



**MEDICAL PRACTITIONERS DISCIPLINARY TRIBUNAL**

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**DECISION NO:** 205/02/91D

**IN THE MATTER** of the Medical Practitioners Act  
1995

-AND-

**IN THE MATTER** of a charge laid by the Director of  
Proceedings pursuant to Section 102  
of the Act against **THOMAS**  
**NIGEL ELLISON** medical  
practitioner of Raglan

**BEFORE THE MEDICAL PRACTITIONERS DISCIPLINARY TRIBUNAL**

**TRIBUNAL:** Mrs W N Brandon (Chair)  
Dr L Henneveld, Dr M G Laney, Dr U Manukulasuriya,  
Mr G Searancke (Members)  
Ms G J Fraser (Secretary)  
Ms N Wetti (Stenographer)

Hearing held at Hamilton on Wednesday 12 June 2002

**APPEARANCES:** Ms T Baker for the Director of Proceedings  
Mr A H Waalkens for Dr T N Ellison.

### **The Charge**

1. Pursuant to Sections 102 and 109 of the Medical Practitioners Act 1995 (“the Act”), the Director of Proceedings (“the Director”) charged that between 19 March 1998 and 20 June 1998 whilst providing medical services to his patient, David Morgan, Dr Ellison acted in such a way that amounted to conduct unbecoming a medical practitioner, and that that conduct reflects adversely on his fitness to practise medicine.
2. The particulars of the charge alleged that Dr Ellison had failed to carry out certain blood tests and/or to refer Mr Morgan to an appropriate specialist for advice following some abnormal blood test results.

### **The Hearing**

3. The Tribunal convened to hear the charge at Hamilton on Wednesday 12 June 2002.
4. However, at the commencement of the hearing Ms Baker, on behalf of the Director of Proceedings, advised that Mr Morgan had made himself unavailable to attend at the hearing and the Director was therefore unable to proceed. In the circumstances, Ms Baker advised the Tribunal that the Director did not consider it appropriate to seek an adjournment or to subpoena Mr Morgan and sought leave to withdraw the charge.
5. For Dr Ellison, Mr Waalkens consented to the withdrawal of the charge and confirmed that the Director and Ms Baker had apologised to Dr Ellison for the inconvenience and any distress that might have been caused to him and to his family.

6. Ms Baker also sought suppression of the reasons given by Mr Morgan for his non-attendance at the hearing, and Mr Waalkens advised that he did not object to any such orders being made.

7. The Tribunal accordingly adjourned to consider Ms Baker's applications and determined that the charge should be dismissed. In relation to the application for suppression sought by Ms Baker, the Tribunal advised Counsel that, in the normal course, it would not be inclined to make the orders sought however, in the absence of any objection, the Tribunal would make the orders by consent.

**Orders**

8. Accordingly, the Tribunal orders as follows:

- (i) The charge of conduct unbecoming a medical practitioner and that conduct reflects adversely on his fitness to practise medicine is dismissed;
- (ii) The complainant's reasons for failing to attend the hearing are not to be published.

**DATED** at Wellington this 25<sup>th</sup> day of June 2002

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W N Brandon

Chair

Medical Practitioners Disciplinary Tribunal