

To: Director General: Health

Att: Ms M Mushwana, Director Public Entities Governance

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The Chiropractic Association represents 60% of the registered chiropractors in the country and acts in its members' interests in all circumstances where decisions made by third parties in terms of legislation and regulation may affect the professional status and liberties of those professional persons.

Reference is drawn to proposed Allied Health Professions Regulations relating to disciplinary inquiries under the Allied Health Professions Act, NO. 3006 of 03 February 2023.

The author, representing the interests of the members of the Chiropractic Association of South Africa [CASA], wishes to comment on and make representation with regard to the proposed amendments to the Regulations.

In reference to " Regulations relating to disciplinary inquiries under the Allied Health Professions Act, NO. 3006 of 03 February 2023 ", hereafter referred to as the Regulations Relating to the Institution of a Disciplinary Inquiry, 2018, as per S.11 – Short Title:

1. Point 4 – PROCEDURE AT A DISCIPLINARY INQUIRY refers, and reference is drawn to 4(1)(g) – If an inquiring body has been established specifically to deal with a complaint, the accused may be held liable for payment of the costs associated with the establishment and procedures of such inquiring body. and;
2. Conditions whereby the accused may be held liable for payment should be clearly articulated in the regulations and made available to all members of the AHPCSA. This should be drafted as 4(1)(h) in the amended regulations.

3. Point 7 – COSTS refers and reference is drawn to 7(1) – An inquiring body may make any costs order it deems appropriate in relation to the conduct of a disciplinary inquiry ; and 7(2) – The accused must in his or her submissions to the council regarding a sanction clearly state why he or she should not be liable for any costs associated with the disciplinary inquiry.

4. The CASA is of the opinion and holds the position that the above stipulations should only apply in the event that a person has been found to be guilty in terms of the disciplinary process outlined in the aforementioned Regulations. In these circumstances only, the proposed amendment is acceptable.

5. In the circumstance where the person is found not guilty, the costs borne for any disciplinary inquiry should be sought from the complainant and not the defending practitioner.

6. Conditions whereby the accused may be held liable for payment should be clearly articulated in the regulations and made available to all members of the AHPCSA. This should be noted potentially as 7(3) in the amended regulations.

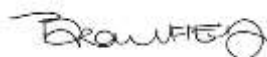
The author wished to thank you for your consideration of our submission in regard to the proposed amendments to the Regulations.

Respectfully



President

Chiropractic Association of South Africa



Secretary-General

Chiropractic Association of South Africa