



**MEDICAL PRACTITIONERS DISCIPLINARY TRIBUNAL**

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**DECISION NO.:** 141/00/63C

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

**AND**

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

**BEFORE THE MEDICAL PRACTITIONERS DISCIPLINARY TRIBUNAL**

**TRIBUNAL:** Mr T F Fookes (Chair)  
Ms S Cole, Dr B D King, Dr A D Stewart, Dr L F Wilson (members)  
Ms G J Fraser (Secretary)  
Mr B A Corkill (Legal Assessor)  
Mrs G Rogers (Stenographer)

Hearing held on Thursday 26 October 2000.

**APPEARANCES:** Ms K P McDonald QC for Complaints Assessment Committee  
Mr C W James for respondent

### **ORDERS OF THE TRIBUNAL AS TO INTERIM NAME SUPPRESSION**

1. **FOR** the reasons set out in its decision dated the 25<sup>th</sup> day of September 2000 the Tribunal decided that it was desirable to suppress the practitioner's identity until the charge against him has been determined.
2. **IN** paragraph 8.1.1 of that decision the Tribunal ordered that "publication of the name, and any particulars of the affairs, of the practitioner is prohibited until the further order of the Tribunal;".
3. **THE** Tribunal having considered the matter on 26 October, and having heard from all counsel, concluded that the wording of that order was too restrictive. The Tribunal's intention was and is to prohibit publication of the practitioner's name and any particulars which might tend to identify him. It was not the intention of the Tribunal to prohibit any reporting of the case or of every particular of the practitioner's affairs. In the public interest and to permit fair reporting of the hearing, the Tribunal considered that a less restrictive order should be substituted.
4. **FOR** the foregoing reasons this Tribunal on 26 October 2000 discharged the order recorded in paragraph 8.1.1 of its earlier decision and ordered that publication of the name of the practitioner, and of any particulars which might tend to identify him, is prohibited until the further order of the Tribunal.

5. **THE** Tribunal, having considered the interests of Dr A (Dr K's practice associate) and the public interest, also ordered on 26 October 2000 that publication of Dr A's name and of any particulars which might tend to identify him is prohibited until the further order of the Tribunal. This order was made not only in the interests of Dr A (who was not in any way involved in the commission of any of Dr K's offences but was mentioned in the Police summary of facts in relation to two of them because Dr K took and used his prescription forms) but also to ensure that Dr K is not able to be identified as he could have been if Dr A had been named and referred to as the unnamed practitioner's associate.
  
6. **FINALLY**, the Tribunal considered it necessary - so as to ensure that the order for interim suppression of name is fully effective - to order that there be no reference to the places where the offences were committed or to the name or place of practice of Dr K. In the particular circumstances of this case disclosure of any of those matters might result in his identity becoming apparent despite his name and any other identifying particulars having been ordered to be suppressed. The public interest was also considered before this order was decided upon.
  
7. **FOR** the foregoing reasons the Tribunal, having considered the interests of Dr K and the public interest, on 26 October discharged the order embodied in paragraph 8.1.1 of its decision dated 25 September 2000 and made orders prohibiting, until the further order of the Tribunal,:
  - 7.1 publication of the name of, or any particulars which might tend to identify, the respondent practitioner;

**7.2** publication of the name of, or any particulars which might tend to identify, the respondent practitioner's practice associate Dr A;

**7.3** publication of any particulars which tend to or do identify the name or place of practice of the respondent practitioner or the place of any offence to which the charge relates.

**8.** **THESE** orders were announced by the Chair in his opening remarks and were put in writing, signed and handed to counsel while the hearing was in progress.

**DATED** at Wellington this 1<sup>st</sup> day of November 2000.

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T F Fookes

**SENIOR DEPUTY CHAIR**