



MEDICAL PRACTITIONERS DISCIPLINARY TRIBUNAL

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DECISION NO.: 261/03/110D

IN THE MATTER of the MEDICAL
PRACTITIONERS ACT 1995

AND

IN THE MATTER of disciplinary proceedings against
THOMAS PAUL O'FLYNN
medical practitioner of Invercargill

BEFORE THE MEDICAL PRACTITIONERS DISCIPLINARY TRIBUNAL

HEARING by telephone conference on Thursday 6 November 2003

PRESENT: Dr D B Collins QC - Chair

Ms G J Fraser - Secretary

APPEARANCES: Ms M McDowell for Director of Proceedings

Mr H Rennie QC and Mr A Lewis for respondent

Decision on the application for adjournment of hearing

Introduction

1. On 5 June the Director of Proceedings charged Dr O'Flynn with professional misconduct. The charge is scheduled to be heard in Invercargill during the week of 24 November. Five days have been allocated to hear the charge.
2. The Director of Proceedings has also charged Dr Fisher with professional misconduct or alternatively, disgraceful conduct. The charge against Dr Fisher is related to the charge brought against Dr O'Flynn.
3. On 3 November 2003 the Director of Proceedings applied to adjourn the hearing of the charge against Dr O'Flynn.
4. The Director of Proceedings' application was heard on 6 November. It became apparent that the Director of Proceedings' application had to be granted. Mr Rennie acknowledged that an adjournment was inevitable although he and his client did not consent to that course of action.
5. The adjournment is granted. A new hearing date will be set as soon as possible. Consideration will also be given to appointing a new Tribunal to hear the charge against Dr O'Flynn.
6. To understand the background and reason why the application has been granted it is necessary to read and consider a related decision concerning an application to adjourn the hearing of the charge against Dr Fisher (Decision No. 260/03/109D). The charge against Dr Fisher is to proceed on 17 November. For convenience a copy of the Tribunal's decision declining the Director of Proceedings' application to adjourn the case against Dr Fisher is annexed to this decision. That decision explains why the charge against Dr O'Flynn cannot proceed on 24 November. Those reasons are:
 - 6.1 The case involving Dr Fisher may extend into the week of 24 November;

- 6.2 If the hearing of the charge against Dr O’Flynn is delayed witnesses in the case involving Dr O’Flynn will be disrupted and may not be available;
- 6.3 A separate and new Tribunal may be required to hear the case against Dr O’Flynn.

DATED at Wellington this 7th day of November 2003

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D B Collins QC

Chairperson

Medical Practitioners Disciplinary Tribunal