



AT THE COURT AT BUCKINGHAM PALACE

The 16th day of December 2004

PRESENT

**THE QUEEN'S MOST EXCELLENT MAJESTY
IN COUNCIL**

WHEREAS there was this day read at the Board a Report from the Judicial Committee of the Privy Council dated the 16th day of December 2004 in the words following viz:-

"WHEREAS by virtue of His late Majesty King Edward the Seventh's Order in Council of the 18th day of October 1909 there was referred unto this Committee the matter of an Appeal from The Court of Appeal of New Zealand between Miles Roger Wislang Appellant and (1) The Medical Council of New Zealand (2) The Medical Practitioners Disciplinary Tribunal and (3) The Complaints Assessment Committee of the Medical Council of New Zealand Respondents (Privy Council Appeal No. 3 of 2003) and likewise the humble Petition of the Appellant setting forth that in May 1999 the 3rd Respondent charged the Appellant with professional misconduct in that he practised medicine without a current practising certificate: that on 7th October 1999 the 2nd Respondent adjourned the hearing of the matter (the Appellant's registration meanwhile being suspended): that on 11th November 1999 the 2nd Respondent determined that (a) the Appellant be censured (b) his registration be suspended for two months (c) he should pay a fine of NZ\$8,500 and (d) he should pay 35% of \$52,288.97 (such being the total costs and expenses of and incidental to the 3rd Respondent's inquiry into and prosecution of the charge and the hearing by the Tribunal): that on 27th August 1999 the Appellant applied to the 1st Respondent for an annual practising certificate and following a hearing on 10th August 2000 the 1st Respondent resolved on 20th September 2000 to grant such a certificate subject to two conditions: that on 18th October 2000 the Appellant brought proceedings in the High Court for judicial review of the second Respondent's decisions of 7th October and 11th November 1999 and the first Respondent's decision of 20th September 2000: that by Judgment dated 21st June 2001 the

High Court dismissed the Appellant's application: that the Appellant appealed and by Judgment dated 4th March 2002 the Court of Appeal of New Zealand dismissed the Appeal: that by Order dated 18th October 2002 the Court of Appeal granted the Appellant leave to appeal to Her Majesty in Council: And humbly praying Your Majesty in Council to take this Appeal into consideration and that the Judgment of the Court of Appeal of New Zealand dated 4th March 2002 may be reversed altered or varied and for further or other relief:

"THE LORDS OF THE COMMITTEE in obedience to His late Majesty's said Order in Council have taken the Appeal and humble Petition into consideration and having heard the Appellant in support thereof and Counsel in opposition thereto Their Lordships do this day agree humbly to report to Your Majesty as their opinion that this Appeal ought to be dismissed and the Judgment of the Court of Appeal of New Zealand dated 4th March 2002 affirmed:

"AND in case Your Majesty should be pleased to approve of this Report then Their Lordships do direct that there be paid by the Appellant to the Respondents their costs of this Appeal incurred in the said Court of Appeal and their costs thereof incurred in England the same to be hereafter taxed and certified if not agreed."

HER MAJESTY having taken the said Report into consideration was pleased by and with the advice of Her Privy Council to approve thereof and to order as it is hereby ordered that the same be punctually observed obeyed and carried into execution.

WHEREOF the Governor-General or Officer administering the Government of New Zealand and its Dependencies for the time being and all other persons whom it may concern are to take notice and govern themselves accordingly.

A. K. Galloway.