



Level 13, Mid City Tower, 139 Willis Street, Wellington 6011
PO Box 11649, Manners Street, Wellington 6142, New Zealand
Telephone: 64 4 381 6816 Facsimile: 64 4 802 4831
Email: gfraser@hpd.org.nz
Website: www.hpd.org.nz

DECISION NO: 523/Den 13/240P

IN THE MATTER of the Health Practitioners
Competence Assurance Act 2003

AND

IN THE MATTER of disciplinary proceedings against
DR H, a Dentist of X

BEFORE THE HEALTH PRACTITIONERS DISCIPLINARY TRIBUNAL

HEARING by telephone conference on Thursday, 21 March 2013.

PRESENT Mr B A Corkill QC – Chair
Miss D Gainey – Executive Officer

APPEARANCES Dr J Coates for the Professional Conduct Committee
Mr H Waalkens QC and Ms V Knell for the Practitioner

1. On 21 March 2013, a telephone conference with Counsel was held in this matter.
2. In the course of the telephone conference, Counsel for the PCC:
 - 2.1. Gave advance notice that the complainant would seek the special protection provided in section 97 of the Act.
 - 2.2. Advised that, the complainant is 16 years or older, and does not apply to the Tribunal for any order under section 98.
3. The charge indicates that the Tribunal will be required to consider a complaint which "relates to sexual acts" (section 98(1)).
4. As a matter of law, therefore, if there is no application under section 98(3) for an order, the Tribunal must make an order that no person may in any report or account of the hearing of the Tribunal publish the name of the complainant, or any particulars likely to lead to the identification of the complainant. This is tantamount to a permanent order of non-publication of the complainant's name and identifying details. The Tribunal so orders.

DATED at Wellington this 21st day of March 2013

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B A Corkill QC
Chairperson
Health Practitioners Disciplinary Tribunal