



New Zealand  
Health Practitioners  
Disciplinary Tribunal

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@hpdt.org.nz  
Website: www.hpdt.org.nz

**IN THE MATTER** of the Health Practitioners  
Competence Assurance Act 2003

**AND**

**IN THE MATTER** of disciplinary proceedings  
against **GERRIE GERTRUDE**  
**JANSSEN** of Auckland, Dental  
Hygienist

**MINUTE OF THE HEALTH PRACTITIONERS DISCIPLINARY TRIBUNAL**

**HEARING:** On the papers.

**TRIBUNAL:** Ms K G Davenport (Chair)

Ms E Denne, Ms K Wade, Ms A Kinzett, Ms S Morris (Members)

## Minute

1. On 6<sup>th</sup> September counsel for the PCC and Ms Janssen filed a joint memorandum drawing to the Tribunal's attention an error in its decision dated 22<sup>nd</sup> December 2011. The parties identified that paragraph 12(e) of the Tribunal's decision was in error. Paragraph 12(e) says

*Ms Janssen told Police she committed the assault because she was angry and frustrated and in her work she regularly has to deal with stressed, nervous and at times aggressive patients.*

2. Counsel noted that the PCC's submissions on this point at paragraph 17(e) said that:

*Ms Janssen told the Police that she committed the assault because the victim had made her angry and frustrated.*

3. The PCC then submitted that Dental Hygienists regularly have to deal with stressed, nervous and at times aggressive patients and are expected to control their frustrations and temper.

4. Paragraph 12(e) of the Tribunal's decision has run these two submissions together.

5. The Tribunal have power to amend their decision when an error has been made and it is clear from the memorandum filed by counsel and the earlier submission made, that paragraph 12(e) does amalgamate these two submissions and is in error. The paragraph should read as follows:

*12(e) Ms Janssen told the Police she committed the assault because she was angry and frustrated.*

*12(f) Mr Coates submitted that Dental Hygienists regularly have to deal with stressed, nervous and at times aggressive patients.*

6. Counsel in a teleconference advised the Tribunal that there had been a delay in making the application to amend the error because counsel had not appreciated the error until recently. Both counsel agree that the amendment should be made and in the interests of

justice and fairness the Tribunal agree. Accordingly, the Tribunal will issue a revised decision amending paragraph 12(e) as set out above.

**DATED** at Auckland this 19<sup>th</sup> day of September 2012

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K G Davenport  
Deputy Chair – Health Practitioners Disciplinary Tribunal