

16 December 2013

Dear Fellow Health Care Practitioner,

You are undoubtedly aware of the recent VCAT decision – Chiropractic Board Australia (CBA) v Hooper B112/2010 and the publicity that has followed.

Chiropractic Board Australia (CBA) v Hooper B112/2010

1. The VGSO (Victorian Government Solicitors Office) the legal arm of AHPRA and the Chiropractic Board of Australia stated that this matter has been one of the '*longest practitioner legal battles in Australia*'.
2. The case was essentially about the efficacy of providing Hyperbaric Oxygenation (HBO) for stated 71-conditions including cerebral palsy and Lokomat (Robotic Gait Assisted Walking) for neurodegenerative disorders including cerebral palsy.
3. CBA and AHPRA failed in their attempt to establish a 'Prohibition Order' restricting HBO essentially for non-Medicare approved conditions.
4. After 66-days the VCAT Ruled – Dr Hooper is of 'Good Character', Dr Hooper is 'unyielding in his belief', Dr Hooper relies on his texts which are his 'holy grail'.
5. Outcome – Dr Hooper is deregistered as a chiropractor for 2 years but without restriction to day to day operations of HyperMED or Dr Malcolm Hooper. Hooper can continue to treat the exact same conditions he has been treating for the past 20-years.
6. VCAT Orders 2 August 2013 : Keywords

Review and Regulation List - chiropractor - disciplinary proceedings - penalty determination - public interest - maintaining standards of the profession - whether chiropractor has insight into his wrong doing - deterrent - costs - Health Professions Registration Act 2005 s 77(4) and (6) - Victorian Civil and Administrative Tribunal Act 1998 s 109

VCAT'S NATURAL JUSTICE OBLIGATIONS

By Justice Emilios Kyrou, Supreme Court of Victoria - Paper delivered at the VCAT on 23 June 2010:

1. "*It is trite to say that the Victorian Civil and Administrative Tribunal ('VCAT'), as a body with legal authority to affect the rights and interests of the parties to proceedings before it, is obliged to comply with the rules of natural justice.*"

Essential elements of the rules of natural justice

5. "*It is well known that there are two basic rules of natural justice: 'the fair hearing rule' and the 'bias rule'.*

6. 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.
7. The ‘bias rule’ requires the *adjudicating body to be impartial*. There are two types of bias that can infringe the bias rule: actual bias and apprehended bias. *Actual bias* involves the adjudicating body being unable to decide the matter impartially, whereas *apprehended bias* involves a *perception of a lack of impartiality*. In the words of the leading High Court case in this area, apprehended bias describes a situation where ‘*a fair-minded lay observer might reasonably apprehend that the [adjudicating body] might not bring an impartial mind to the resolution of the question the [body] is required to decide*.’
8. The expressions ‘procedural fairness’ and ‘rules of natural justice’ are often used synonymously. My preference (Judge Kyrou) is to refer to the ‘rules of natural justice’ because, while the expression ‘procedural fairness’ encapsulates the fair hearing rule, it is less apt in relation to the bias rule.”

Relevant provisions of the VCAT Act

9. 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.
10. These provisions, in numerical order, are as follows:
 - (a) **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.’²
 - (b) **Section 97** This section provides that the VCAT ‘must act *fairly* and according to the substantial merits of the case in all proceedings.’³
 - (c) **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.*
 - (d) **Section 99** This section requires the VCAT to give to the parties notice of the time and place for the hearing of the proceeding.
 - (e) **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.*
- (2) *Despite subsection (1), the Tribunal may refuse to allow a party to call evidence on a matter if the Tribunal considers that there is already sufficient evidence of that matter before the Tribunal.*

11. 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.
12. 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.⁴

Compliance with the fair hearing rule

13. 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”

Is this a Test Case on Junk Science and Scope of Practise – ‘Dodgy Chiropractor’

You may also be aware that my case, although denied by the CBA has become a test case on ‘junk science and scope of practise’.

- Interesting the bulk of the chiropractic profession are now at war with the conservative establishments and recently adopted position by the CBA. Regardless of the media release by the CBA and or AHPRA my case has provided the legal precedent to every chiropractor and complimentary health care practitioner using therapies considered ‘outside the accepted boundaries’ of their chosen profession.
- I appear to be one of the few health care practitioners to be deregistered for 2-years for being of ‘good character’ and ‘unyielding in my belief.’
- I have not been charged with a criminal offense yet I am also featured on the USA Crimenet site.

Crimenet - professional misconduct records

www.crimenet.org/index.php?tp=misconducts&id=35&f=0...

Malcolm Hooper ... Essendon players also received **hyperbaric** treatment at **Dr** Hooper's South Yarra clinic, with the Australian Sports Anti-Doping Authority ...

- The negative media presumably with the support of the CBA and AHPRA, circulates the impression that I am ‘not of good character’ albeit ‘*dodgy*’, with the ex-Health Services Commissioner Ms Beth Wilson appearing as a media spokesperson providing interviews on Today Tonight, Nowicki Carbone (paid TV infomercial) and the recent ABC Law Report.

[Dealing with professional misconduct by health care providers - ABC](#)

www.abc.net.au/radionational/programs/lawreport/...with.../4946454

Sep 10, 2013 - Melbourne chiropractor **Malcolm Hooper** charged Ercan Tekin, who lives ... a range of totally ineffectual treatments including **hyperbaric** treatment. After a four-year process, **Dr Hooper** has finally been 'struck off' for two years.

[Crooked chiropractors - Today Tonight - Yahoo!7 News](#) - The Today Tonight story chose not to report on the Lokomat which was approximately 50% of the HyperMED bill.

Notably the VCAT Orders state that the patient's identity ('QS') could not be revealed and yet Ms Wilson ex-Health Services Commissioner repeatedly 'breaches the VCAT orders' and identifies the patient.

- If I were to breach the same orders then the CBA and AHPRA would give grounds to invoke the 'Prohibition Order' on the basis that I am therefore 'not of good character'.

Ms Beth Wilson ex Health Services Commissioner in the ABC report:

Beth Wilson: '*if you bring your profession into disrepute, if you lie and deceive people and if you claim that your novel treatments are evidence-based when they are not, then your registration will be in jeopardy.*

Beth Wilson: '*Mr Hooper put every stalling practice into place that he could, and the tribunal members made a point of saying how much he had deliberately delayed and stalled proceedings. He made over 20 appeals to the Supreme Court during the course of the proceedings, and he harassed witnesses.*'

Further Beth Wilson: '*This case tells us a number of things. On the positive side it tells us that a person with a disability can put up their hand and make a complaint and win the day. To that extent it's a real David and Goliath struggle. It has also said to registered practitioners that if you behave in an unprofessional way, if you bring your profession into disrepute, if you lie and deceive people and if you claim that your novel treatments are evidence-based when they are not, then your registration will be in jeopardy. Those are the positive things.*'

Damien Carrick: '*An evidence-based treatment and what we can really say is complete codswallop*'.

Beth Wilson: '*Complete codswallop or let's say, to be generous, not scientifically proven. You can use unscientific treatments if you want to but you must not lie about them and you must not tell your patients or clients that they are scientifically-based when they are not, you must tell them the truth. You can say, well, this treatment has not been proven, however some of my clients say that it really helps them. So long as we are honest with people.*'

Ms Wilson makes a number of misrepresentations.

- I did not make over ‘20-appeals to the Supreme Court’. I lodged 1- Supreme Court application prior to the substantiative hearing being assured that my concerns would be dealt in the VCAT with ‘fairness and natural justice for both parties’.
- I did not harass witnesses. I was self-represented and maintained professionalism and civility exercising my rights in accordance with the VCAT finding of ‘good character’ a significant ruling and weight by the VCAT which Ms Wilson fails to acknowledge or mention.
- In hindsight, with cross examination of the applicants expert witnesses and the notifier I should have taken similar liberties and calculated forensic endeavours that Dr Freckelton exercised on behalf of the applicant.
- Self-representation in VCAT does comes with a price.

The VCAT ruled I was ‘*vexatious*’ because I failed on 2 of 3 bias applications. The ruling of vexatious is the trigger for ‘costs to be awarded against a party’.

- What involvement does the CBA, AHPRA and ex-Health Services Commissioner have in this trial by media diatribe?
- Where will this test case ultimately lead the profession and its members?
- Are your rights (scope of practise) as a practitioner about to come under the watch-dog review of the CBA and AHPRA or has review of your professional conduct already begun?
- What will you do if you become the focus of attention?
- Does the CBA represent your interest as a professional member or are they the whipping post of AHPRA and those that ultimately influence?
- Who are the Friends Of Science In Medicine?

AHPRA and CBA – ‘longest practitioner legal battles in Australia’

- It has been stated by the VGSO (Victorian Government Solicitors Office) the legal arm of AHPRA and the Chiropractic Board of Australia; that the applicant (CBA) spent in excess of \$1M to run this case. The cost being borne by ‘members of the chiropractic profession’. My all in costs including initial legal representation until October 2011 and then being self-represented with the assistance of a close friend were of an equal amount.
- Contrary to Ms Beth Wilson’s ex-Health Services Commissioner misrepresentation on costs; Ms Wilson states that the CBA spent around \$200,000 on this matter.
- The applicant came with an exceptionally talented legal team including Managing Principal Solicitor of VGSO supported by a team of between 2-3 solicitors and 3-legal support staff. During the hearing the applicant was represented by senior barrister Dr Ian Freckelton QC, 2-solicitors and numerous appearances by the senior solicitor for AHPRA Ms Carol Geyer. There were no appearances by any member of the CBA.
- The reasons for the protracted case was the fact that I would not yield to the ‘allegations’ I was facing which is the right of any individual under Australia law. In a court of law you are innocent until ‘proven’ guilty.

- As correctly stated by Ms Beth Wilson ex Health Services Commissioner – ‘*it’s a real David and Goliath struggle*’
- The VGSO have stated that this matter has been one of the ‘*longest practitioner legal battles in Australia*’.

The Applicant (CBA), AHPRA and VGSO – Natural Justice?

It was apparent that the applicant, its legal representation and the VCAT worked back from its already held ‘pre-judged decision’.

- The CBA launched its actions without any provision of mediation. The applicant in 2010 had decided that I was ‘not of good character’ which gave provisions under the AHPRA to escalate this matter to a full VCAT hearing and determination. However the applicants grounds that I was ‘not of good character’ was not found after 66-days of appearance by the VCAT.
- This entire matter could have been mediated without the media exposure ‘*bringing the profession into disrepute*’ and the enormous expense to the parties and the profession of chiropractic avoided.
- The VGSO on behalf of AHPRA and the CBA took every possible measure to block our extensive submissions and evidence using fine print interpretations of the VCAT Act and Expert practise notes.
- The VCAT placed ‘*low probative value*’ on virtually all of our submissions ‘*preferring the evidence of the notifier and the applicants experts*’. This is a common statement and thread in all practitioner cases before the VCAT.

The applicant came with one originating paper on the topic of *Hyperbaric Oxygen Therapy and Cerebral Palsy* (Collet 2001).

I came to the VCAT with the following:

- 10-arch lever folders of the original HyperMED website between 2007-2009 containing in excess of 905 scientific articles on the HyperMED site.
- The HyperMED website in the Disclaimer and individual conditions sections, clearly states that the treatments including Hyperbaric Oxygen and modalities including Lokomat are not funded by Medicare and or Third Party Insurance. The website clearly states that the *treatments are not provided as a ‘cure’*.
- The notifier’s website. The notifier’s own personal website acknowledges that the treatments are unique and not covered by Medicare. The notifier clearly states ‘*he is a lucky one and for this his goal is to find a cure prevention one day for cerebral palsy and for this reason he will try any treatment which he feels (sic) (he) will see some sort of benefit, he has never given up hope and by doing this in turn (will) help others who suffer from the same disability*’. Clearly he is informed.



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Welcome to ErcanTekin.net

Ercan Tekin has been suffering from Cerebral Palsy since birth. He considers himself one of the very luck ones who suffer from this disability. For this reason it is his goal to find a cure/prevention one day for Cerebral Palsy and for this reason he will try any treatment which he feels will see some sort of benefit, he has never given up hope and by doing this in turn help others who suffer from the same disability. He has found two types of treatments which he is getting good results and more to come, Ercan will never stop his search. We have setup this appeal to help Ercan to pay for these treatments, which have a huge cost involved. We ask for your kind donation, so Ercan can continue these treatments and help him continue to find a cure/prevention for Cerebral Palsy. These treatments are not covered by the government in any way. If you would like more information on these treatments please visit www.hypermed.com.au or email info@ercantekin.net. Also with this website you will see Ercan's journey to better himself and others with this disability.

- Previous Directions Hearing required ALL evidentiary materials to be lodged 3-months prior to the commencement of the Substantive Hearing. I submitted approximately 30-arch lever folders of additional supporting scientific articles on Hyperbaric Oxygen for Neurologic Disorders and Lokomat (Robotic Gait Assisted Therapy) for neurodegenerative disorders including Cerebral Palsy. The VGSO applied and VCAT ruled that all scientific articles were to be full originating articles and abstracts were NOT accepted as evidence.
- 2-Text books were tendered as evidence. Professor K. K. Jain *Textbook in Hyperbaric Medicine* 6th Edition 2009 and *Hyperbaric For Neurologic Disorders* John Zhang (2008). The Jain Text in Hyperbaric Medicine was 'lost' by the VGSO and only 'mentioned' during my cross examination of the applicants experts during the substantive hearing requiring me to continuously make multiple photocopies for the 3-Tribunal Members and copies to the applicant's legal team and their experts. This was an enormous time wasting and consuming expense with no consideration by the Tribunal for the most important part of my evidentiary materials being the text book by Professor K. K Jain Text In Hyperbaric Medicine which the HyperMED website was based. The 'lost' text book was nothing short of a disaster and impacted my ability to present our evidence. The VCAT placed little significance on this fact and ruled that I was 'time wasting'.
- The original patient file was also 'lost' by the VGSO and the applicant. Written requests were made for the original patient file to be returned when the 2009 complaint was escalated to the VCAT in 2010. Repeated requests were made during the multiple Directions Hearings and again during the substantive proceedings. At each request I was informed that the original file was 'lost'. The file then miraculously appeared after the applicants experts had presented their evidence and only when I commenced my cross examination of their experts. The patient file had important content that included a series of email communications between the notifier, various overseas stem cell facilities and personal emails to HyperMED. The communications reflected the 'mind and intention of the patient'. The file had been

'lost' for 3-years. This deliberate act placed me at a calculated disadvantage and my appeal to the VCAT were treated with insignificance and the action of the applicant 'condoned' by the VCAT. A lay person would interpret these deliberate acts as 'dirty tricks'.

- In excess of 5000 A4 pages of Lokomat computer print outs of the notifiers Lokomat sessions (70-hours in total) were provided. The printouts provided full records of each and every step whilst on the Lokomat, individual settings, adjustments, speed, time, duration and modifications.
- Approximately 200- extraordinary patient statutory declarations on the benefits of the services at HyperMED. The VCAT ruled that Patient Declarations were of 'low probative value' and any reported improvements by patients excused as the 'Hawthorn Participation Effect'.
- The Tribunal ruled restricting evidence by our leading medical experts on the use of HBO for neurologic disorders.
- The Tribunal restricted evidence of HBO limited to '*countries with a comparable health care system to Australia*' i.e UK and USA. I was restricted to present evidence from other countries regardless of historical and current applications.
- The Tribunal placed 'low probative value' on the evidence of our leading Chiropractic Orthopedic expert who was also a past serving Chiropractic Board member. This expert stated that the matter could have been resolved with mediation and felt that this action by the CBA and AHPRA was unreasonable and draconian.

Protect the Public

The AHPRA and CBA state that this case is a hallmark decision and maintains its obligations to 'protect' the public.

CBA Continuing Professional Development – Natural Justice?

- In 2011 in response to the question of CPDs, I noted on my Chiropractic Registration renewal forms that I had not undertaken the usual 'chiropractic' programs for CPD but in contrast had in excess of 800 hours undertaking and presenting multiple government submissions, third party insurance submissions, VNI (Victorian NeuroTrauma Initiative) submissions and NHRMC submission notwithstanding the multiple medical conferences I had attended locally and overseas.
- The CBA elected not to renew my registration in 2011/12 stating the reasons were that they concluded my extracurricular activities did not satisfy the requirements of continuing '*chiropractic professional development*'.
- After an extraordinary review and audit process with excess of 200-hours of preparation and submissions including copy of all of my government submissions, correspondence, voluminous email exchanges, letters of endorsements etc and finally

in August 2012 the full CBA board including its review committee and members of AHPRA including Ms Carol Geyer deliberated and concluded I was of ‘*good character and fit to practise*’. My registration was immediately reinstated.

- The VCAT orders August 2013 agreed with the CBA August 2012 finding that I was of *good character*. But unlike the CBA and AHPRA August 2012 finding that I was ‘*fit to practise*’ in contrast; the VCAT order ruled that I am to be *deregistered for 2-years*.
- The fact that I have not practised as a traditional chiropractor for over 20 years is possibly the basis for the CBA’s criticism of me.

VCAT – the Cover-up – Natural Justice?

The VCAT decision is interesting on several fronts –

- VCAT is not bound by the ‘rules of evidence’ and it is not a court of ‘law’. The VCAT can ‘make up its own mind’.
- The VGSO, AHPRA and the CBA took extraordinary effort to intentional blocking of evidence. The VCAT upheld this approach and tactic by the applicant.
- Significant restriction were placed on our ‘medical experts’ with hyperbaric neurologic experiences providing contradictory views to the applicants experts that are hyperbaric ‘wound experts’. The Tribunal relied on interpretations of the VCAT Practise Note 2 to support its ruling.
- ‘Hot tubbing’ is an avenue that can be offered under VCAT to assist disputing parties where opposing experts can openly debate the matter – ‘hot tubbing was not offered’.
- Repeated restriction and ruling preventing me asking the same series of questions to our experts as was asked by opposing counsel to the applicants experts. The Tribunal relied on interpretations of the VCAT Practise Note 2 to support its ruling.
- The Test imposed by AHPRA and VCAT for efficacy to justify the service of Hyperbaric Oxygen for non-Medicare conditions including sporting, orthopedic and neurologic conditions; and the use of Lokomat for neurologic conditions were based on ‘*high level randomised controlled double blinded placebo trial evidence*’. Most physical therapies including most aspects of general medicine and rehabilitation medicine including Botox does not satisfy this test!

Beth Wilson ex Health Services Commissioner failed to publicly mention that the test being applied for ‘scientific efficacy’ under AHPRA is in fact in fact ‘*high level RCT evidence*’.

Beth Wilson: ‘Complete codswallop or let's say, to be generous, not scientifically proven. You can use unscientific treatments if you want to but you must not lie about them and you must not tell your patients or clients that they are scientifically-based when they are not, you must tell them the truth. You can say, well, this treatment has not been proven, however some of my clients say that it really helps them. So long as we are honest with people.’

How would the average chiropractor and the scope of chiropractic compare to this test?

- Repeated restriction and ruling preventing me asking ‘science related questions’ with respect to any of the applicants experts and their respective fields. The Tribunal relied on interpretations of the VCAT Practise Note 2 to support its ruling. The VCAT ruled restriction stating this was a ‘chiropractic matter’.
- Repeated restriction and ruling preventing me to compare ‘professional standards’ to any of the applicants experts and their respective fields. The VCAT ruled restriction stating this was a ‘chiropractic matter’.
- Repeated restriction and ruling preventing me asking any ‘science questions’ in relation to ‘chiropractic’.
- The Tribunal constantly restricted comparison to the different professions of the applicants experts stating that this was a ‘chiropractic matter’ however when attention was focussed on chiropractic I was ordered to desist. A second bias application was lodged against the Senior Tribunal Member but the VCAT President ruled against me with the reason that I ‘*could not place the chiropractic profession on trial as it has parliamentary privilege*’.

‘Hawthorn Participation’ effect

- Further disturbing was the VCAT decision to ignore or place ‘*low probative value*’ on the evidence provided by the notifier.
- Under extensive cross examination the Notifier stated that he had ‘*improved 20% in his balance and walking ability*’ ..and .. ‘*not deteriorated since ceasing treatments at HyperMED*’. The notifier under cross examinations stated that he had essentially received no additional treatments other than commencing Botox for his lower limb spasticity in October 2012. He confirmed that he had no deteriorated since ceasing treatments at HyperMED.
- Incidentally evidence submitted before the VCAT revealed that there is ‘no evidence to support the efficacy of Botox administration for lower limb contractures’ the current therapy the notifier is pursuing at a Melbourne hospital. The VCAT placed ‘*low probative value*’ on this evidence.
- The VCAT considers the patient’s improvement as the ‘*hawthorn participation*’ effect and placed ‘*low probative value*’ on the notifier’s evidence.
- This provides the AHPRA and CBA the bench mark means that if a patient attends a practitioner and undertakes treatment, responds and is satisfied but then elects to lodge a complaint against the practitioner for instance, 1-year later. The practitioner will then be required to defend the *right to practise based on treatment efficacy* with the test applied being ‘*high level evidence supported by double blinded randomised controlled trials*’.
- There will be very little room to hide for any practitioner let alone a CAM and Integrative Medicine practitioner.

The Notifier – reason for the complaint

- The patient under cross examination conceded that he ‘lodged his complaint to avoid his debt’. – ‘Yes’ responded the notifier.
- The VCAT ignored this concession and also forgave the fact that the notifier had also established his own extensive fund raising website, continued posting multiple You Tube clips and raising money however not for the established purposes of his ‘registered charity’ being to attend HyperMED.
- The notifier lodged his complaint and then removed all evidence of his personal fund raising website and the multiple You Tube postings. This destruction of evidence is a breach of 256 of the criminal code. This ‘*lack of credit*’ of the notifier was condoned by the VCAT.

Informed Consent – ‘*better prepare himself for overseas stem cell therapies*’

The CBA and AHPRA stated that I did not provide adequately informed consent.

- The patient confirmed that he telephoned the clinic and spoke to reception staff and requested an information pack to be sent to him. He stated to staff that he suffered cerebral palsy and wanted to attend to ‘*better prepare himself for overseas stem cell therapies*’. He stated to the staff member that he had contacted several overseas stem cell facilities and was recommended to attend a local Hyperbaric facility to ‘*better prepare himself prior to attending overseas for stem cell therapies*’. The patient stated that he was told by his overseas medical doctors and confirmed by his own personal review that ‘*HBO has the potential to activate and mobilise his own circulating stem cells*’.
- The patient stated to staff and to myself during consultation that he had heard about HyperMED and had only recently viewed several Channel 7 news stories that aired in June 2007 and also July 2007 featuring the ‘unique combination’ of HBO and Lokomat for spinal cord injury and also a near drowning child. He stated that he had thoroughly reviewed both the HyperMED and other websites prior to attending including video documentaries on both HBOT and Lokomat.

The patient confirmed that he received an information pack posted to him. The information pack was standard to all patients making inquiry:

- 6-page Welcome to HyperMED
- HyperMED (2006-2007) newsletters with detailed scientific content identifying authors and publications regarding Hyperbaric Oxygenation and Lokomat (Robotic Gait Assisted Walking). Newsletters featured patient testimonials
- Hyperbaric Oxygenation Effects on Blood Flow (diagram)
- Safety requirements for HBOT
- Treatment Protocols
- Fees and Charges
- Hypoxic Induced Apoptosis article
- Patient Consent Form

The patient confirmed that in the information pack it also contained photocopy of 2- separate chapters from the K.K. Jain Text in Hyperbaric Medicine:

- Chapter 18 HBO Therapy in Global Cerebral Ischemic/Anoxia and Coma; and
- Chapter 21 HBO in the Management of Cerebral Palsy

The patient confirmed that he also received a further photocopy from the Jain Text Book after the initial consultation

- Chapter 17 The Role of HBO in the Management of Stroke
- During cross examination the patient identified all the contents of the information pack but denied he received the ‘Patient Consent’ form. He stated that he could not remember whether the consent form was also on the HyperMED website but confirmed that he had read *‘virtually everything on the HyperMED website prior to attending’*. He confirms that he also reviewed the section on the website Hyperbaric ‘Patient Handbook’ section but did not recall the Patient Consent Form at the end of this section! The patient consent form has been standard in our practise with all patients since the late 90’s.

Past Medical Records

The patient attended and as directed brought to the initial consultation all past medical reports and records which dated back to his childhood detailing his therapies and surgical interventions whilst under the direction of his doctors at the Royal Children’s Hospital. Prior to contacting HyperMED an overseas medical doctor in preparation for stem cells recommended that he get a current MRI of his brain to assess his condition. The patient consulted his local family GP and instead of an MRI he was referred for a CT Scan. The CT Scan identified regions of old ischemic infarctions.

During cross examination the notifier confirmed that during the initial consultation I reviewed all of his past medical reports including his CT Scans and reports. He confirmed during cross examination that based on his CT Scans and report that I referred him to a text book (Jain Text in Hyperbaric Medicine and Chapter 17 The Role of HBO in the Management of Stroke) and the used the text in an open book consultation explaining the mechanisms associated with his condition and benefits of HBO.

- The patient confirmed the open text book style initial consultation.
- The patient confirmed that he was provided a subsequent photocopy of the Jain text book on HBO in the Management of Stroke.

The patient under cross examination confirmed that he also received copy:

- 20-page booklet by Dr. Neubauer, Ocean Hyperbaric Neurologic Centre located in the USA.

Dr Neubauer is one of the modern day pioneers in the field of hyperbaric therapy and brain injury. Dr Neubauer’s booklet provides a range of both children and adult patients undertaking

HBO for a range of disorders including infantile stroke, cerebral palsy, near drowning, coma and other neurologic conditions. The patient during cross examination confirmed that he read Dr Neubauer's booklet and acknowledged the diversity of conditions treated and the range of treatment hours upwards of '300-HBO hours' in the treatment of specific conditions including and adult patient suffering the effects of perinatal stroke. The patient confirmed during cross examination that he was 'particularly interested in cases of cerebral palsy and stroke given he had suffered the effects of a stroke around the time of his birth'.

Notifier wanted to try Hyperbaric that same day

The patient states that he wanted to trial HBO on the day he attended his initial consultation.

- The patient confirmed during cross examination that I informed him that he could undertake HBO on the same day not dissimilar to sports persons attending before or after a game to assist recovery. The patient confirmed during cross examination that the staff member that provided the HBO that same day and for the majority of his HBO sessions during 2007 was (DrL) who was a Professor of Hyperbaric Medicine from China but unregistered as a medical doctor in Australia. The patient confirmed during cross examination that DrL spent 5-10 minutes time explaining the 'process of undertaking HBO, breathing techniques, ear pressure equalisation, safety requirements, risks and complications'. The patient stated that he remembered he was 'not allowed to smoke inside the chamber or take in any battery operated item due to the increased risk of fire' being in an enriched oxygenated environment.

'The first consultation was fine'

- The patient stated during cross examination that '*the first consultation was fine*'.
- The patient confirmed during cross examination that he went home and further reviewed the HyperMED website and other HBO and Lokomat sites. He states that he discussed the therapies with his family and that they agreed to him attending. He confirmed during cross examination that he discussed the MRI referral with his family and that they supported the referral to get an MRI of his brain and full spine. He confirmed during cross examination that his brother and mother attended with him on numerous occasions. The patient confirmed during cross examination that most of the treatments were provided by other doctors at HyperMED.

Treatment provided by unregistered Medical Doctors

- The patient confirmed during cross examination that other than myself I was assisted by 3- unregistered medical doctors providing treatment to the notifier including (DrL) the HBO doctor from China, (DrMI) an overseas medical cardiologist in the process of gaining his Australian registration provided most of the Lokomat supervision and also another overseas medical doctor (DrTC) working between both the HBO section and the Lokomat section. Dr TC is now a registered medical doctor and practising in Melbourne.

Failure to Assess and Monitor, Inadequate Record Keeping

- The patient confirmed during cross examination that it was explained to him the '*risks, complications and safety requirements*' prior to undertaking HBO. The patient confirmed during cross examination that he was constantly monitored by staff during his HBO sessions ('*it was there job*') and confirmed during cross examination that he was questioned on each occasion before entering a HBO chamber as to whether he inadvertently was carrying his mobile phone into the chamber. He confirmed during cross examination that if he suffered any ear pain he was given drops to assist his ears.
- The patient confirmed during cross examination that during his initial session on the Lokomat his details, measurements and settings were recorded into the Lokomat computer software. He confirmed during cross examination that due to his spasticity he was required to air walk whilst strapped into the Lokomat with a shortened gait due to his severe contractures. He confirmed during cross examination that the Lokomat had to be constantly monitored and adjusted because the Lokomat would frequently stop as a safety due to his spasticity and contractures. He confirmed during cross examination that over time his feet were touching the treadmill and his sessions were increased in time duration and involving various speeds.
- The VCAT was provided in excess of 5,000 pages of specific computer records on the patient detailing the changing settings demonstrating modifications and changes during each and every sessions. However the VCAT was not satisfied with my conduct.

Inappropriate Advertising and Treatment Claims

- The HyperMED website did feature patient testimonials and treatment claims in newsletters (between 2006-2009) however I argued that the testimonials and treatment claims were not chiropractic related. To support the bona fide I submitted around 200-patient statutory declarations provided to the VGSO and the VCAT.
- The complaint was escalated to VCAT in May 2010. In April 2011 I entered an undertaking with the VGSO to remove all newsletters and web presence that featured patients testimonials. There have been no breaches of this undertaking. The VCAT appear to place 'low probative value' on this undertaking.
- I personally reviewed the majority of Australian chiropractic websites between 2007-2013 with focus and emphasis on board and association members noting that in excess of 60% of office bearers were in breach of the advertising rules and treatment claims offered under the 'scope of practise'.
- I provided this evidence under Section 105?? of the VCAT ACT as to the comparable standards of the profession and brethren of high standing. The VCAT placed 'low probative value' on this evidence.

Efficacy of Treatment – Hyperbaric Oxygenation for 71-conditions; and Lokomat

The applicant came to the proceedings stating that was ‘*no science to support the efficacy*’ of HBO for listed 71 conditions featured on my 2007-2009 website.

- My website between the period 2007-2009 featured in excess of 906 scientific articles to support the wider applications of HBO and Lokomat (Adult and Pediatric Robotic Gait Assisted Walking) for the conditions featured on the HyperMED website.
- The CBA and AHPRA requires that the scientific evidence to support the efficacy of a therapy is to be based on ‘*high-level randomised controlled trials*’. During the period of 2007-2009 the availability of ‘*high-level randomised controlled trials*’ were minimal or non-existent in all professions i.e Botox. The VCAT placed ‘low probative value’ on this evidence.
- In 2007 the peak body - Cerebral Palsy Australia featured and continues to feature Hyperbaric Oxygen Therapy as an alternative therapy on their national site with an active link to the website HyperMED NeuroRecovery. The VCAT placed ‘low probative value’ on this evidence.
- The Tribunal restricted evidence of HBO limited to ‘*countries with a comparable health care system to Australia*’ i.e UK and USA. I was restricted to present evidence from other countries regardless of historical and current applications.
- Cross examination of the applicants experts confirmed the existence of ‘*mid to low level or no evidence*’ to support the ‘accepted therapies’ in those professions. The VCAT placed ‘low probative value’ on this evidence
- Cross examination of the 2-Hyperbaric experts for the applicant confirmed the Cochrane’s Collaboration of ‘*low to no evidence*’ for the list of ‘accepted conditions’ for Hyperbaric Oxygen Therapy under the existing Medicare. The VCAT placed ‘low probative value’ on this evidence.
- Cross examination of the 2-Hyperbaric experts for the applicant confirmed that in October 2012 the decision by the Medicare Services Advisory Committee to withdraw all Medicare funding for ‘non-diabetic wounds and Hyperbaric Oxygen Therapy’ due to the lack of evidence.
- Cross examination of the 2-Hyperbaric experts for the applicant confirmed that the previously funded non-diabetic wounds comprised approximately 33% of all patients attending for Hyperbaric Therapy in Australian based hospitals.
- Cross examination of the 2-Hyperbaric experts for the applicant confirmed that ‘non diabetic wounds’ has been the subject of review for the past 15-years because under Medicare there is ‘*little to no evidence*’ to support the significant funding over the past 15-years. The VCAT placed ‘low probative value’ on this evidence.
- Cross examination of the 2-Hyperbaric experts for the applicant confirmed ‘differing and conflicting views’ with regards to funding of conditions under Medicare including non-diabetic wounds. The applicants hyperbaric experts had differing views on a range of challenges presented to them. One expert stated that for him to provide

HBOT for a non-Medicare condition outside the policy of the hospital would be based on his ‘own personal experience’ and would be the ‘*toss of the coin*’ in some conditions. The VCAT placed ‘low probative value’ on this evidence.

HyperMED – Hyperbaric Oxygen combined with Lokomat (Robotic Gait Assisted Walking)

The HyperMED combination of HBO and Lokomat was a world first in 2006 being referred by the applicant as being ‘novel’. This is stated clearly on the HyperMED website and on the notifier’s website.

The adult and pediatric Lokomat is a \$750,000 sophisticated robotic machine and not a simple ‘*treadmill like device*’ as reported in the media. The Lokomat is designed to re-educated gait function and promote neuroplasticity. The HyperMED Lokomat system was the first for Australia. Currently there are 2-Lokomats in Australia with both Lokomats located in Adelaide.

- The HyperMED Lokomat was recently purchased by a philanthropic group and relocated to Adelaide and is being used by a physiotherapy group specifically treating patients with cerebral palsy. Our former Lokomat is now funded under Novita Children’s Services program which is a subsidiary of Cerebral Palsy Australia.
- The robotic rehabilitation market is a new frontier – many larger rehabilitation hospitals across Australia now provide the smaller and less expensive upper limb robotics for motor function retraining. There are in excess of 500-Lokomats worldwide with the majority of neurorehabilitation hospitals using Lokomat as part of an integrative approach treating patients with wide ranging disabilities.

Lokomat – Robotics Turf War

- Evidence was submitted to the VCAT with respect to the long history and political turf war of hyperbaric therapy in non-hospital based facilities.
- Evidence was submitted to the VCAT to the political turf war that has emerged with respect to robotics and the emerging role of robotics in rehabilitation.
- Evidence was provided to the VCAT of the multiple Government submissions in relation to Hyperbaric Therapy and Lokomat and the politics that followed.
- Evidence was provided to the VCAT in relation to the 2-Lokomats currently in operation in both a hospital and private clinic setting in South Australia and attracting Government funding for the same conditions I am being challenged.
- Evidence was provided to the VCAT in relation to upper limb robotics currently available in prominent Melbourne and Sydney Hospitals and attracting Government funding.
- The VCAT was dismissive and essentially ignored this evidence and placed ‘low probative value’ on this evidence.

Restrictions and Prohibition Order

- The applicant did not prove its case – regardless of its findings and my imposed deregistration there is no impact on my day to day clinical practise. I can continue to treat the exact list of conditions I have been treating for the past 20 years without restriction.
- I gave an undertaking not to treat 10-conditions out of 71-conditions which are 10 conditions I have never treated using HBO and do not intend to treat with HBO in the future i.e acute lung embolism etc. The balance of undertakings centre on me providing information to the patient that the use of HBOT is ‘*novel*’ and ‘*not supported by the majority of medical doctors and or medical organisations in Australia*’ etc. These exact undertakings have been part of my patient application forms for the past 5+ years!
- One raises the question as to whether chiropractic would satisfy this same undertaking.

CBA Relied on Sexual and Predatory Misconduct Cases To Supports Its Request For A Prohibition Order

- The applicant failed to get a ‘prohibition order’ to restrict me from treating non Medicare conditions (sporting, orthopedic and neurologic conditions).
- Dr Freckleton QC for the CBA continued his authorative presence by constantly citing criminal cases that did not support the request for the numerous orders he was seeking. With regards to the prohibition order the cases he cited in support where in fact sexual predatory misconduct cases and not applicable to this case. This constant and inappropriate leading of the Tribunal was tolerated by the VCAT tribunal.
- This constant departure from a ‘model litigant’ standard ‘leading the tribunal members’ was the hallmark of my experience at VCAT. I challenged the departure of the model litigant status of the applicant, its legal representatives and the VCAT. The VCAT Senior Member was not satisfied and ruled that I was vexatious.

Character

- In 2012 the CBA and members of AHPRA including Ms Carol Geyer performed a full audit of my ‘*continuing professional development and fit to practise*’. This procedural review determined that I was of ‘*good character and fit to practise*’.
- This decision by the CBA and AHPRA including Ms Carol Geyer ‘overrides the decision’ by the applicant and AHPRA in 2010 to escalate the matter to the VCAT on the basis of ‘*not of good character*’.
- The applicant commenced its proceeding to the VCAT based on their initial findings (2010) which they overturned in 2012 that I was of ‘*good character*’.
- After self-representation and the incredible abuse subjected during the 36-day hearing I was ‘again’ found to be ‘of good character’.

- This is a self-imposed and flawed position by the applicant (CBA), AHPRA, VGSO and the VCAT however ‘the rules of evidence do NOT apply’ ... VCAT is NOT a court ... Model Litigant status does NOT apply. This is what is commonly referred to in the VCAT Act as a ‘kangaroo court’ and other terms ‘Rafferty Rules’ .

Unyielding

- I was subjected to 5-days cross examination by Dr Freckelton QC for the applicant. Dr Freckelton is a master with extraordinary and calculating forensic skill. Every aspect of your professional and personal life is explored and opened before the VCAT.
- Regardless of Dr Freckelton’s monumental efforts, the VCAT ruled that I was *‘unyielding and unwavering in my belief for the numerous conditions I have treated successfully for the past 17-years’*. However, the VCAT ruled that I lacked ‘insight’.

Evidence

The VCAT ignored the vast volumes of submitted clinical evidence.

- I was required to submit all evidentiary material 3-months prior to the commencement of the substantive hearing.
- The VCAT ruled that the clinical evidence to be originating scientific peer reviewed papers and not abstracts, cohort case studies or anecdotal evidence.
- The VGSO, AHPRA and applicant CBA elected ‘not to provide our clinical evidence to its experts for their opinion and cross examination’.
- The VCAT ordered during the substantive hearing that the applicants experts could not be expected to review the vast submissions that had been correctly lodged in accordance with previous Directions Hearings.
- The VCAT then ruled ‘during my cross examination’ that only *limited articles* could be placed before the applicants experts and the clinical papers *to be made available at least several days prior to cross examination*.
- This was a deliberate passage for the applicant and VCAT to block our significant clinical evidence.

VCAT Practise Note 2

- The VCAT relied on interpretations of the ‘VCAT Practise Note 2’ to block the evidence and expansion of evidence of our hyperbaric neurologic medical experts. If our medical experts did not refer to something specific in their initial report then we were ‘restricted from asking specific or additional questions elaborating on the experts evidence’ – however this restriction was not imposed on the applicants experts when argued. Their experts were given every opportunity.
- I lodged a bias application on this matter but again lost. The VCAT ruled I was vexatious.

- Evidence that we were able to get in was in the main totally ignored with the VCAT ‘preferring the evidence of the applicants experts’.

Discrediting Our Experts

- In an attempt to discredit the our hyperbaric neurologic medical experts and evidentiary material; one of the applicant’s Hyperbaric experts in his report to the VCAT described the various neurologic hyperbaric texts, their authors and co-contributors; and the various overseas Hyperbaric specialists as - ‘*misguided enthusiasts*’.
- Both of the applicant’s hyperbaric ‘experts’ stated individually under cross examination that they had not personally attended a Hyperbaric neurologic medical conference but acknowledged specialised Hyperbaric conferences in this field had been conducted on an annual basis in the USA for the past 13 years.
- Under cross examination one the applicant’s hyperbaric experts later praised specific individuals he originally named as ‘*misguided enthusiasts*’, for their pioneering work and pivotal role in the multiple USA government submissions resulting ‘*with many millions of dollars*’ enabling returning War Veterans the right to access HBO for Traumatic Brain Injury.
- The fact that in excess of 1200 medical HBO facilities are providing HBO for the various neurologic and orthopedic disorders similar to my 17-years’ experience had ‘low probative value’ according to the VCAT.
- Ms Beth Wilson ex-Health Services Commissioner failed to acknowledge or mention these facts in her media endeavours.

Respondent’s Experts - Hooper’s Hyperbaric Texts – His Holy Grail

- The VCAT decision refers to Hooper’s hyperbaric texts as his ‘*holy grail*’.

The international experts, hyperbaric texts and peer reviewed scientific papers are amongst the world’s leading experts, texts and published papers in field of Hyperbaric Medicine and Neurologic Conditions and included:

- Professor K. K. Jain Text in Hyperbaric Medicine 5th Edition 2005 and 6th Edition 2009. Professor Jain was the key note speakers at the ‘2011 G7 Hyperbaric European Summit’.
- Hyperbaric Oxygen Therapy For Neurologic Disorders - John Zhang (2008)
- Dr Paul Harch (President of International Hyperbaric Medicine Foundation) Book – ‘The Oxygen Revolution’. Dr Harch was also a key note speakers at the ‘2011 G7 Hyperbaric European Summit’.

Respondents Experts included:

- Dr Pierre Marois Pediatric Rehabilitation Physician and co-founder of the infamous ‘Collet’ study. Dr Marois is a world leader in HBO and Pediatric Rehabilitation .

- Dr Kenneth Stoller HBO Paediatrician and President of International Hyperbaric Medicine Association.
- Dr Tim Ewer NZ HBO Physician.
- Dr Robin Willcourt Physician .
- Dr David Steenblock USA – referring physician of the notifier.
- Dr Paul Perkoulidis Chiropractic Orthopaedist.
- Dr Ben Patritti Exercise Physiologist South Australia.

VCAT Protects the Identity of the Notifier

- What is extraordinary is the fact that the VCAT Orders stated that the patient's identify could not be revealed and yet he is repeatedly named and featured in recent media attention. Was the notifier paid for his appearances and interviews?
- The now retired Health Services Commission Ms Beth Wilson breaches the VCAT order and refers to the patient by name of numerous occasion.

[Dealing with professional misconduct by health care providers - ABC](#)

www.abc.net.au/radionational/programs/lawreport/...with.../4946454

Sep 10, 2013 - Melbourne chiropractor **Malcolm Hooper** charged Ercan Tekin, who lives ... a range of totally ineffectual treatments including **hyperbaric** treatment. After a four-year process, **Dr Hooper** has finally been 'struck off' for two years.

[Crooked chiropractors - Today Tonight - Yahoo!7 News](#) - The Today Tonight story chose not to report on the Lokomat which was approximately 50% of the HyperMED bill.

Who is the Notifier?

- The complaint was lodged by an adult Turkish patient ('QS'), who suffers lower limb spasticity diagnosed as 'cerebral palsy' due to a perinatal stroke.
- According to the CBA Senior Investigator the notifier is '*able minded*' and proves to be '*very resourceful fixing the families computer problems*'. The CBA senior investigators reports was tendered as evidence 'by the Respondent' but vigorously contested by the applicant. The VCAT placed 'low probative value' on the CBA investigators report.
- The notifier attended HyperMED for an extended period of time and paid infrequently with promissory letters (after ceasing treatment) of further payments.
- The notifier was given substantial free treatment for the last 3-months whilst he was attending as his money collections were slow. HyperMED did not abandon the patient.
- The notifier provided evidence of his registered charity and fund raising efforts when treatment commenced.
- Several months after ceasing treatment at HyperMED the notifier contacted HyperMED and confirmed that he established his own fund raising website.
- The notifier said under cross examination that he saw himself as a 'good guinea pig' and was prepared to try anything that would benefit him or others with this condition'.

- The notifier's personal website featured links to www.clinicaltrials.gov and virtually all leading world websites in relation to HBO and Lokomat – many of these international sites back linked to the HyperMED site.
- The VCAT placed 'low probative value' on the evidence.

Notifiers Website

- The notifier removed his website, YouTube postings etc 'after he lodged his complaint'.
- A historical software 'Wayback Machine' was employed to re-discover his website. The extensive website and all links were submitted as evidence to the VCAT.
- The VCAT placed 'low probative value' on the evidence.

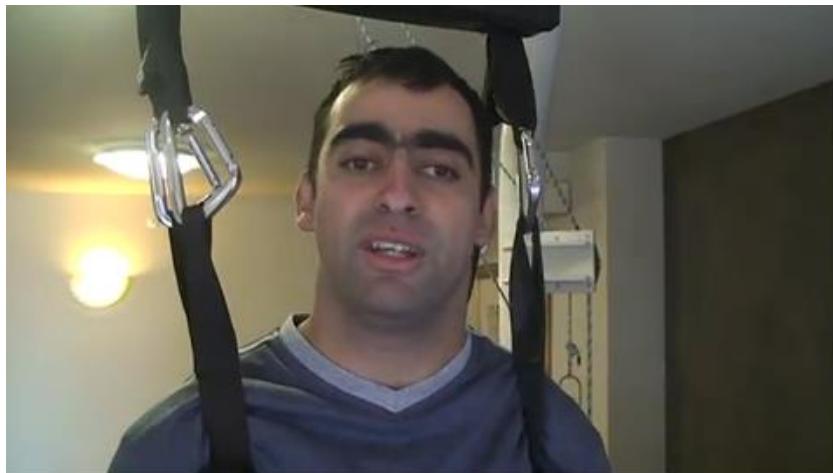
The screenshot shows the Wayback Machine interface with the URL 'http://ercantekin.net/' entered in the search bar. Below the search bar, it says '4 captures' and '14 Sep 08 - 20 Feb 09'. To the right is a calendar showing months from SEP 2008 to FEB 2010, with 'JAN 19 2009' highlighted. At the bottom left, there are links for 'Home', 'Who am I', 'Make a donation', 'Gallery', 'What is Cerebral Palsy', and 'Contact us'.

Welcome to ErcanTekin.net

Ercan Tekin has been suffering from Cerebral Palsy since birth. He considers himself one of the very luck ones who suffer from this disability. For this reason it is his goal to find a cure/prevention one day for Cerebral Palsy and for this reason he will try any treatment which he feel will see same sort of benefit, he has never given up hope and by doing this in turn help others who suffer from the same disability. He has found two types of treatments which he is getting good results and more to come, Ercan will never stop his search. We have setup this appeal to help Ercan to pay for these treatments, which have a huge cost involved. We ask for you kind donation, so Ercan can continue these treatments and help him continue too find a cure/prevention for Cerebral Palsy. These treatments are not covered by the government in any way. If would like more information on these treatments please visit www.hypermed.com.au or email info@ercantekin.net. Also with this website you will see Ercan's journey to better himself self and others with this disability.

The Patient Video

- click on the notifier picture below to view his promotional DVD. The VCAT placed 'low probative value' on the evidence.



Supreme Court Appeal

- Prior to the Substantive Hearing I lodged ‘1- appeal to the Supreme Court’ given the applicant continued to change the allegations against me. There were a total of 8-sets of changes to the 8-allegations against me.
- I was assured by Judge Habersberger of the Supreme Court that my concerns would be fully heard and dealt with at the VCAT in a reasonable and fair manner for both parties.
- This was not my experience and reasons for subsequent bias applications lodged in the VCAT.

My dissatisfaction with this injustice can only find relief if a further application was made to the court of appeal to have the matter of appeal argued before a Supreme Court Judge. However I am past the allocated time and further action would require a significant application for appeal to be heard before the Supreme Court before a leave to appeal the VCAT is granted.

- The cost for the leave to appeal and Supreme Court hearing would be in excess of a further \$150-200,000.
- If an appeal were ultimately successful in the Supreme Court with decision in favour of my application then the matter would be sent back to VCAT with the full Tribunal reconstituted and the entire matter heard again at VCAT.

I am of the opinion that VCAT is not the appropriate jurisdiction for science legal matters where the rules of evidence do not apply and the process influenced by representatives not bound by model litigant status. How can natural justice be afforded a practitioner let alone a self-represented party.

I have concluded that this forum and the action of the parties and representatives involved to be un-Australian.

AHPRA and Its Friends

This decision provides AHPRA and its ‘Friends’ a cardinal test case on the continuing clash between *‘junk science and law’* (paper presented by Dr Ian Freckelton QC).

The VCAT, applicant and its representative Dr Ian Freckelton denied any form of conspiracy.

- Dr Freckelton has published numerous papers on ‘junk science’ specifically targeting complimentary health care models. Dr Freckelton has a vested interest in AHPRA pursuing the message of ‘junk science’.
- Ms Carol Geyer former senior solicitor for AHPRA is named in the footnotes assisting Dr Freckelton preparation in several papers on the subject of CAM.

- I believe the applicant (CBA) has only become aware of this hidden crusade by the Friends of Science in Medicine where my test case has been met with incredible resistance and bias.
- I am of the opinion that the CBA has marked itself as a whipping post for the '*cohort of others behind this case*' (words of Dr Freckleton to VCAT).

[Consultation submission: Friends of Science in Medicine \(pdf,365kb\)](#)

[www.tga.gov.au/.../consult-medical-devices-premarket-assessment-1301](#)... 3.11

Hyperbaric Oxygen Therapy Chamber (Not on ARTG) xxxivNervoscope. Dr Luke and the Nervoscope. lxi **Malcolm Hooper**. HyperMed.

- This VCAT decision has ramifications for the '*burden of proof has shifted to those that do other things*' (Dr Freckleton 'Junk Science and Law').
- This VCAT ruling provides AHPRA with a wide net that will exercise its powers to '*protect the public*'.

If you would like to speak with me in relation to this matter you are welcome to contact me direct by return email or mobile on 04000 44 9 55.

Sincerely,

Malcolm R. Hooper
BAppSci (Chiro), DAc, Grad DipAc, MAppSc, HBO Tech, Snr Trainer Lokomat Systems



HyperMED Australia 643 Chapel Street South Yarra Victoria 3141
T +61 3 9826 9898 | F +61 3 9826 1818 | E info@hypermed.com.au | www.hypermed.com.au |
HyperMED a 'unique Australian initiative working to help others'

Google Search - Hooper Chiropractor

Crimenet - professional misconduct records

www.crimenet.org/index.php?tp=misconducts&id=35&f=0...

Malcolm Hooper ... Essendon players also received **hyperbaric** treatment at **Dr Hooper's** South Yarra clinic, with the Australian Sports Anti-Doping Authority ...

Dodgy chiropractor struck off for two years for misconduct | Herald Sun

www.heraldsun.com.au/news/law.../story-fni0fee2-1226690450599

Aug 2, 2013 - A CHIROPRACTOR who gave an Essendon player **hyperbaric** ... **Dr Malcolm Hooper** has been found guilty of misconduct and struck off the ...]

Dons chiro guilty of misconduct - Herald Sun

www.heraldsun.com.au/sport/afl.../story-fni5ezdm-1226657449801

Jun 5, 2013 - ESSENDON players were given **hyperbaric** chamber treatments by a chiropractor ... **Dr Malcolm Hooper** has been found guilty of misconduct.

Cancelled registration after one of lengthiest practitioner ...

www.medicalobserver.com.au.../cancelled-registration-after-one-of-leng...

Aug 5, 2013 - A CHIROPRACTOR who gave a cerebral palsy patient **hyperbaric** oxygen ... Victorian **Dr Malcolm Hooper** also had costs awarded against him ...

Zealot chiro deregistered for two years - Medical Observer

www.medicalobserver.com.au.../zealot-chiro-deregistered-for-two-years

Aug 13, 2013 - Victorian **Dr Malcolm Hooper** (Chiro) also had costs awarded against him ... He also failed to tell the patient the views of mainstream **hyperbaric** ...

Crimenet - professional misconduct records

www.crimenet.org/index.php?tp=misconducts&id=35&f=0...

Malcolm Hooper ... Essendon players also received **hyperbaric** treatment at **Dr Hooper's** South Yarra clinic, with the Australian Sports Anti-Doping Authority ...

Chiropractor's oxygen treatment created false hope from hot air

www.theage.com.au.../chiropractors-oxygen-treatment-created-false-ho...

Oct 25, 2011 - **Dr Malcolm Hooper**. Photo: Craig Abraham. A CHIROPRACTOR who provided hundreds of hours of **hyperbaric** oxygen treatment to a man with ...

View this client alert www.rk.com.au/.../RK%20Client%20Alert%20-%20CBA%20V%20Hooper

Aug 6, 2013 - On 5 May 2010, the professional conduct of **Dr Hooper**, chiropractor, was referred to ... before embarking on **hyperbaric** and locomat treatment;.

Dealing with professional misconduct by health care providers - ABC

www.abc.net.au/radionationals/programs/lawreport/...with.../4946454

Sep 10, 2013 - Melbourne chiropractor **Malcolm Hooper** charged Ercan Tekin, who lives ... a range of totally ineffectual treatments including **hyperbaric** treatment. After a four-year process, **Dr Hooper** has finally been 'struck off' for two years.

Crooked chiropractors - Today Tonight - Yahoo!7 News

au.news.yahoo.com/today-tonight/latest.../crooked-chiropractors/

Sep 5, 2013 - Melbourne chiropractor **Dr Malcolm Hooper** slapped Mr Erchan with a bill for \$50,000 for **hyperbaric** treatment which, essentially, didn't work.

[Chiropractic Board of Australia v Hooper \(Review and Regulation ...](#)

ehln.org/?p=29895

Jun 16, 2013 - Before: Robert Davis, Presiding Member; **Dr B Draper**, Member; **Dr J Waterhouse**, ... This proceeding is a disciplinary hearing against **Dr Malcolm Hooper**, ... and undertaking **hyperbaric** oxygen treatment (**HBOT**) and Lokomat ...

[Chiro guilty of misleading disabled man | Australian Doctor](#)

www.australiandoctor.com.au > [News](#) > [Latest News](#)

Jul 23, 2013 - **Malcolm Hooper** was found guilty of professional misconduct after he ... condition could be improved using **hyperbaric** oxygen therapy and a ...

['Zealot' chiro struck off for two years | Australian Doctor](#)

www.australiandoctor.com.au > [News](#) > [Latest News](#)

Aug 5, 2013 - Melbourne chiropractor **Malcolm Hooper** had his registration ... his condition could be improved using **hyperbaric** oxygen therapy and a robotic ...

[decision - Casewatch](#) www.casewatch.org/foreign/hooper/decision.rtf This proceeding is a disciplinary hearing against **Dr Malcolm Hooper**, a registered ... (f) In recommending both the **HBOT** and Lokomat treatment the respondent ...

[The Chiropractic Compendium - AFA Forums - Atheist Foundation of ...](#)

www.atheistfoundation.org.au > ... > [Pseudoscience and anti-science](#)

Jul 13, 2013 - 4 posts - 1 author

According to findings by VCAT, South Yarra chiropractor **Dr Malcolm Hooper** ... **Dr Hooper** who claims **hyperbaric** chambers can be used to ...

[Chiropractor fights misconduct ruling - Financial Review - News Store](#)

newsstore.smh.com.au/.../viewDocument.ac;...dr...

Dec 22, 2011 - ... October that **Dr Malcolm Hooper**, 51, took advantage of a vulnerable patient in providing 231 hours of **hyperbaric** oxygen treatment to "Mr T", ...

[Chiropractor struck off for 'novel' treatments - jeffersonshxr's soup](#)

jeffersonshxr.soup.io/post/.../Chiropractor-struck-off-for-novel-treatment...

Aug 6, 2013 - ... Administrative Tribunal also disqualified **Malcolm Hooper** from reapplying for registration as a ... Essendon players also received **hyperbaric** treatment at Mr ... by **Dr. Jeff Langmaid** Brandon, FL Chiropractor **Dr Jeff Langmaid** ...

[Consumer Health Digest, August 8, 2013](#)

www.ncahf.org/digest13/13-30.html

Aug 8, 2013 - In a press release, board president **Dr. Philip Donato** said, ""We will not tolerate ... that chiropractor **Malcolm Hooper** was guilty of professional misconduct, ... on Hooper's treatment of a man with cerebral palsy with **hyperbaric** ...

[Chiro ruled guilty of misconduct - Financial Review - News Store](#)

newsstore.fairfax.com.au/.../viewDocument.ac;...dr...

Jun 5, 2013 - Fairfax has previously reported that **Dr Hooper** provided Essendon players with more than \$50,000 worth of **hyperbaric** oxygen treatment at his ...

[Chiropractor struck off for 'novel' treatments - Worldnews.com](#)

article.wn.com/view/.../Chiropractor_struck_off_for_novel_treatments/

Aug 2, 2013 - **HBOT** for spinal cord injury.mov ... **Dr** Phill Yoo Treating Jim Hooper former avp volleyball player also disqualified **Malcolm Hooper** from reapplying for registration as a chiropractor for two years and ordered... more ».

[News • Hyperbaric Oxygenation - Lookfordiagnosis](#)

www.lookfordiagnosis.com/news.php?lang=1&term=Hyperbaric...8

"**Hyperbaric** oxygen treatment helps the body heal by allowing patients to breathe ... **Dr Malcolm Hooper** has been found guilty of misconduct and struck off the .

[31 October 2011 - Disability Advocacy Resource Unit](#)

old.daru.org.au/publications/items/2011/10/386945-upload-00001.doc

Oct 31, 2011 - A chiropractor who provided hundreds of hours of **hyperbaric** ... **Dr Malcolm Hooper**, 51, has admitted making false representations about his ...

[ISSUU - Ob 19jun13 az by Ash Long](#)

issuu.com/mediaflash/docs/ob_19jun13_az?mode=window

Jun 19, 2013 - Melbourne Fiddler On The Roof □ Victorian chiropractor **Dr Malcolm Hooper** has been found by the Victorian Civil and Administrative Tribunal ...

[The Age Newspaper Front Page for 5 June 2013 - The Paperboy](#)

www.thepaperboy.com › [World Newspapers](#) › [Australia](#) › [Front Pages](#)

Jun 5, 2013 - ESSENDON players were given **hyperbaric** chamber treatments by a ... **Dr Malcolm Hooper** was yesterday found to have charged a disabled ...

[Hearsay ... the electronic journal of the Bar Association of ...](#)

www.hearsay.org.au/index.php?option=com_content&task...id...

Melbourne chiropractor **Malcolm Hooper** charged Ercan Tekin, who lives with cerebral ... for a range of totally ineffectual treatments including **hyperbaric** treatment. After a four-year process, **Dr Hooper** has finally been 'struck off' for two years.

[The Millenium Project - Liars 51 to 100 - Ratbags](#)

www.ratbags.com › [Home](#) › [Categories](#)

Hyperbaric Medicine : Spinal Rehabilitation Group - **Malcolm Hooper** · Ilene Rosenthal's ... John Bryon Krueger · Save **Dr.** Clark Organization - Hulda Clark ...

[Australian Osteopathy Network | Facebook](#)

<https://www.facebook.com/AustralianOsteopathyNetwork>

The VCAT decision reprimanded Hooper, canceled his registration, ... on Hooper's treatment of a man with cerebral palsy with **hyperbaric** oxygen (HBO) and a Lokomat ... at university to become very much a **doctor** of the musculoskeletal system. by the Chiropractic Board of Australia that chiropractor **Malcolm Hooper** was ...

[Consultation submission: Friends of Science in Medicine \(pdf,365kb\)](#)

[www.tga.gov.au/.../consult-medical-devices-premarket-assessment-1301...3.11_Hyperbaric_Oxygen_Therapy_Chamber_\(Not_on_ARTG\)_.....xxxivNervoscope._Dr_Luke_and_the_Nervoscope._....Ixi_Malcolm_Hooper._HyperMed](http://www.tga.gov.au/.../consult-medical-devices-premarket-assessment-1301...3.11_Hyperbaric_Oxygen_Therapy_Chamber_(Not_on_ARTG)_.....xxxivNervoscope._Dr_Luke_and_the_Nervoscope._....Ixi_Malcolm_Hooper._HyperMed)

[PRESS DIGEST-Australian General News - Oct 25 | Reuters](#)

www.reuters.com/.../digest-australia-general-idUSL3E7LO2V520111024

Oct 24, 2011 - Dr Scheibner was investigated over similar allegations in California in ... heard that a Victorian chiropractor, **Malcolm Hooper**, had taken advantage of a ... palsy by selling him hundreds of hours of **hyperbaric** oxygen treatment.

[Chiropractor Set to Host Memorial Golf Tournament | Liz Strauss](#)

lawsonjnrdf.wordpress.com/.../chiropractor-set-to-host-memorial-golf-tou...

Aug 9, 2013 - Dr. Tonso, a chiropractor in Cheyenne, WY , has just opened a new office and also disqualified **Malcolm Hooper** from reapplying for registration as a ... also received **hyperbaric** treatment at Mr Hooper's South Yarra clinic, ...

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[DARU Update 31 October 2011 • IN THE NEWS • EVENTS ...](#)

www.disabilityconnections.org.au/sites/.../daru_update_october_31.doc

Oct 31, 2011 - A chiropractor who provided hundreds of hours of **hyperbaric** ... **Dr Malcolm Hooper**, 51, has admitted making false representations about his ...

[Doctor betrayed trust of patients, says Chiropractic Board of Australia](#)

www.dynamic-practice-daily.com/.../doctor-betrayed-trust-of-patients-sa...

Jul 18, 2013 - **Dr Malcolm Hooper** was found guilty of professional misconduct ... **Dr Hooper** had zealous beliefs that **hyperbaric** chamber treatment was a ...

[District II Meeting Book - District Meeting Site > District Overview](#)

district.fclb.org/Portals/5/.../District%20II%20Meeting%20Materials.pdf

Sep 25, 2013 - **Dr Malcolm Hooper** was yesterday found to have charged a disabled ... On his website, **Dr Hooper** claims his **hyperbaric** oxygenation therapy ...

[Doctor betrayed trust of patients, says Chiropractic Board of Australia](#)

www.dynamic-practice-daily.com/.../doctor-betrayed-trust-of-patients-sa...

Jul 18, 2013 - **Dr Malcolm Hooper** was found guilty of professional misconduct ... **Dr Hooper** had zealous beliefs that **hyperbaric** chamber treatment was a ...

[Health Care Providers Behaving Badly | BPC Law Blog](#)

bpclawyersofficial.wordpress.com/.../medical-negligence-health-care-pro...

Oct 2, 2013 - When a **doctor** is negligent in their care, the best... ... He found that **Malcolm Hooper** offered **hyperbaric** treatment at his clinic and went along.

[Chiropractor struck off for 'novel' treatments - Dooce - normanstdo](#)

normanstdo.skyrock.com/3178005511-Chiropractor-struck-off-for-nove...

Aug 4, 2013 - Essendon players also received **hyperbaric** treatment. ... also disqualified **Malcolm Hooper** from reapplying for registration as a chiropractor for ...

[The latest news about 39 palsy - Free News Pos
www.freeneupos.com/news/latest/39%20palsy/](http://www.freeneupos.com/news/latest/39%20palsy/)

Jul 26, 2013 - **Doctor** sentenced in malnourished Ohio teen's death ... of a chiropractor who provided \$44,000 of unproven treatments including **hyperbaric** ... also disqualified **Malcolm Hooper** from reapplying for registration as a chiropractor ...

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... and Administrative Tribunal also disqualified **Malcolm Hooper** from reapplying for ... Essendon players also received **hyperbaric** treatment at Mr Hooper's South ... Charities to Honor **Dr. Paul Harch** for His Successes with **Hyperbaric** Oxygen ...

[Chiropractic Care As Treatment For Infertility at chiropractic care Guide
physicaltherapy-backpain.com/.../chiropractic-care-as-treatment-for-infertility...](http://physicaltherapy-backpain.com/.../chiropractic-care-as-treatment-for-infertility...)

Dr Malcolm Hooper has been found guilty of misconduct and struck off the unproven treatment using **hyperbaric** oxygen therapy and a robotic walking device.