



## **MEDICAL PRACTITIONERS DISCIPLINARY TRIBUNAL**

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**DECISION NO.:** 242/03/98C

**IN THE MATTER** of the MEDICAL  
PRACTITIONERS ACT 1995

AND

**IN THE MATTER** of disciplinary proceedings against C  
medical practitioner of xx

**BEFORE THE MEDICAL PRACTITIONERS DISCIPLINARY TRIBUNAL**

**HEARING** by telephone conference on Wednesday 23 July 2003

**PRESENT:** Miss S M Moran - Chair  
Dr M G Laney, Dr C P Malpass, Dr F McGrath, Mr G Searancke  
(members)

**APPEARANCES:** Ms K L Davies – Hearing Officer  
(for first part of call only)

**COUNSEL:** Ms K P McDonald QC for Complaints Assessment Committee  
Ms J Gibson for respondent

## **The Application**

1. The Application before the Tribunal is one made by counsel on behalf of the Complaints Assessment Committee, Ms Kristy McDonald QC, to withdraw the charge of conduct unbecoming laid against Dr C on 11 March 2003 in respect of a complaint made by Mr A concerning matters alleged to have occurred in August 2000 and in late 2000 or early 2001.
2. Ms McDonald made her application by letter to the Secretary of the Tribunal dated 11 July 2003 in which she stated that she had been instructed to seek leave from the Tribunal to withdraw the charge against Dr C arising from Mr A's complaint.

## **Reasons For Application**

3. In her letter, Ms McDonald stated that Dr C, through his counsel, Ms Jenny Gibson, had raised various issues relating to alleged procedural irregularities that arose at the Complaints Assessment Committee hearing. Having considered those matters, Ms McDonald reached the view that the concerns expressed by Ms Gibson were of some substance as a result of which the Medical Council resolved to appoint a new Complaints Assessment Committee in order to consider this complaint afresh.
4. Ms McDonald stated that on this basis Dr C had indicated through his counsel that he did not object to the existing charge being withdrawn and the process being re-commenced.

## **Decision**

5. Before granting leave to withdraw a charge, the Tribunal must be satisfied that the parties have no sound objection to that course of action and that there are no outstanding public interest issues that ought to be the subject of enquiry by the Tribunal notwithstanding the attitude or agreement of the parties.
6. In reliance upon the information contained in Ms McDonald's letter that this course of action has the consent of the parties and the complaint is to be considered afresh by a new Complaints Assessment Committee, the Tribunal sees no sound reason why it should not

grant the application. It considers, in this case, it is appropriate to grant leave to withdraw the charge.

### **Order And Conclusion**

7. Accordingly, the Application for Leave is granted and the charge may be withdrawn.

**DATED** at Wellington this 8<sup>th</sup> day of August 2003

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Sandra Moran

Deputy Chair

Medical Practitioners Disciplinary Tribunal