



MEDICAL PRACTITIONERS DISCIPLINARY TRIBUNAL

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DECISION NO: 323/03/112C

IN THE MATTER of the Medical Practitioners Act
1995

-AND-

IN THE MATTER of disciplinary proceedings
against **DR D** medical practitioner
of xx

BEFORE THE MEDICAL PRACTITIONERS DISCIPLINARY TRIBUNAL

TRIBUNAL: Miss S M Moran (Chair)

Dr I D S Civil, Ms Jenny Courtney, Dr R S J Gellatly,

Dr A R G Humphrey (Members)

HEARING OFFICER: Ms K L Davies

COUNSEL: Ms K P McDonald QC for the Complaints Assessment Committee

Mr C J Hodson QC for Respondent

(by written application only)

The application

1. The application before the Tribunal is one made by counsel on behalf of the Complaints Assessment Committee, Ms K P McDonald QC, to withdraw the charges of professional misconduct laid against Dr D on 20 June 2003 in respect of a complaint by the Royal Australian and New Zealand College of Ophthalmologists.
2. Ms McDonald made her application by letter dated 4 July 2006 to the Registrar of the Tribunal in which she stated that as a result of judicial review proceedings heard by Justice Ronald Young in the High Court at Wellington on 2 November 2005, the matter was referred back to the Complaints Assessment Committee for further consideration.
3. In May 2006 Ms McDonald was advised by the Legal Assessor for the Complaints Assessment Committee that a decision had been made that no further charge would be brought against Dr D and accordingly she sought to withdraw the charges against him.
4. Ms McDonald had discussed the matter with Mr Hodson and no issue of costs arose.
5. Before granting leave to withdraw a charge, the Tribunal must be satisfied that the parties have no sound objection to that course of action and that there are no outstanding public interest issues that ought to be the subject of enquiry by the Tribunal notwithstanding the attitude or agreement of the parties.
6. The members of the Tribunal have had the opportunity to consider the reserved Judgment of Justice Ronald Young delivered on 10 November 2005.
7. Having considered the Judgment of Justice Ronald Young, the application of Ms McDonald and there being no objection from Mr Hodson the Tribunal accepts that the application by the Complaints Assessment Committee to withdraw the charges be granted.

CONCLUSION AND ORDER

8. Accordingly, the application for leave is granted and the charges may be withdrawn.

DATED at Wellington this 4th day of August 2006

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Sandra Moran

Deputy Chair

Medical Practitioners Disciplinary Tribunal