



MEDICAL PRACTITIONERS DISCIPLINARY TRIBUNAL

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MINUTE OF THE MEDICAL PRACTITIONERS DISCIPLINARY TRIBUNAL MEDIA APPLICATION BY RADIO NEW ZEALAND

1 September 2009

Tribunal: Miss S M Moran (Chair)

Introduction

1. Dr C is the subject of a disciplinary charge which is set down for hearing in Christchurch to commence on Monday, 23 November 2009 continuing until Friday, 27 November 2009.
2. By decision 216/02/95C the Tribunal made an interim order of non publication of Dr C's name and identifying details in connection with the charge. The order is to continue until the further order of the Tribunal.
3. By decision 217/02/05C the Tribunal made a permanent order of non publication of the complainant's name and identifying details in connection with the charge.

Media Application

4. On 20 June 2009 Radio New Zealand (Ms Monique Devereux) lodged an application for in Court media coverage requesting permission to record the

proceedings during the week of the hearing commencing 23 November 2009 for the purpose of radio coverage.

Response of counsel for the parties

5. On 29 July 2009 Mr C J Lange on behalf of the Complaints Assessment Committee (CAC) replied in writing that on behalf of the CAC there was no objection to the application for media coverage by Radio New Zealand provided that there is compliance with the District and High Court guidelines for media coverage, and subject to any application on behalf of a witness who seeks suppression of their name, voice or other matters leading to their identification.
6. On 23 July 2009 Mr H Waalkens on behalf of Dr C replied that he had no objection.

The In Court Media Coverage Guidelines 2003

7. The Tribunal, as a matter of practice, applies the In Court Media Coverage Guidelines 2003 (the Guidelines) which relate to proceedings in the Court of Appeal, the High Court and District Court. The Guidelines are of assistance because they set out in full the criteria which should be considered in an application of this kind as an aspect of the Tribunal's ability to regulate its procedure in any manner it thinks fit (Medical Practitioners Act 1995, First Schedule Clause 5(a)).
8. The Guidelines indicate that in making decisions and exercising discretions, regard may be had to the following matters:
 - 8.1. The need for a fair trial.
 - 8.2. The desirability of open justice.
 - 8.3. The principle that the media have an important role in the reporting of trials in that that they are the eyes and the ears of the public.
 - 8.4. The importance of fair and balanced reporting of trials.

- 8.5. Court obligations to the victims of offences.
- 8.6. The interest and reasonable concerns and perceptions of victims and witnesses.

Decision

- 9. There being no objection to the application, the application by Radio New Zealand is granted subject to:
 - 9.1. The In Court Media Guidelines 2003 apply.
 - 9.2. That any recording will be subject to the non-publication orders which have already been made in respect of Dr C and of the complainant.
 - 9.3. Any application during the hearing on behalf of a witness who seeks suppression of name, voice or other matter leading to that person's identification and where that application is granted whether on an interim or permanent basis.

DATED at Wellington this 1st day of September 2009

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S M Moran

Chair

Medical Practitioners Disciplinary Tribunal