MEDICAL PRACTITIONERS DISCIPLINARY TRIBUNAL

PO Box 5249, Wellington • New Zealand
Ground Floor, NZMA Building • 28 The Terrace, Wellington
Telephone (04) 499 2044 • Fax (04) 499 2045
E-mail mpdt@mpdt.org.nz

NB: PUBLICATION OF THE NAME OF THE DOCTOR AND ANY DETAILS WHICH MAY IDENTIFY THE DOCTOR AS A XX PRACTITIONER IS PROHIBITED

DECISION NO.: 216/02/95C

IN THE MATTER of the MEDICAL PRACTITIONERS ACT 1995

AND

IN THE MATTER of a charge laid by a Complaints Assessment Committee against **C** medical practitioner of xx

HEARING: At the hearing of the application for name suppression on 4 November 2002 the parties agreed that the Tribunal consider the application and determine it on the basis of the parties' written evidence and submissions.

APPEARANCES: Mr C J Lange for a Complaints Assessment Committee

Mr H Waalkens for respondent

Ms G J Fraser - Secretary

(for the first part)

TRIBUNAL: Dr D B Collins QC - Chair

Dr L Ding, Dr R S J Gellatly, Dr A R G Humphrey, Mrs H White (members)

The Application

1. Dr C is a registered medical practitioner. He has been charged with disgraceful conduct in a professional respect. The details of the allegation against him are described in the next paragraph. He has applied for an order prohibiting publication of his name until the Tribunal has determined the charge against him. Dr C's application is made pursuant to s.106(2)(d) Medical Practitioners Act 1995.

The Charge

2. The allegations against Dr C are extremely serious and are succinctly stated in the Notice of Charge in the following way:

> *"1. In or about March 1985 [Dr C] had sexual intercourse with his patient…, then aged 16 who was at the time or who had been until recently his patient; and*
>
> *2. That on occasions in or about March/April 1985 supplied to … marijuana, cocaine and nitrous oxide for which there was no medical reason or justification".*

Summary of Grounds for Name Suppression Application

3. Dr C has filed an application setting out the grounds upon which he applies for suppression of his name pending the Tribunal's determination of the charge against him. Those grounds can be summarised in the following way:

- Dr C denies the allegations. He says: *"I am innocent of the charge/complaint against me and I intend to rigorously defend the case";*
- Any publicity linking Dr C with the charge will in all likelihood cause substantial damage to his reputation, to the reputation of his practice and the practice of those who he is in partnership with;

- Publication of Dr C's name in association with the charge is likely to cause considerable distress and harm to Dr C's parents. Dr C's father is xx and apparently has frail health. He is said to have significant heart problems;

- Publication of Dr C's name in connection with the charge will cause extreme distress and harm to Dr C's wife and their xx children.

The Complaints Assessment Committee's Position

4. Mr Lange appears for the Complaints Assessment Committee. At the time of the hearing of the application on 4 November Mr Lange had not been able to obtain any instructions from the complainant. In the circumstances Mr Lange was bound to adopt a neutral position in relation to Dr C's application. Since the hearing on 4 November Mr Lange has formally recorded that "The Complaints Assessment Committee neither supports nor opposes the application for interim name suppression by Dr C".

Principles Applicable to Name Suppression

5. Name suppression applications are notoriously difficult to determine. It is often said that deciding name suppression applications involves a balancing of competing factors. In many respects that is an over simplification of a task that requires careful analysis and evaluation of a matrix of competing considerations.

6. The starting point when considering the principles applicable to name suppression in the medical disciplinary arena is s.106 Medical Practitioners Act 1995. Subsections 106(1) and (2) provide:

> "*(1) Except as provided in this section and in section 107 of this Act, every hearing of the Tribunal shall be held in public.*
>
> *(2) Where the Tribunal is satisfied that it is desirable to do so, after having regard to the interests of any person (including (again with out limitation) the privacy of the complainant (if any)) and to the public interest, it may make any one or more of the following orders: …*

(d) *… an order prohibiting the publication of the name, or any particulars of the affairs, of any person."*

Public Hearing

7. Subsection 106(1) places emphasis on the Tribunal's hearings being held in public unless the Tribunal, in its discretion applies the powers conferred on the Tribunal by s.106(2). Another exception to the presumption that the Tribunal's hearings will be conducted in public can be found in s.107 which creates special protections for complainants where the charge involves a matter of a sexual nature, or where the complainant may give evidence of an intimate or distressing nature.

8. The requirement in s.106(1) that the Tribunal's hearings be held in public mirrors the principle that, except in unusual and rare circumstances, regular Court proceedings are conducted in public. An effect of that principle in our regular Courts is that defendants will rarely receive name suppression. Four cases can be cited to illustrate this point:

- In *M v Police* [1] Fisher J said:

  "In general the healthy winds of publicity should blow through the workings of the Courts. The public should know what is going on in their public institutions. It is important that justice be seen to be done. That approach will be reinforced if the absence of publicity might cause suspicion to fall on other members of the community, if publicity might lead to the discovery of additional evidence or offences, or if the absence of publicity might present the defendant with an opportunity to re-offend".

- In *R v Liddell* [2] the Court of Appeal said:

  "… the starting point must always be the importance in a democracy of freedom of speech, open judicial proceedings, and the right of the media to report the latter fairly and accurately as 'surrogates of the public'…. The basic value of freedom to receive and impart information has been re-emphasised by s.14 of the New Zealand Bill of Rights Act 1990 …

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1 (1991) 8 CRNZ 14
2 [1995] 1 NZLR 538

The room that the legislature has left for judicial discretion in this field means that it would be inappropriate for this Court to lay down any fettering code. What has to be stressed is the prima facie presumption as to reporting is always in favour of openness. Name restrictions as to the victims of sexual crimes are automatic (subject to the possibility in a range of cases of orders to the contrary), and they are permissible for accused or convicted persons. But they are never to be imposed lightly, and in cases of conviction for serious crime the jurisdiction has to be exercised with the utmost caution".

- In *Lewis v Wilson & Horton Ltd* [3] the Court of Appeal re-affirmed what had been said in *R v Liddell*. The Court noted:

  "… the starting point must always be the importance of freedom of speech recognised by s.14 of the New Zealand Bill of Rights Act 1990, the importance of open judicial proceedings, and the right of the media to report Court proceedings".

- Recently, in *Re X* [4] the High Court distilled the relevant principles relating to name suppression applications to a number of propositions including:

  "The principle of open justice dictates that there should be no restriction on publication except in very special circumstances."

9. The cases referred to in the preceding paragraphs all involved criminal prosecutions. Apart from *Re X*, the cases cited examine the broad discretion conferred on Courts in criminal cases by s.140 Criminal Justice Act 1985 to suppress the name of an accused or convicted person.[5] It is axiomatic that medical disciplinary hearings are not criminal prosecutions.[6] Nevertheless, guidance can be derived from the criminal law jurisdiction when applying the requirement of public hearings contained in s.106(1) Medical

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3 [2000] 3 NZLR 546

4 (unreported), HC Wellington M 109/02, 26 July 2002 Hammond J

5 Section 140 Criminal Justice Act provides: Court may prohibit publication of names – (1) Except as otherwise expressly provided in any enactment, a court may make an order prohibiting the publication, in any report or account relating to any proceedings in respect of an offence, of the name, address or occupation of the person accused or convicted of the offence, or of any other person connected with the proceedings, or any particulars likely to lead to any such person's identification.

6 *Re A Medical Practitioner* [1959] NZLR 782, *Gurusinghe v Medical Council of New Zealand* [1989] 1 NZLR 139, *Guy v Medical Council of New Zealand* [1995] NZAR 67

Practitioners Act 1995 to an application for name suppression by a doctor charged with serious offending.

10. A number of decisions of the Tribunal, and appellate Courts have recognised the importance of the requirement set out in s.106(1) of the Act that hearings of the Tribunal shall be heard in public when the Tribunal considers name suppression applications filed by a doctor. For example: in *Harman v Medical Practitioners Disciplinary Tribunal* [7] the District Court held:

> *"The Tribunal referred in its judgment to the well known statement of principle [in] R v Liddell … That decision is to the effect that the prima facie presumption as to reporting is always in favour of openness and that in considering whether a power to prohibit publication should be exercised the starting point is the importance in the democracy of freedom of speech, open judicial proceedings and the right of the media to report the matter fairly and accurately as 'surrogates of the public'. These freedoms are re-emphasised by s.14 of the New Zealand Bill of Rights Act 1990. In this case that presumption is reinforced by the statutory injunction to the Tribunal that it should hear proceedings in public".*

11. In *F v Medical Practitioners Disciplinary Tribunal* [8] one of the many questions the Court was asked to focus upon concerned the appellant's contention that the Tribunal had mis-directed itself when deciding not to continue an interim name suppression order. It was said the Tribunal had wrongly applied the criminal law presumption of public hearings to the doctor's application to continue suppression of his name. In that case the doctor submitted that the higher public interest of "openness" in criminal hearings should not be automatically transposed to medical disciplinary proceedings. The High Court held there was a fundamental distinction between name suppression in criminal cases and those which arose in a professional disciplinary forum. The Court noted:

> *"… there is … a fundamental distinction, but on closer examination the impact of this is likely to be more apparent rather than real".*

12. The Court proceeded to say s.106(2) Medical Practitioners Act 1995 required the Tribunal to take into account the interests of the practitioner. The Court said in the context

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7 DC Auckland NP 4275/00, 3 May 2002, J Doogue DCJ

8 Unreported HC Auckland AP 21-SW01, 5 December 2001, Laurenson J

of that case (the practitioner had been found guilty of conduct unbecoming a medical practitioner) the Tribunal should have regard to the possibility:

> *"… that the charges brought against the practitioner might be found to be unfounded or so trivial that a finding of misconduct is not warranted. In such a case the practitioner will continue to practise. Therefore it is reasonable that the right to practise should not be prejudiced by the practitioner being identified in relation to allegations which do not, at the end of the day, have any bearing on his ability to do so.*
>
> *… therefore pending determination of the charges it will usually be quite reasonable in most cases to make interim orders for non-publication of name"* (emphasis added).

The Court proceeded to observe that if a doctor is found liable following a disciplinary hearing then there is a strong expectation the doctor's name will be published.

13. The suggestion in *F* that it would be quite reasonable in most cases to make interim orders for name suppression pending determination of disciplinary charges against a doctor is a clear indication from the High Court that the Tribunal should give favourable consideration to applications to name suppression pending determination of disciplinary charges against the doctor. The observations of the High Court must carry considerable weight.

14. It must be said however that the comments of the learned Judge in *F* were *obiter dicta.* With the greatest of respect and deference to the High Court Judge, the Tribunal believes it must assess each application for name suppression on its merits and faithfully apply the legislative criteria set out in s.106(2) Medical Practitioners Act 1995 when considering name suppression applications.

15. It would be unfortunate if the idea were to gain currency that there is a presumption in favour of name suppression whenever a doctor applies to the Tribunal under s.106(2)(d) to have their name suppressed pending determination of disciplinary charges. Such a presumption could not be reconciled with the Tribunal's duty to carefully exercise the discretion conferred upon the Tribunal by s.106(2) after applying the criteria specified by Parliament.

S.106(2) Considerations

Interests of any Person

16. In considering whether or not it is desirable to grant an order suppressing publication of a practitioner's name the Tribunal is required to have regard "to the interests of any person" the "interests of any person" include the unfettered interests of a complainant to privacy.

17. Undoubtedly the interests of any person include the interests of the practitioner. The Tribunal may also have regard to persons other than the practitioner as well as the complainant. In this case the interests of the practitioner's family and the doctor's colleagues have been brought to the Tribunal's attention as factors the Tribunal should take into account in assessing Dr C's name suppression application.

Interests of the Practitioner

18. It has been stressed on behalf of Dr C that the charge he is facing contains very serious allegations and that publication of his name in association with the allegations in the notice of charge will likely cause substantial damage to Dr C's reputation.

19. The Tribunal accepts this submission. The allegations involve a complaint of sexual misconduct and the supply of illicit drugs to the complainant. Both sets of allegations relate to 1985 when the complainant was just 16 years old. By any measure the allegations are extremely serious. Any publicity linking Dr C's name with the allegations is likely to cause significant damage to Dr C's reputation.

20. It would be very unfortunate if Dr C's reputation was seriously damaged by reason of his name being associated with serious allegations which at this juncture have not been proven. It is little consolation to suggest the doctor's reputation will be salvaged if he is acquitted. This concern was acknowledged in the following way by Fisher J in *M v Police:*

> *"… the stigma associated with a serious allegation will rarely be erased by a subsequent acquittal. Consequently when a Court allows publicity which will have serious adverse consequences for an unconvicted defendant, it must do so in the knowledge that it is penalising a potentially innocent person".*

Interests of the Complainant

21. In most instances where a practitioner seeks name suppression the interests of the complainant will be able to be assessed and evaluated. At the time of the hearing of Dr C's application counsel for the Complaints Assessment Committee had not been able to get instructions from the complainant. Subsequently the Tribunal was advised by counsel for the Complaints Assessment Committee that "the complainant does not believe publication of the doctor's name would lead to identification of her". In these circumstances there does not appear to be any likelihood of the complainant's privacy being breached if Dr C is named. Nevertheless, it is apparent the Complaints Assessment Committee and therefore the complainant are not opposing Dr C's name suppression application.

Interests of the Practitioner's Family

22. The interests of the Dr C's family can be taken into account in assessing Dr C's application.

23. The evidence before the Tribunal is that Dr C lives and practices in xx. His elderly parents also live in xx. Dr C's father suffers poor health. In his supporting affidavit Dr C briefly explains:

> *"My father is aged xx and is particularly frail in health. He has significant heart problems. My mother, whilst aged xx, is in relatively good health.*
>
> *… if there is publicity of the case in which I am identified, it will seriously risk significant damage to both my parents. Obviously if I did not obtain interim name suppression as being sought herein, I would have to warn them about this matter. I am very concerned that having to do so would cause an enormous burden on them and would certainly, in the case of my father, risk his health deteriorating further".*

24. The potential damage that may be caused to Dr C's parents, and in particular his father is a factor the Tribunal takes into account when assessing Dr C's application.

25. Also relevant is the stress and anxiety which will be caused to Dr C's wife and their children. Dr C has been married for xx years. He and his wife have xx children ranging in

age from xx to xx. The Tribunal is satisfied publication of Dr C's name in association with the charge could cause serious distress to Mrs C and the applicant's children.

Practitioner's Colleagues

26. The application filed in support of Dr C's request for name suppression says:

> *"Any publicity of [Dr C's] name causes a risk of substantial damage to his reputation and practice and to the practice of the xx doctors with whom he practises"* (emphasis added)

27. In his affidavit Dr C explains he practises in a joint centre known as "xx" and that he has xx partners. However Dr C has not explained precisely how declining his name suppression application will adversely affect his partners. It is easy to speculate that the stress caused by publicity may result in other partners in the medical practice having to assist Dr C through what would undoubtedly be a difficult time. However, in the absence of further detail, the Tribunal cannot speculate about the interests of Dr C's colleagues when considering his name suppression application.

Public Interest

28. S.106(2) requires the Tribunal to have regard to the "public interest" when determining whether or not to suppress publication of the name of an applicant.

29. In *S v Wellington District Law Society*[9] the High Court examined the concept of "public interest" in relation to an application to suppress the name of a lawyer subject to disciplinary proceedings. In considering a provision in the Law

30. Practitioners Act 1982 similar to s.106(2) Medical Practitioner's Act 1995, a full bench of the High Court said:

> *"… the public interest to be considered, when determining whether the Tribunal, or on appeal to this Court, should make an order prohibiting the publication of the report of the proceedings, requires consideration of the extent to which publication of the proceedings were to provide some degree of protection to the public, the profession or the Court. It is the public interest in*

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[9] [2001] NZAR 465

that sense that must be weighed against the interests of other persons, including a practitioner, when exercising a discretion whether or not to prohibit publication".

31. More specifically, in *Re X* Hammond J reiterated the "public interest" considerations stated in a number of criminal cases. His Honour said the following about "public interest":

"… public interest in knowing the name of an offender is a very powerful one. In the case of an offender, the absence of publicity may cause suspicion to fall on other members of the public. The publicity may lead to the discovery of additional evidence of offences, and the absence of publicity may allow an offender to re-offend."

32. The following "public interest" considerations have been evaluated by the Tribunal when considering Dr C's application:

- The public's interest in knowing the name of a doctor accused of a serious disciplinary offence;
- Accountability and transparency of the disciplinary process;
- The importance of freedom of speech and the right enshrined in s.14 New Zealand Bill of Rights Act 1990 [10];
- The extent to which other doctors may be unfairly implicated if Dr C is not named;
- The possibility that publicity might lead to discovery of additional evidence;
- The extent to which the absence of publicity may allow an opportunity for further alleged offending.

33. Each of these considerations will now be examined by reference to Dr C's application.

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[10] "Freedom of expression – Everyone has the right to freedom of expression, including the freedom to seek, receive, and impart information and opinions of any kind in any form".

Public Interest in Knowing the Name of a Doctor Accused of a Serious Disciplinary Offence

34. Prior to the Medical Practitioners Act 1995 coming into force, medical disciplinary proceedings were heard in private. The Medical Practitioners Act 1968 conferred upon the Medical Council and the Medical Practitioners Disciplinary Committee the power to direct that the effects of any orders made by those bodies be published in the New Zealand Medical Journal [11]. That power effectively enabled the Medical Council and Medical Practitioners Disciplinary Committee to publish the name of a doctor after they had determined disciplinary proceedings against the doctor.

35. Section 106 and 107 of the Medical Practitioners Act 1995 reflect Parliament's wish that the Medical Practitioners Disciplinary Tribunal conduct its hearings in public. Furthermore, Parliament determined that unless the grounds for suppression set out in s.106(2) and 107 are established the names of those who appear before the Tribunal are able to be published. When the Medical Practitioners Bill was introduced into Parliament in 1994 the then Minister of Health, the Hon J Shipley said:

> *" A major criticism of the existing disciplinary procedure is that hearings are held in private. In order that justice is seen to be done the Bill provides for hearings to be held in public, except that, after having regard to the interests of any person and to the public interest, the Tribunal may order that part or all of a hearing should be heard in a private session, or indeed, prohibit the publication of any report or account of any part of the hearing or any materials produced at the hearing …. The Tribunal will be able to make an order prohibiting the publication of the name or any particulars of the affairs of any person".*[12] (emphasis added)

These intentions were achieved when sections 106 and 107 were enacted.

36. It is important to note that those who promoted the new legislation were concerned that the public desire to know what was happening in medical disciplinary cases was frustrated by the provisions of the 1968 Act which required disciplinary hearings to be heard in private. Parliament responded to those concerns by enacting sections 106 and 107 Medical Practitioners Act 1995 so as to fulfil the public's wish to know, inter alia, the

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11 S.65 Medical Practitioners Act 1968

12 New Zealand Parliamentary Debates vol 544 p 5065

identity of doctors who appear before the Medical Practitioners Disciplinary Tribunal. Doctors wishing to apply for suppression of their name when they appear before the Tribunal need to appreciate that Parliament clearly expected that the identity of doctors charged with a disciplinary offence before the Tribunal would, generally, be able to be published.

Accountability and Transparency of the Disciplinary Process

37. It is in the public interest, and the interests of the medical profession for the medical disciplinary process to be transparent. Associated with transparency is the desirability of ensuring the profession and public have confidence in knowing those who appear before the Tribunal will be held accountable if their conduct justifies a disciplinary finding against them. The requirements of transparency and accountability are factors which tend to counteract suppression of the name of a practitioner who appears before the Tribunal.

Importance of Freedom of Speech and Section 14 New Zealand Bill of Rights Act 1990

38. The public interest in preserving freedom of speech and the ability of the media 'as surrogates of the public' to report Tribunal proceedings have been stressed on numerous occasions by the Tribunal and appellate courts. The Court of Appeal in *R v Liddell* and *Lewis v Wilson & Horton Limited* stressed:

> *"… the importance in a democracy of freedom of speech, open judicial proceedings and the right of the media to report [proceedings] fairly and accurately as 'surrogates of the public' "*

is an important factor which weighs against suppressing the name of an accused. The same considerations apply to doctors charged with an offence before the Medical Practitioners Disciplinary Tribunal.

Other Doctors May Be Unfairly Impugned

39. A further factor, in the public interest, which doctors seeking name suppression must overcome is the concern that by suppressing the name of a practitioner charged with a disciplinary offence, other doctors may be unfairly suspected of being the doctor charged. This point has been emphasised on a number of occasions in criminal courts where Judges

have declined name suppression to avoid suspicion falling on other members of the public.

40. Doctor C is one of literally hundreds of medical practitioners in xx. The size of the xx medical community is such that it is unlikely any particular doctor will be linked with the charges before the Tribunal if Dr C's name is suppressed. If there is any possibility other members of the xx medical community will be unfairly suspected of being the doctor charged in this case, then the Tribunal can address that concern by suppressing details of the fact Dr C practises in xx.

Possibility of Disclosure of Additional Evidence

41. A reason sometimes advanced in criminal cases for declining name suppression is that by publishing the name of an accused further evidence may come to hand. Experience has taught that publicity about alleged sexual offending sometimes results in further evidence of alleged offending being brought to the attention of the authorities. The possibility that such further evidence will be disclosed if a doctor's name is published is a further factor in the public interest against suppressing the identify of a doctor charged before the Tribunal.

42. In the case before the Tribunal the allegations relate to events said to have occurred in 1985. No other charges have been brought against Dr C. In his affidavit Dr C says:

> *"I have never, in my life, had an allegation against me of sexual impropriety other than this particular complaint which is the subject of the disciplinary charge".*

The Complaints Assessment Committee has not challenged this evidence.

43. The fact there is one charge against Dr C stemming from one complainant and relating to events that are said to have occurred 17 years ago are factors the Tribunal must bear in mind when assessing the public interest in relation to Dr C's application.

The Extent to Which the Absence of Publicity May Allow an Opportunity for Further Alleged Offending

44. Name suppression applications are sometimes declined in criminal cases in order to minimise the opportunity for an alleged offender to embark on further alleged offending. This consideration is mentioned by the Tribunal for the sake of completeness. The Complaints Assessment Committee has not suggested Dr C will embark on further alleged offending if his name is suppressed. There is nothing before the Tribunal to justify any concern of this nature. In relation to this consideration the Tribunal adopts with modification the following observations of Fisher J in *M v Police*:

> *"… one must assess the likelihood that a man who has no previous convictions and who knows that he already faces trial for sexual violation in the course of his professional practice would be so foolish as to re-offend during the period of several months while awaiting trial even if he were guilty as charged. In my opinion the likelihood of that occurring must be very small indeed. I do not think it justifies irrevocable injury to a presumptively innocent man."*

Tribunal's Decision

45. The Tribunal proposes to grant Dr C's application and order his name not be published pending determination of the charge against him. The Tribunal also directs that, for the interim, nothing be published which identifies Dr C as being a xx practitioner.

Reasons for the Tribunal's Decision

46. The Tribunal is satisfied Dr C's interests and the interests of his immediate family outweigh the public interest considerations identified in paragraphs 33 to 43 of this decision.

47. In relation to Dr C, the Tribunal is satisfied that there is a real likelihood disproportionate harm will be caused to his reputation and to his practice if his name is linked with the charge. The charge involves allegations that Dr C behaved in a reprehensible and morally corrupt manner. There is a genuine risk that ordinary members of the community, and Dr C's patients will think adversely of Dr C if they know he is charged with having sex with a 16 year old patient or former patient and with supplying her with illicit drugs. There is a

real risk Dr C's reputation and his practice will be irreparably damaged if the public become aware of the nature of the charge against him.

48. The Tribunal appreciates the charge has been brought by a Complaints Assessment Committee which must assess the evidence before determining that the charge should be considered by the Tribunal. However the Complaints Assessment Committee's determination in accordance with s.92 and 93 Medical Practitioners Act 1995 does not constitute a finding against Dr C. It is for the Tribunal to determine whether or not the charge is proven. At this juncture the charge has not been proven. In the Tribunal's view this is an important fact which must be borne in mind when assessing Dr C's interests.

49. The Tribunal is also concerned considerable harm may be caused to Dr C's parents, to his wife and to his children if his name is linked with the charge at this juncture. There is a real risk the stigma of the charge may adversely affect the health of Dr C's father. The Tribunal also accepts considerable anxiety and distress will be suffered by immediate members of Dr C's family if his name is publicly linked with the charge at this stage.

50. The public interest in knowing the identity of doctors charged before the Tribunal, and the interests of the media in being able to fully report what occurs before the Tribunal will not necessarily be compromised if a decision on whether or not Dr C's name is to be published is deferred until the Tribunal determines whether or not he is guilty of the charge brought against him.

51. Similarly, the integrity and transparency of the disciplinary process will not be undermined if the Tribunal defers making a final decision on suppression of Dr C's name until after the charge is determined.

52. The public interest concern that other doctors may be unfairly suspected of being the doctor charged can to a large extent be neutralised by ordering that nothing be published which identifies Dr C as being a xx practitioner.

Conclusion

53. After weighing all of the interests of those identified in Dr C's application, the neutral stance taken by the Complaints Assessment Committee on behalf of the complainant, and the public interest considerations identified in this decision, the Tribunal is satisfied that in this instance an interim order should be made granting suppression of Dr C's name. The Tribunal also directs that nothing be published which identifies Dr C as a xx practitioner pending determination of the charge by the Tribunal.

DATED at Wellington this 26th day of November 2002

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D B Collins QC

Chair

Medical Practitioners Disciplinary Tribunal