's third direction sought - is for the tribunal to make an order for costs in my favour in relation to the bias action in April 2011; subject to the use of the funds being held in an appropriate trust account for use in engaging counsel to represent me in future hearings of this matter.
4. Respondent's fourth direction sought - is for the tribunal to accept my withdrawal and set down this matter for a full hearing - subject to the destruction of evidence issue being heard initially.
5. Respondent's fifth direction sought - is for the tribunal to rule on the appropriate standards to which I am required to conform in deciding whether a finding of professional misconduct or unprofessional conduct is justified.
6. Respondent's sixth direction sought - I maintain my website defense until such time as a hearing in relation to the destruction of the Notifier's website issue is determined.

Respondent's Submissions To Withdrawal Of Proposed Findings And Determinations

A> Destruction Of Documents To Pervert The Course Of Justice

1. I contend that vital evidence that supports my case has been destroyed by Mr T or other persons known to Mr T, namely his personal website, www.ercantekin.net created on 7 May 2008.
2. Mr T set up his site to assist him to raise charitable donations for the purposes of stem cell therapy, to attend HyperMED and other services he felt beneficial for his health.
3. Mr T's personal website and his You Tube site contained highly significant testimonial videos and evidence as to the efficacy of my professional treatments, which I contend would act as a *rebuttal to the allegations* made against me.
4. My search of www.whois.com the recognized search engine for domain name registration ownership, reveals Mr T's website domain name ceased on 7 May 2010.
5. I note this date was less than one month after the Applicant referred this matter to the Tribunal.
6. I contend highly professional advice is required to destroy any evidence of the existence of a website given the sophistication of modern search engines.
7. *Section 264 of the Crimes Act 1958 of Victoria states a person who 'knows that a document or other thing of any kind is, or is reasonably likely to be, required in evidence in a legal proceeding; and destroys or conceals it or renders it ... incapable of identification; ... and acts ... with the intention of preventing it from being used in evidence in a legal proceeding ... is guilty of an indictable offence and liable to level 6 imprisonment (5 years maximum) or a level 6 fine or both'.*

Respondent's First Direction Sought

'Set Down Hearing To Examine The Destruction Of Documents Issue'

8. This Tribunal adjourn proceedings in this matter, and set down a hearing date to examine the existence or otherwise of Mr T's website materials, the destruction of evidence issue, and whether Mr T was influenced to remove the website by any other person, including parties and/or advisors involved in this matter.
9. In the alternative, if this Tribunal considers another jurisdiction is appropriate to consider this evidentiary issue; a ruling as to the appropriate body is sought.

B> Submission Relating To The Irrelevancy Of The Applicant’s Use Of Criminal Law Authorities To Avoid A Fair Hearing Under The Rules Of Natural Justice

Relevant History

10. Dr Freckleton SC asserts in paragraph 1 of his submission that I wish to “*renege*” on proposed findings and determinations lodged with the Tribunal. I assert Counsel’s colourful language, not attributable to me, is designed to attract a suitable media headline to benefit the public position of his client. My letter to the Tribunal used the word “*withdraw*” and not the word “*renege*”.
11. Following the last hearing, the Melbourne Age published a colourful headline prominently at the top of Page 3, namely “*Chiropractor’s oxygen treatment created false hope from hot air*”, a copy of which the Applicant has filed.
12. Dr Freckleton SC also asserts in paragraph 1 that I have “*dispensed*” with Counsel. My legal team advised me they were unable to act for me any further unless I could *provide sufficient funds* to cover their costs in advance. I was left with no alternative to proceeding further; other than to act on my own behalf.
13. My further submissions in relation to the substantive matters of my Application for a Hearing with the Tribunal are based upon the rules of *Natural Justice* and the common law doctrines of *Duress and Necessity*.

Legal Principles – Use Of Criminal Law Authorities

14. Dr Freckleton SC in paragraph 6 of his submission asserts that the relevant authorities to determine whether the Tribunal grants me a full and fair hearing are based upon the principles of the *criminal law* jurisdiction.
15. I have examined the originating documents for this Tribunal proceeding and it is clear that the Applicant has sought an order under *Part 4 Division 1 of the Health Professions Registration Act 2005 (Vic)* (“the Act”), in respect of me, as it was of the opinion that I was *not of good character* under section 77(1)(d) of the Act.
16. The Applicant further contended that I engaged in *unprofessional conduct and/or professional misconduct* as defined in section 3(1) of the Act pursuant to section 77(1)(a) .

17. I contend the orders sought against me relate solely to *civil matters* and that at no stage have any criminal proceedings been lodged or mooted.
18. I note there is *no evidence I have caused any harm* to Mr T, the patient witness of the Applicant.
19. Accordingly, I contend the Tribunal should rule, as a *matter of law*, that any criminal law authorities tendered in support of the Applicant's case are *irrelevant to the considerations of a civil tribunal* such as this Tribunal.

Legal Principles – Use Of Cases Relating To A Change Of Plea

20. Dr Freckelton SC in paragraph 6 of his submission contends the legal authorities to be relied upon by this Tribunal are those where an accused is required to enter “*a Plea*” of *guilty or not guilty in a criminal action*.
21. Dr Freckelton SC further contends in paragraph 7 that the burden of persuasion rests upon the accused who seeks to change “*a Plea*” to establish the legitimacy of his or her doing so, the yardstick being whether a refusal of such a change of plea at any time prior to sentencing would be likely to constitute a *miscarriage of justice*.
22. *I am not an accused person*, have not been asked to enter a guilty or not guilty plea and am not awaiting the sentencing for a criminal proceeding.
23. A reasonable lay observer understands that most civil litigation is settled at the door of the hearing court under a high pressured atmosphere during which counsel endeavor to encourage their clients to settle to avoid the costs and inconvenience of a hearing.
24. As detailed in my Submission based upon the Rules of Natural Justice, my acquiescence to the settlement process was a result of extreme duress and necessity.
25. Accordingly, I contend the Tribunal should rule, as a matter of law, that any authorities tendered in support of the Applicant's case relating to a change in a guilty plea, are *irrelevant* to the considerations of a civil tribunal such as this Tribunal.

Legal Principles – Use Of Cases Relating To Burden Of Proof Resting On The Accused

26. Dr Freckelton SC further contends in paragraph 7 that the burden of persuasion rests upon the accused.
27. I am not an accused person and am subject only to *civil* proceedings.

28. Mr Justice Kevin Bell, VCAT President in his 4 September 2008 speech to the Law Institute, noted the Tribunal “*operates with flexibility and informality, with efficiency and expedition, and with the least possible expense to the parties. Legal rules irrelevant to a tribunal, such as the onus of proof, do not apply*”.
29. Accordingly, I contend the Tribunal should rule, as a matter of law, that any authorities tendered in support of the Applicant’s case, relating to the *burden of proof* resting upon the accused, are irrelevant to the considerations of a civil tribunal such as this Tribunal.

Legal Principles – Authorities To Be Relied Upon By The Applicant As Detailed In Submission Of Dr Freckleton SC

30. Paragraph 7 refers to R v Webb & Hay, a case involving *homicide*.
31. Paragraph 7 refers to Tihanyi v The Queen, a case involving the *possession of cannabis* with intent to sell.
32. Paragraph 7 refers to The State of Western Australia v Landers, a case involving *armed robbery*.
33. Paragraph 8 refers to Meissner v The Queen, a case involving attempting to *pervert the course of justice*.
34. Paragraph 10 refers to R v Murphy, a case involving *embezzlement*.
35. Paragraph 10 refers to R v Sagiv, a case involving *importing cocaine*.
36. Paragraph 10 refers to Norvenska v DPP, a case involving *defrauding a public authority*.
37. Paragraph 10 refers to R v Stevie Mumbor, a *case not provided* to me by the Applicant.
38. Paragraph 11 refers to R v Cincotta, a case involving *fraudulent misappropriation*.
39. Paragraph 12 refers to Chow v DPP, a case involving *s99 Crimes Act*.
40. Paragraph 13 refers to R v Pinhassovitch, a case involving *theft*.
41. Paragraph 15 refers to R v Vella, a case involving *armed robbery*.
42. Paragraph 16 refers to R v Douglass, a case involving *murder*
43. Paragraph 17 refers to R v Chiron, a case involving *rape*.
44. Paragraph 17 refers to R v Wilkes, a case involving *murder*.
45. Paragraph 17 refers to R V Bartel, a case involving *threatening police*.
46. Paragraph 18 refers to R v Hura, a case involving *assaulting a wife*.
47. Paragraph 18 refers to Ferrer-Esis, a *case not provided* to me by the Applicant.

48. Paragraph 18 refers to Maxwell, a case involving *murder*.
49. Paragraph 18 refers to Gunderton, a case involving *aggravated dangerous driving*.
50. Paragraph 18 refers to Favero, a case involving *driving under a drug influence*.
51. Paragraph 19 refers to R v Mundraby, a case involving *maliciously inflicting grievous bodily harm*.
52. Paragraph 20 refers to R v Middap, a case involving *heroin trafficking*.
53. Paragraph 21 refers to R v Toro-Martinez, a case involving *cocaine trafficking*.
54. Paragraph 22 refers to R v Boag, a case involving *maliciously inflicting grievous bodily harm*.
55. Paragraph 26 refers to R v Liberti, a case involving *supplying amphetamine*.
56. Paragraph 28 refers to R v Nerbas, a case involving *importing drugs*.
57. Paragraph 28 refers to Di Camillo v Wilcox, a case involving *loitering*.
58. Paragraph 28 refers to Marlow v The Queen, a case involving *bank robbery*.
59. Paragraph 31 refers to R v Inglis, a case involving *larceny of a gig, horse and harness*.
60. Paragraph 31 refers to R v Tonks and Goss, a case involving *robbery*.
61. Paragraph 35 refers to R v Hopkins, a case involving *murder*.

Legal Principles – Civil Authorities To Be Relied Upon By The Applicant As Detailed In Submission Of Dr Freckleton SC

62. There are no authorities mentioned which relate to any *civil proceedings* including disciplinary tribunals globally affecting *health practitioners*.

Legal Principles – Miscarriage Of Justice And Principle Of Restraint

63. Dr Freckleton SC invokes the law relating to a *miscarriage of justice and the principle of restraint* at paragraphs 34 and 37 to conclude “*there is no good reason for the Tribunal to permit (my) his change of course and the authorities are against the exercise of such a discretion when no clear case is made out by the Respondent that denying (me) him such a change would lead to a miscarriage of justice*.”
64. I contend that the *law of miscarriage of justice applies to criminal cases* and that the correct legal doctrine to follow for this administrative Tribunal is the *Rules of Natural Justice*.

65. My submissions relating to Natural Justice are contained in this submission to the Tribunal and give cogent reasons why I should be afforded the *right to a fair and full hearing of the civil allegations raised against me*.

Respondent's Second Direction Sought

'Undertaking To Restrain Applicant's Use Of "Plea Of Guilty" Statements'

66. Dr Freckleton SC states in paragraph 29 that I "*have withdrawn a plea of guilty on two occasions*".
67. I contend the Applicant should be restrained from the use of such *offensive language* both publicly and in the Court as I have never been charged with a criminal offence and have not been required by this Tribunal to enter a plea of guilty or otherwise, as the Applicant and its Senior Counsel is clearly aware of. I can only construe that this *defamatory language* is designed to attract a suitable media headline to benefit the public position of the Applicant to the detriment of my personal and business reputation.

Respondent's Submissions As To Necessity And Duress

Notice To Withdraw Proposed Agreed Findings And Determination

Background Facts

68. On 28 October 2011, I withdrew the '*Proposed Agreed Findings and Determination*' (terms of settlement) submitted to VCAT on 13 October 2011.
69. The Proposal was negotiated under a position of '*extreme duress*' at the compulsory conference before Justice Ross on 11 October 2011.
70. I was advised that a *10-day trial would cost between \$150-200,000 for my legal counsel*. I advised my legal advisors that *my financial resources were exhausted* and that I would be unable to fund their fees for a trial.
71. I was informed that I would *not be represented at trial unless further payment* was made to cover the trial.
72. I was informed that I *would not succeed if I represented myself*. I was then informed by my legal counsel that this matter my inability to fund a trial had to be mentioned before Justice Ross.

73. My legal fees to date have been approximately \$400,000, I have forgiven the debt of \$45,000 with Mr T, yet the matters of the case have *still not been heard*.
74. I have received a considerable number of emails from *past and current* patients offering their *support and encouragement and thanking me for professional services* at HyperMED since the last hearing was published on *page 3 of The Age*.
75. I have since found strength from my patients and a desire to fully *defend my name and my character* and to continue my service to my patients.
76. I was confronted with a considerable barrier and under severe duress at the last hearing. I was pressured to make admissions simply to make a *commercial decision*.
77. I and my *family have suffered personally and financially; the clinic has suffered*. The Chiropractic Board has not suffered, the VGSO has not suffered and appear to have *unlimited resources to win at all costs*. I have exhausted my resources.

Doctrine of Necessity

78. *The Law Commission, Working Paper No. 55 (1974), Defences of General Application* in section 3.42 of the Working Paper the defence of necessity can be regarded and is so regarded in this Report as a *defence available in a situation of urgency, a situation where there is no call for the considered dictates of conscience, but rather a weighing up of the situation in the belief that immediate action is called for*. As has been well said, it is a defence dictated by *'compulsion of circumstances and not by compulsion of conscience'*.
79. I contend the doctrine of necessity applies as a justification to my withdrawal as I was *compelled by circumstances* to reluctantly acquiesce to the settlement agreement, and not compelled by conscience.
80. In the case of *Chiropractic Board of Australia v Hooper (Occupational and Business Regulation)* [2011] VCAT 641 (13 April 2011), the Tribunal ruled it was satisfied having taken into account all of the circumstances, *the balance was in favour of applying the doctrine of necessity to avoid the failure of justice*.
81. In that case, clearly familiar to the parties, the *doctrine was used to override the principles of natural justice*, which would otherwise have required the relevant tribunal member to stand down following the *Tribunal finding of apprehended bias* against him.

Respondent's Submissions

As To Rules Of Natural Justice

82. In the VCAT's President's speech delivered to the Law Institute of Victoria on 4 September 2008, *Justice Kevin Bell President*, noted VCAT was established in July 1998 to, inter alia, *develop flexible and cost-effective practices for hearing and determining disputes in its original and review jurisdictions.*
83. Further, the VCAT President noted the Tribunal is legally constituted and “***operates with flexibility and informality, with efficiency and expedition, and with the least possible expense to the parties. Legal rules irrelevant to a tribunal, such as the onus of proof, do not apply***”.
84. The *rules of evidence usually do not apply*, but may be *used as a guide*. Legal representation may be limited or excluded altogether. *Self-representation will (or should) be both respected as a right and accepted* as a practical necessity in many cases. *Tribunals must give due assistance to self-represented parties*. This is their legal duty and what the rights of the parties require. Subject to contrary statutory provisions, ***tribunals are bound to observe the rules of natural justice***. In Victoria, depending on the nature of their jurisdiction, *tribunals are bound to comply* with the *Charter of Human Rights and Responsibilities Act 2006*.
85. In achieving VCAT's objectives, Justice Kevin Bell states “***equal access*** to justice is an expression used to encapsulate one of VCAT's most important objectives. “***Equal***” means ***open to, reaching and applying to everybody, regardless of any distinction*** whatsoever. It has a procedural and sometimes a substantive connotation. By “***access***” I mean the ***capacity of members of the community to come to the Tribunal for resolution of their disputes as quickly, effectively and cheaply as possible, and by fair and appropriate means, whether by adjudication, mediation or otherwise***. “***Justice***” means the ***Tribunal must be objective and impartial, operate by fair and transparent procedures and make competent decisions based on applicable law and principle***”.
86. The Test's by Justice Kevin Bell in achieving VCAT's objectives include:
1. *Is access to VCAT equal: are there areas of unmet need for dispute resolution in our existing jurisdictions; are all sides to a dispute able to come to the Tribunal to present their case;*

2. *Is the access as quick, efficient and cheap as possible, and the method of resolution fair and appropriate: are the procedures of the Tribunal transparent, appropriate and flexible; does it respect and give due assistance to self-represented parties; does the Tribunal guard against being perceived as a club; does it guard against creeping legalism?*
3. *Does the Tribunal deliver justice: are the decisions of the Tribunal generally seen to be fair, competent and principled; do parties come away thinking they have had a fair go; is decision-making in the Tribunal seen to be reasonably consistent and predictable?*
87. My experience to date including exhausting my financial resources by about \$450,000 *without a fair hearing* is a far cry from the vision of the VCAT President, let alone the emotional and physical impact this hearing has had upon my family, staff, patients and myself.
88. In the words of The President, “we should care about these matters, which we call respecting and understanding the human experience of justice, *because that is our business – justice*”.
89. In relation to the *human experience of justice*, Justice Bell noted
“VCAT is a human rights respecting institution ... this sense of being empowered, of believing your fundamental rights will be respected and of being able to participate in the processes that affect your life is an important one for the Tribunal. It is very easy for specialist administrative tribunals to present to the uninitiated the *appearance of being a club.*

The tribunal member (whether legally qualified or not), the advocates (whether lawyers or not) and the witnesses (who are often experts well known in the field); *all seem to know the rules and procedures, and may even demonstrate personal familiarity with each other.* But the new advocate in the Tribunal, the self-represented party, and the family and community members looking on may *experience only anxiety, uncertainty, a sense of exclusion and even, in some cases, humiliation.*

Thus, a justice institution with responsibility for contributing to the development of a human rights jurisprudence should itself comply fully with its Charter obligations, and be

seen to be a tribunal that *respects the rights of everybody affected by its decisions, including those who are not familiar with its rules and procedures.*

VCAT's Natural Justice Obligations

90. *Justice Emilios Kyrou*, Supreme Court of Victoria discussed VCAT's *natural justice obligations* in a paper delivered at the VCAT on 23 June 2010.
91. He noted it is well known that there are two basic rules of natural justice: the ***fair hearing rule and the bias rule.***
92. *The fair hearing rule requires the adjudicating body to provide to the parties before it a reasonable opportunity to present their cases and to answer any allegations against them.*
93. *The bias rule requires the adjudicating body to be impartial; bring an impartial mind to the resolution of the question the [body] is required to decide.*
94. The VCAT Act contains a number of provisions which either impose directly on the VCAT obligations to *accord natural justice* or acknowledge the existence of such obligations.
95. These provisions, in numerical order, are described in the following paragraphs.

Section 80(1) This section empowers the VCAT to 'give directions at any time in a proceeding and do whatever is necessary for the expeditious or fair hearing and determination of a proceeding.'

Section 97 This section provides that the VCAT 'must act fairly and according to the substantial merits of the case in all proceedings.'

Section 98 This section relevantly provides:

(1) *The Tribunal –*

 - (a) ***is bound by the rules of natural justice;***
 - (b) ***is not bound by the rules of evidence or any practices or procedures applicable to courts of record, except to the extent that it adopts those rules, practices or procedures;***
 - (c) ***may inform itself on any matter as it sees fit;***
 - (d) ***must conduct each proceeding with as little formality and technicality, and determine each proceeding with as much speed, as the requirements of this Act and the enabling enactment and a proper consideration of the matters before it permit.***

(3) *Subject to this Act, the regulations and the rules, the Tribunal may regulate its own procedure.*

(4) *Subsection (1)(a) does not apply to the extent that this Act or an enabling enactment authorises, whether expressly or by implication, a departure from the rules of natural justice.*

Section 99 This section requires the VCAT to give to the parties notice of the time and place for the hearing of the proceeding.

Section 102 This section relevantly provides:

(1) *The Tribunal must allow a party a reasonable opportunity –*

(a) *to call or give evidence; and*

(b) *to examine, cross-examine or re-examine witnesses; and*

(c) *to make submissions to the Tribunal.*

96. Justice Kyrou noted “*the above provisions do not supplant the common law rules of natural justice. Rather, they give statutory effect to those rules and, in some respects, amplify them.* Specific statutory provisions – such as those exempting the VCAT from the rules of evidence, and those conferring upon the VCAT *the power to inform itself as it sees fit and to regulate its own procedure* – do not derogate from its obligation to comply with the rules of natural justice. It has often been said that the *fair hearing rule does not involve an inflexible set of procedures.* Rather, what must be done to comply with the fair hearing rule will depend on all of the circumstances of the case.”

Compliance With The Fair Hearing Rule

97. I contend *Sections 80(1), 97, 98 and 102* would all be breached in the event this Tribunal does not afford me a *fair hearing* of this matter.
98. The key elements I seek the Tribunal to consider include the *destruction of evidence* issue, the common law doctrines of *duress and necessity* applicable to my acquiescence with the Proposed Findings and Determinations presented at the last hearing, and of course the wide ranging rules of natural justice, both statutory and at common law.
99. My inability to financially engage experienced Counsel is in part due to the significant drain of my financial circumstances flowing from the preliminary *bias action* I took in

April 2011, which successfully found at paragraph 19 that (the involvement of Dr El Mousalli) would give rise to a *reasonable apprehended bias in a fair minded lay observer*.

100. I note that the judgement did not consider the question of costs and *I seek a direction for costs* in my favour given I was successful in establishing *apprehended bias*.

Respondent's Third Direction Sought - Is For The Tribunal To Make an Order For Costs In My Favour In Relation To The Bias Action In April 2011; Subject To The Use Of The Funds Being Held In An Appropriate Trust Account For Use In Engaging Counsel To Represent Me In Future Hearings Of This Matter.

Additional Considerations Impacting The Application Of The Rules Of Natural Justice

101. I have been a continuing registered chiropractor for some 28 years and treated many thousands of patients. For the last 16 years as an adjunct to my chiropractic practice, I have extensively used hyperbaric oxygen. Over the last 5 years, I have included the usage of the world renowned Lokomat (Adult and Pediatric), which is a sophisticated robotic machine built to provide intensive gait training.
102. The Chiropractic Board of Australia and its predecessors ("CBA") have at all times been aware of my well advertised practice and therapeutic techniques and *at no time* prior to 2010 has CBA contacted its long standing member, visited my practice or lodged a complaint against my professional practice.
103. The Chiropractic Board of Australia is more than a "watchdog" to protect the public for it also has a duty of care towards its registrants to ensure that the profession of Chiropractic is respected by both the public and other professional bodies and its registrants are treated just and fairly.
104. The Applicant in this current matter has failed me as a professional associate by initially allowing me to establish "*existing use rights*" in relation to using hyperbaric medicine in conjunction with chiropractic care and then without proper notice and the exercise of professional courtesy, consultation and commonsense, has brought this matter before VCAT.
105. At the beginning of these proceedings it became evident that the Applicant did not officially embrace Hyperbaric Medicine as part of Chiropractic Care.

106. A search of the web site of the Chiropractors Association of Australia appears to have no reference to the use of Hyperbaric treatment which seems to indicate that although many Chiropractic Practitioners throughout Australia and the world are using some form of hyperbaric care on patients, the Board at this time has not officially published its policy or advised its members of its position in this regard.
107. The Applicant prior to this hearing appears to have had no official position regarding the usage of Hyperbaric medicine and Lokomat care and has declined to inspect the only Lokomat machine registered in Australia and to observe its function and consider its value for patients.
108. Instead, CBA has mounted a case that was initially based on the changed testimonial of one patient who has taken advantage of extended treatment; and who has raised charitable funds and failed to apply those funds for the dedicated purpose of paying his account for treatment.
109. The Applicant, if it had followed the procedure as defined in the appropriate Acts, could have brought *amicable resolution* to these matters without wasting the time of the Tribunal, extraordinary legal expenses for myself and Victorian taxpayers and avoiding exposing its practice anomalies and its own deficiencies in the *progressive world of medicine*.
110. The Tribunal has allowed the Applicant to colour proceedings, monopolise time, attempt to lead the Tribunal and attempt to discredit me in each of my submissions.
111. I observed a member of the Applicant's legal team in an in depth discussion during a break in the proceedings of the last Hearing with a person whom I believe to be the Age reporter who subsequently, the next day wrote a defamatory article about me prior to the Determination of this Tribunal.
112. Extraordinary lengths are afforded to the Applicant's only patient witness to protect his identity.
113. The Tribunal also has rules to protect the parties in relation to the availability of court documentation to members of the public. Yet the Applicant's legal team is able to cooperate with prime media prior to determination of my case.

114. I respectfully request this Tribunal to take these additional matters into account prior to determining whether I will be afforded a full hearing pursuant to the rules of natural justice.

Recent Examples of Breaches of the Fair Hearing Rule

115. In *CGU Insurance Ltd v C W Fallaw & Associates Pty Ltd*, [2008] VSC 197, VCAT had ruled that the *respondent could not call an individual as a new witness on the ground that it ought to have called him at an earlier stage of the hearing. The individual had attended the VCAT from the commencement of the hearing, but he had not approached the respondent's solicitors to disclose information that went to a central issue in the case until the hearing had entered its final stages.* Warren CJ found that the VCAT had *breached the fair hearing rule* and ss 97, 98 and 102 of the VCAT Act. Her Honour held that the VCAT's ruling was based on its own case management directions rather than the correct test, namely, *whether the evidence of the new witness was relevant and, if the evidence was relevant, whether it could be received without causing irremediable prejudice to the other party.* *CGU Insurance Ltd v C W Fallaw & Associates Pty Ltd* [2008] VSC 197, [24]-[32].
116. In *Leon Holdings Pty Ltd v O'Donnell*, [2009] VSC 430 Habersberger J held that VCAT had breached the *fair hearing rule by preventing the applicant from tendering relevant documents and its key witness from giving evidence about relevant matters.* [2009] VSC 430, [89]-[91]. His Honour also held that the VCAT had breached s 102(1)(b) of the VCAT Act *by not permitting the applicant to cross examine the respondent.* His Honour said: In my opinion, nothing said in s 98 of the VCAT Act overrides the clear mandatory statement in s 102(1)(b) that the ***Tribunal must allow a party a reasonable opportunity to cross-examine a witness.*** Although the Tribunal 'may regulate its own procedure' (s 98(3)), that power is expressly 'subject to this Act'. *The ability to conduct the proceeding with little formality and technicality (s 98(1)) is also expressed to be subject to 'the requirements of this Act'.* Although permitting cross-examination would have increased the length and formality of the hearing, *the obligation on the Tribunal was to allow 'a reasonable opportunity' to cross-examine.* Since the outcome of the proceeding was heavily dependent on the assessment of the credibility of the conflicting evidence given by Mr O'Donnell and Mr Flinkier, in my opinion, a short but orderly cross-examination of Mr

O'Donnell, and of Mr Flinkier; *if Mr O'Donnell wished to exercise his right, should have been allowed.* The disjointed and limited questioning by Mr Flinkier was no substitute for his statutory entitlement. ... *In my opinion, Mr Flinkier did not have 'a reasonable opportunity' to test by cross-examination the credibility of Mr O'Donnell's evidence ...* Leon Holdings [2009] VSC 430, [97]-[99] (citations omitted).

Recent Examples Of Breaches Of The Bias Rule

117. In *Rustom v Ismail*, [2009] VSC 625, the VCAT senior member had previously heard an unrelated proceeding involving the applicant in which she had rejected important parts of his evidence. When the current proceeding was listed before the senior member, the applicant expressed concern at the potential for bias, but the senior member dismissed the applicant's concern by stating that she did not believe that she was prejudiced against him. The senior member then heard the proceeding and did so in a 'conspicuously fair' manner. In 'a detailed and painstaking set of reasons for decision', she rejected key aspects of the applicant's evidence and found substantially against him. *Cavanough J held that the senior member had erred in refusing to disqualify herself for the following reasons*
- (a) The senior member made 'very strong and very colourful comments' with regard to the credibility of the applicant, 'before the Senior Member had heard a word of evidence on oath or affirmation or any cross-examination or any submissions.
 - (b) The *relevant ground of disqualification is a reasonable apprehension that the adjudicator will not decide the case impartially or without prejudice, rather than that he or she will decide the case adversely to one party. **Bias can occur even if the decision-maker is equally distrustful of both parties.** Accordingly, it was no answer that the senior member had the same negative view of both the applicant and the respondent.*
 - (c) The mere fact that the adjudicator has previously decided against a party on issues of fact or law is not sufficient to infer the existence of apprehended bias. *However, the fact that, in a previous case, the adjudicator has made an adverse finding with respect to the credibility of a party or a relevant witness may be particularly significant in deciding whether he or she should conduct the hearing. In this case, the senior member should have disqualified herself because a **fair-minded lay observer***

could have read her findings in the earlier case as findings of the applicant's untruthfulness and her comments on the first day of the subsequent proceeding may well have confirmed such an impression in the observer's mind. The observer would retain a reasonable apprehension of bias notwithstanding that the hearing was fair and the reasons for decision were written carefully.

118. In *Leon Holdings*, [2009] VSC 430 Habersberger J upheld various grounds of apprehended bias. One of those grounds related to the VCAT member's decision to permit the applicant to give hearsay evidence when he later refused to receive evidence of the same nature from the respondent's key witness. His Honour held that, although it was up to the VCAT to determine whether to allow hearsay evidence, *the approach adopted had to be even-handed and treat both parties equally. Another ground of apprehended bias was that the member had expressed a concluded view, before hearing all of the relevant evidence, that the key witness for the respondent had retrospectively rationalised his version of events.*

Breach Of The Rules Of Natural Justice As An Appealable Error Of Law

119. Section 148(1) of the VCAT Act *provides that a party to a proceeding before the VCAT may appeal to the Supreme Court on a question of law from an order of the VCAT.*
120. Although some cases have suggested otherwise, (see, *Sherman v Watson* [2003] VSCA 70, [7]; *PRA v MA* (2004) 21 VAR 16, 28 [36]; [2004] VSCA 20), the prevalent view is that a *breach of the rules of natural justice by the VCAT involves a question of law for the purposes of s 148(1) of the VCAT Act.*
121. (*Luck v Renton* (2005) 24 VAR 1, 5 [17]; [2005] VSCA 210; *Martin v Fasham Johnson Pty Ltd* [2007] VSC54, [47]; *CGU Insurance Ltd v C W Fallaw & Associates Pty Ltd* [2008] VSC 197, [26], [32]; *Towie v Victoria* (2008) 19 VR 640, 652 [46]; *Rustom v Ismail* [2009] VSC 625, [4]-[5])

Respondent's Fourth Direction Sought - Is For The Tribunal To Accept My Withdrawal And Set Down This Matter For A Full Hearing - Subject To The Destruction Of Evidence Issue Being Heard Initially.

Standard Of Proof Required At Hearing Of This Matter

122. I contend the *Applicant has the burden of proof* in this matter. The standard of proof is the civil standard, that is, on the *balance of probabilities*, provided that the evidence must produce a reasonable state of satisfaction in the mind of the Tribunal. (*Basser v Medical Board of Victoria* [1981} VR 953)
123. I intend to rely at a hearing upon the case of *Pillai v Messiter* (Number2)(1989) 16 NSWLR 197 at 200, where it was said:
- “Departures from elementary and generally accepted standards, of which a medical practitioner could scarcely be heard to say that he or she was ignorant, could amount to such professional misconduct: *ibid*. But the statutory test is not met by mere professional incompetence or by deficiencies in the practice of the profession. *Something more is required*. It includes a *deliberate departure from accepted standards or such serious negligence* as, although not deliberate, *to portray indifference and an abuse of the privileges* which accompany registration as a medical practitioner”.
124. I have not deliberately departed from accepted standards or am indifferent to them. Nor have I abused the privileges, which accompany registration as a chiropractor.
125. I am perplexed and bewildered at the double standards being applied to me in this proceeding by The Chiropractor Board of Australia at taxpayers' expense following my very limited search of a selection of the personal websites from the 4,350 registered chiropractors, of whom 2600 are registered members of Chiropractic Association of Australia (“CAA”).
126. I concentrated my limited search upon the ‘*major office bearers*’ of the chiropractic profession and found widespread claims of chiropractic benefits for *numerous disease categories together with significant numbers of patient testimonials*. The preliminary search results are annexed to this submission.
127. The bulk of the research studies promoted by these professional members are out-dated studies and to the best of my knowledge, key chiropractic treatments relating to *lower back*

pain, headaches and blood pressure have been subject to adverse findings in recent major scientific studies involving more *rigid scientific methodology*.

128. None of these research studies appear to have been included in any website I have examined to date, whether CAA based or private practitioner based.
129. The Victorian branch of Chiropractors Association of Australia, relying upon out dated studies to the best of my knowledge, promotes limited evidence as detailed below in the Research section of its website <http://www.caavic.asn.au/>.

'Numerous studies throughout the world have shown that chiropractic treatment, including manipulative therapy and spinal adjustment, is both safe and effective. Many other studies have shown that chiropractic care can contain costs and get workers back on the job in less time than other treatments. The following are excerpts from a few of the more recent studies'

For Acute Low-Back Problems

"For patients with acute low-back symptoms without radiculopathy, the scientific evidence suggests spinal manipulation is effective in reducing pain and perhaps speeding recovery within the first month of symptoms." Clinical Practice Guidelines, AHCPR (1994)

For Long-Term Low-Back Problems

"There is strong evidence that manipulation is more effective than a placebo treatment for chronic low-back pain or than usual care by the general practitioner, bed rest, analgesics and massage." - Spine, Van Tulder and Bouter et al. (1997) "...improvement in all patients at three years was about 29% more in those treated by chiropractors than in those treated by the hospitals. The beneficial effect of chiropractic on pain was particularly clear." - British Medical Journal, Meade et al. (1995). "Manipulative therapy and physiotherapy are better than general practitioner and placebo treatment. Furthermore, manipulative therapy is slightly better than physiotherapy after 12 months." British Medical Journal, Koes et al. (1992)

For Pain

"...patients suffering from back and/or neck complaints experience chiropractic care as an effective means of resolving or ameliorating pain and functional impairments, thus reinforcing previous results showing the benefits of chiropractic treatment for back and neck pain." Journal of Manipulative and Physiological Therapeutics, Verhoef et al. (1997)

"...for the management of low-back pain, chiropractic care is the most effective treatment, and it should be fully integrated into the government's health care system." - The Manga Report (1993)

For Headaches

"Cervical spine manipulation was associated with significant improvement in headache outcomes in trials involving patients with neck pain and/or neck dysfunction and headache." - Duke Evidence Report, McCrory, Penzlen, Hasselblad, Gray (2001)

"The results of this study show that spinal manipulative therapy is an effective treatment for tension headaches. . . Four weeks after cessation of treatment . . . the patients who received spinal manipulative therapy experienced a sustained therapeutic benefit in all major outcomes in contrast to the patients that received amitriptyline therapy, who reverted to baseline values." Journal of Manipulative and Physiological Therapeutics, Boline et al. (1995)

For the Elderly

"[Elderly] chiropractic users were less likely to have been hospitalized, less likely to have used a nursing home, more likely to report a better health status, more likely to exercise vigorously, and more likely to be mobile in the community. In addition, they were less likely to use prescription drugs." Topics in Clinical Chiropractic, Coulter et al. (1996)

For Containing Costs and Getting Workers Back on the Job

"The overwhelming body of evidence" shows that chiropractic management of low-back pain is more cost-effective than medical management, and that "many medical therapies are of questionable validity or are clearly inadequate." The Manga Report (1993). First contact chiropractic care for common low back conditions costs substantially less than

traditional medical treatment and "*deserves careful consideration*" by managed care executives concerned with controlling health care spending. Medical Care, Stano and Smith (1996).

130. In relation to the latest review of medical literature relating to lower back pain, I note the February 2011 Cochrane Review of Combined Chiropractic Interventions for Low back Pain involving a systematic review of randomised controlled trials concluded there is *currently no evidence that supports or refutes that these interventions provide a meaningful difference for pain or disability in people with lower back pain* when compared with other interventions. (Spine (Phila Pa 1976), 2011 Feb 1;36(3);230-42).
131. In relation to the latest review of medical literature relating to headaches, I note the June 2011 study on spinal manipulations of migraines; a systemic review of randomised clinical trials, concluded *current evidence does not support the use of spinal manipulations for the treatment of headaches*. (Cephalalgia 2011 June;31(8);964-70. EPUB 2011 Apr 21).
132. In relation to the latest review of medical literature relating to blood pressure, I note the 2002 study of the treatment of hypertension with Alternative Therapies (THAT) study; a randomised clinical trial *concluded for patients with high normal blood pressure or stage I hypertension chiropractic spinal manipulation in conjunction with dietary modification program offered no advantage* in lowering either diastolic or systolic blood pressure compared to diet alone. (J Hypertens, 2002 Oct;20(10):2063-8)

Ruling As To The Appropriate Standards Of Professional Conduct

133. From my limited review, it appears the CAA and its State branches have a different standard of disclosure to that of its *constituent members*, as the sites which contain research claims restrict such claims to a narrow group of medical conditions.
134. *It is unclear to me* whether the Tribunal needs to find my conduct is such that it violates or falls short of, to a *substantial degree*, the standard of professional conduct observed or approved by members of the profession of good repute in their capacity as board members of CAA and its State branches.
135. Another alternative interpretation is the professional standards of the board members of CAA and its State branches in their private practices which generally claim chiropractic benefit to a wider range of medical conditions.

136. A third interpretation is the standard adopted by the other members of the 2600 strong CAA.
137. A fourth standard is the standard adopted by the non-members of CAA which approximate 1750 registered practitioners.
138. **‘Substantial’** The interpretation of the word ‘*substantial*’ has been considered in a number of cases. In *New South Wales Crime Commission v Vuletic and Others* [\[2005\] NSWSC 614](#) at paragraph 53, Johnson J gave the following summary of relevant law: The word “substantial” is a word which may vary in its meaning depending upon the context in which it is used and the subject matter in relation to which it is to be applied: *Director of Public Prosecutions v Losurdo* [\(1998\) 44 NSWLR 618](#) at 622. In *Tillmanns Butcherries Pty Limited v Australasian Meat Industry Employees’ Union* [\[1979\] FCA 85](#); [\(1979\) 42 FLR 331](#) at 348, Deane J observed that the word “*substantial*” was not only susceptible of ambiguity, but was a word calculated to conceal a lack of precision. In *O’Brien Glass Industries Limited v Cool & Sons Pty Limited* [\[1983\] FCA 191](#); [\(1983\) 77 FLR 441](#), Fox J at 447 referred to *Tillmanns Butcherries* and observed that, in selecting the word “*substantial*”: “The legislature has chosen a word of intractably indefinite import and much must be left to individual assessment.” In *Losurdo*, it was said at 622 that the word ‘*substantial*’ is an ordinary English word and must be given its ordinary meaning in the context in which it appears. In an appeal to the Supreme Court of South Australia, The Hon Justice Perry allowed the appeal, quashed the finding and penalty imposed by the Board, and substituted an order that the complaint against the Company and Chiropractor be dismissed. His Honour found that the *advertisements did not constitute “unprofessional conduct”* and did not fall short of “*to a substantial degree*” the appropriate standard of *professional conduct observed or approved of by members of the chiropractic profession*. [Case 11 \[2004\] SACHOSB 1 \(1 June 2004\)](#)

Respondent's Fifth Direction Sought - Is For The Tribunal To Rule On The Appropriate Standards To Which I Am Required To Conform In Deciding Whether A Finding Of Professional Misconduct Or Unprofessional Conduct Is Justified.

139. My reason for seeking this fifth direction is to minimize the time and cost for all parties at a Hearing determining which of the standards apply as the relevant test as to my alleged professional conduct.

Respondent's Submission As To An Alleged Breach Of My Undertaking

140. The Applicant has raised an allegation dated 7th November 2011 that I have breached my undertaking to VCAT made on 20 April 2011, in which I undertook to comply with the Advertising Guidelines.
141. The Applicant notes that the Guidelines strictly prohibit the use of patient testimonials to advertise health services.
142. I strongly contend that any reasonable lay observer would construe my communication of facts, including the video of the Notifier, relating to the defamatory article which appeared in The Age on 25 October 2011, to be a clarification of my legal position which was ignored in the article.
143. I strongly contend that a reasonable lay observer would not regard my website material as an advertisement to induce members of the public to seek my health services.
144. The Age article appears to have been written in part from the 27-page submission tabled by the Applicant without notice to my legal team.
145. I note my legal advice on the day was that senior counsel was not required because the matter would only involve the handing to the Tribunal of the agreed facts and determination document.
146. My position in relation to the Applicant's 27-pages without notice was not put to the Tribunal and I strongly contend that I am entitled under the rules of Natural Justice to inform my patient base accordingly.

Respondent's Sixth Direction Sought – I Maintain My Website Defense Until Such Time As A Hearing In Relation To The Destruction Of The Notifier's Website Issue Is Determined

The Is The Annexure Referred In The Respondent's Submission At Paragraph 126

**VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL
ADMINISTRATIVE DIVISION
OCCUPATIONAL & BUSINESS REGULATION LIST**

No. B112/2010

BETWEEN:

CHIROPRACTIC BOARD OF AUSTRALIA

Applicant

and

DR. MALCOLM HOOPER

Respondent

Dated: 14th November 2011

ANNEXURE

Website Claims For Chiropractic Benefits For Specified Diseases Including Patient Testimonials

Dr Angus Pyke President Victorian President of CAA

<http://www.pykewellbeing.com.au/old/about-us>

<http://www.pykewellbeing.com.au/old/chiropractic/research>

Researchers, scientists, and nobel prize recipients from all over the world have discovered and demonstrated the validity and need of caring for the spine and nervous system. The following list is just a small sample of the thousands of research articles available on chiropractic and how it can help people battling with a plethora of health issues. Science has now proven what principled chiropractors have been saying for years.....

Addiction Allergy and Crohns Disease Asthma Autism Blood Pressure Cancer Studies
Childhood Ailments Colic Digestive Complaints DNA Repair Ear Infections Fibromyalgia
(CFS) Gastrointestinal Headaches HIV Immune System Leg Length Menstruation Subluxation

<http://www.womo.com.au/reviews/Pyke-Family-Wellbeing-Centre-Port-Melbourne/>

Testimonial

Dr Warren Sipser Secretary for CAA Victoria

<http://www.chiro4life.com/research.html>

[Addiction](#) [Allergy and Crohn's Disease](#) [Asthma Studies](#) [Autism](#) [Blood Pressure](#) [Childhood Ailments](#) [Colds and Flu](#) [Colic Digestive problems](#) [DNA Repair](#) [Ear Infections](#) [Fibromyalgia](#) [Gastro Headaches](#) [HIV Immune System](#) [Infertility](#) [Leg Length](#) [Menstruation](#) [Sinusitis](#) [Vertebral Subluxation](#)

Dr Warren Sipser <http://www.7things.com.au/testimonials/>

Dr Roy Smith Treasurer Victorian CAA

<http://www.backinline.com.au/about-us/dr-roy/>

Dr. Roy was presented *Certificate of Clinical Excellence from Chiropractic Education Australia* and received *Outstanding Service Award* by the Victorian branch of the Chiropractors' Association of Australia in 2007. In 2008, Dr. Roy achieved the prestigious award of *Victorian Chiropractor of the Year* for his outstanding service to the Chiropractic profession and the community. Dr. Roy is a member of the Chiropractors' Association of Australia and has served on the executive of the Victorian branch for over 9 years.

<http://www.womo.com.au/reviews/Back-In-Line-Chiropractic-South-Melbourne/cross>

Testimonials - numerous!

Dr Joe Ierano Vice-President CAA NSW

<http://www.spine.net.au/interest/articles.html>

[blood pressure](#) [Cancer Treatment](#) [Cancer hospital embraces chiropractic](#) [Colic](#) [Crying and parents going nuts](#) [depression](#)

Listed on Millenium Project [Atlas Orthogonal Chiropractic Australia - Joseph Ierano](#)

Dr Angus Steventon Executive Secretary as a Director CAA NSW

Dr. Steventon is also a member of the [International Paediatric Chiropractic Association](#).

<http://icpa4kids.org/Wellness-Articles/Chiropractic-Testimonials/>

http://www.ccscc.com.au/Central_Coast_Spinal_Care_Centre/About_Chiropractic.html

ADHD Allergies Arthritis Asthma Back pain Bed Wetting Blood pressure Carpal Tunnel Chest tightness Infantile Colic Constipation Dizziness/Vertigo Ear, Nose & Throat issues Eating Habits Epilepsy Headaches (Migraine, tension etc) Irritability Jet Lag Leg Pain Lethargy Menstrual Pain Neck Pain Numbness/Tingling/Pins and Needles Osteoporosis Reduced Pain Ringing in the Ears Tinnitus Sciatica Sinus problems Sleep disorders

Dr Bryce Conrad Treasurer of CAA NSW

[http://www.ccscc.com.au/Central Coast Spinal Care Centre/Dr. Bryce Conrad.html](http://www.ccscc.com.au/Central_Coast_Spinal_Care_Centre/Dr._Bryce_Conrad.html)

ADHD Allergies Arthritis Asthma Back pain Bed Wetting Blood pressure Carpal Tunnel Chest tightness Infantile Colic Constipation Dizziness/Vertigo Ear, Nose & Throat issues Eating Habits Epilepsy Headaches (Migraine, tension etc) Irritability Jet Lag Leg Pain Lethargy Menstrual Pain Neck Pain Numbness/Tingling/Pins and Needles Osteoporosis Reduced Pain Ringing in the Ears Tinnitus Sciatica Sinus problems Sleep disorders

Dr Firas Hasan Board of Directors CAA QLD

<http://www.platinumchiropracticcentre.com.au/about-us.html>

[Headaches](#), [Sports Injuries](#) [Lower Back Pain](#) [Arthritis](#) [Allergies](#) [Asthma](#) [Pregnancy Posture](#) [Irritable Bowel](#) [Stress](#) [Whiplash](#) [ADHD](#) [Bed Wetting](#) [Carpal Tunnel](#) [Colic](#) [Ear Infections](#) [Fibromyalgia](#) [Immunity](#) [Longevity](#) [Neck Pain](#) [Scoliosis](#) [Slipped Disc](#) [Wellness](#)

Dr Tass Amiridis

http://www.greendoorchiropractic.com.au/main/page_home.html

Headaches, migraines, Chronic pain, fibromyalgia, Learning & behavioural difficulties, dyslexia, Attention disorders, ADHD, Dizziness, vertigo, tinnitus, balance disorders, Developmental disorders (slow, delayed), Head injury, post-stroke rehabilitation, Spinal cord and nerve injuries, Nerve entrapment syndromes (carpal tunnel syndrome, etc), Movement disorders, Parkinson's, dystonia, Infertility & Chiropractic

<http://www.chiropactormelbourne.com.au/home.html>

[Nerve Pain](#) [Migraines?](#) [Sciatica?](#) [Lower Back Pain?](#) [Headaches?](#) [Hip Pain?](#) [Foot Pain?](#) [Carpal Tunnel Syndrome?](#) [Shoulder Pain?](#) [Knee Pain?](#) [Neck Pain?](#) [Asthma?](#) [Depression?](#) [Chiropractic and Infertility](#)

<http://www.kidschiropractic.com.au/>

Asthma, Bedwetting, Colic, ADHD, Ear Infections

http://www.sextonchiropractic.com.au/aboutchiro_neurology.htm

Vertigo, dizziness and balance problems, Tinnitus (ringing in the ears), Dyslexia & other learning disorders, Attention-deficit & Hyperactivity, Tremor & other movement disorders, Clumsiness, Sensory disturbances, Dystonia, Hearing or visual deficits, Communication difficulties, The effects of stroke or head trauma, and Other nervous system disorders

Dr Peter Bryner and Dr Paul Staerker

<http://www.burswoodhealth.com.au/patient-testimonials>

[Logan sleeps after spinal adjustment](#) [Taylah sleeps again](#) [Colic symptoms relieved by chiropractic manipulation](#) [Why I take my baby for chiropractic care](#) [Angela says she's better](#) [Sanity saver and a smiling baby](#) [Baby has trouble turning her head](#) [Birth trauma's painful aftermath](#)

Dr.Kathy Rasch <http://www.wellbeinggroup.com.au/Testimonials.html>

http://www.parkdalechiropractic.com.au/Testimonial_PCC.html

<http://www.mctimoney.com.au/ Testimonials>

<http://perthchiropractic.com.au/testimonials.html>

<http://www.gmhchiro.com/patient-testimonials-sydney.html>

<http://www.lifeworkschiropractic.com.au/links.htm> **Patient Stories**

<http://www.gordonchiropractic.com.au/TESTIMONIALS>

<http://www.haberfieldchiropractic.com.au/testimonials/>

http://www.sydney-spinal-care.com.au/main/page_testimonials.html

<http://www.gmhchiro.com/doctors-testimonials-sydney.html>

http://harbourlifehealth.com.au/main/page_testimonials.html

<http://www.northernbeacheschiropractic.com.au/about-us.php> **Testimonials**

<http://www.chirotech.com.au/testimonials.html>

<http://livewellchiro.com.au/testimonials.html>

<http://www.drادت.com/t2/document/1> **testimonials**

<http://monavalechiropractic.com/testimonial/>

<http://www.carolschiro.com.au/testimonials.htm>

<http://www.socc.com.au/about/> **Testimonials**

<http://www.eagleschiro.com.au/testimonials/>

<http://www.doylechiro.com.au/index.php/newsletter> **Testimonials**