



MEDICAL PRACTITIONERS DISCIPLINARY TRIBUNAL

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DECISION NO.: 173/00/69C

IN THE MATTER of the MEDICAL PRACTITIONERS
ACT 1995

AND

IN THE MATTER of disciplinary proceedings against
GRAHAM KEITH PARRY medical
practitioner of Whangarei

BEFORE THE MEDICAL PRACTITIONERS DISCIPLINARY TRIBUNAL

APPLICATION considered on the papers.

CHAIR: Mrs W N Brandon - Chair

MEMBERS: Mrs J Courtney, Professor W Gillett, Dr M G Laney,
Dr L F Wilson (members)

COUNSEL: Ms K P McDonald QC for Complaints Assessment Committee
Mr H Waalkens for respondent

DECISION ON THE APPLICATION FOR NAME SUPPRESSION**AND FOR A PRIVATE HEARING**

1. An amended application for interim orders as to privacy has been filed on behalf of Dr Parry. Currently, Dr Parry has been granted interim name suppression in relation to this charge. The order granting interim name suppression was made against the background of an application for an order declaring that the Tribunal has no jurisdiction over or in respect of the applicant, in relation to this charge. The Tribunal's determination in respect of that application was subsequently appealed, which appeal was subsequently rendered otiose by the outcome of Dr Parry's appeal to the District Court in May of this year.
2. That appeal in turn was made in relation to the Tribunal's decision in respect of a charge of disgraceful conduct laid against Dr Parry arising out of his care and treatment of Mrs Colleen Poutsma (deceased).
3. The Tribunal's order granting interim suppression was made subject to the outcome of Dr Parry's challenge to the Tribunal's jurisdiction in relation to this charge. In the meantime, further charges were laid against Dr Parry and applications for name suppression and for private hearings were made in relation to those charges. Those applications were determined in the Tribunal's decision dated 27 August 2001; the application by Dr Parry for an order that the hearing of those charges be in private were granted and the application by Dr Parry for interim orders prohibiting, until further order of this Tribunal, the publication of his name or any fact identifying him, were dismissed.
4. Dr Parry is now seeking that the hearing of this present charge proceed on the same basis as the other three charges currently before the Tribunal. Counsel for the Complaints Assessment Committee, Ms Kristy McDonald QC advises "*that the CAC are happy for the question of name suppression in this matter to be dealt with on the same basis that the other cases involving Dr Parry have been dealt with*", and also that the CAC has no objection to the hearing of the charge proceeding in private.
5. The Tribunal has now considered this further application and Dr Parry's affidavit filed in support.

6. This present charge alleges that there were deficiencies in Dr Parry's post-operative management of Mrs Marinkovich's care and that, in the course of managing Mrs Marinkovich's care, Dr Parry acted in a way that amounted to conduct unbecoming a medical practitioner, and that conduct reflects adversely on his fitness to practice medicine.
7. To the extent that this present application is made in reliance of the Tribunal's decision in relation to other charges, the Tribunal notes that those charges comprise three charges of professional misconduct. This present charge similarly also arises in the context of Dr Parry's gynaecological practice, and the decision of the District Court on appeal was that while Dr Parry's name may be restored to the register of medical practitioners that restoration is on condition that he is not permitted to practice in the area of gynaecology.

Decision

8. The Tribunal is satisfied that, in all the circumstances and with the consent of the CAC, the amended application for interim orders should be granted and the hearing of this charge shall proceed on the same basis as the hearings of the other three charges laid against Dr Parry.

Orders

9. Accordingly, the Tribunal orders as follows:
 - (a) that the amended application by Dr Parry for an order that the hearing of this matter should proceed in private is granted; and
 - (b) the Tribunal's order dated 14 February 2001, granting interim name suppression is discharged.

DATED at Wellington this 26th day of September 2001.

W N Brandon

CHAIR