



MEDICAL PRACTITIONERS DISCIPLINARY TRIBUNAL

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DECISION NO.: 279/03/117C

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

AND

IN THE MATTER of disciplinary proceedings against X
medical practitioner of xx

BEFORE THE MEDICAL PRACTITIONERS DISCIPLINARY TRIBUNAL

HEARING by telephone conference on 17 March 2004

PRESENT: Miss S M Moran – Chair

APPEARANCES: Ms K P McDonald QC for Complaints Assessment Committee

Mr C J Hodson QC and Ms G Phipps for respondent

Ms G J Fraser - Secretary

TRIBUNAL: Mr P Budden, Dr R J Fenwicke, Dr R W Jones, Dr L F Wilson
(members)

**Order of the Tribunal regarding Application by Dr X for Interim Name Suppression until
Substantive Application for Interim Name Suppression can be heard**

1. On 17 March 2004 a meeting was held by telephone conference with the Senior Deputy Chair, the Secretary for the Tribunal, Ms McDonald QC on behalf of the Complaints Assessment Committee and Mr Hodson QC and Ms Phipps on behalf of Dr X in order to discuss the progress of certain preliminary issues.
2. One of the matters raised by Mr Hodson was an application for interim name suppression he was making on behalf of Dr X. He informed the Tribunal that he had forwarded the previous day to Ms McDonald and to the Secretariat a memorandum setting out the specifics of the application for name suppression which was for interim suppression of Dr X's name and all details relating to him, including the [organisation] where he worked during the time to which the charge relates, until the final determination of the Tribunal.
3. There was some discussion regarding the status of suppression of Dr X's name until the substantive application for interim name suppression could be heard. The Secretary advised Mr Hodson that until an order was made by the Tribunal for interim name suppression, Dr X did not have name suppression. The Secretary stated that the Tribunal in such circumstances would not divulge any information to a third party until the application had been dealt with but that this would not prevent a third party from publishing Dr X's name.
4. In those circumstances Mr Hodson asked that an interim order be made to suppress Dr X's name until the application was heard.
5. Ms McDonald agreed that there was a certain practicality in that suggestion but that she would leave the matter to the Tribunal and abide its decision.
6. A proposed date for the hearing of the application was 22 April 2004 (since confirmed).

7. Following the telephone conference, the remaining members of the Tribunal were informed of the above and all have agreed that until Dr X's application for interim name suppression can be heard, that an interim order granting suppression be made.
8. Accordingly, pursuant to section 106(2)(d) of the Medical Practitioners Act 1995, the Tribunal hereby **ORDERS:**

That publication of Dr X's name, his occupation, the [organisation] where he was employed at the relevant time and any particulars leading to his identification, be prohibited until the Tribunal has heard and determined Dr X's application for interim name suppression.

DATED at Wellington this 26th day of March 2004

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S M Moran

Senior Deputy Chair

Medical Practitioners Disciplinary Tribunal