

[2002] QCA 374

COURT OF APPEAL

JERRARD JA

Appeal No 8358 of 2002

MICHAEL CORONEOS

Appellant

and

MEDICAL BOARD OF QUEENSLAND

Respondent

BRISBANE

..DATE 20/09/2002

ORDER

JERRARD JA: This matter is the hearing of an application filed 11 September 2002 for an order staying an order of the Health Practitioners Tribunal made 19 August 2002, such stay to be until the final determination of an appeal also lodged 11 September 2002 against the order of the Health Practitioners Tribunal suspending the applicant for three months from practice as a medical practitioner. The parties are the applicant Dr Coroneos and the Medical Board of Queensland.

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There is a significant history to the application and it suffices to say that at different times conditions have been imposed upon the applicant's registration as a medical practitioner and there were proceedings before the Health Practitioners Tribunal brought both by the applicant and the respondent in respect of his asserted non-compliance with conditions previously imposed and in respect of his own request to have those conditions varied.

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The Health Practitioners Tribunal made findings of non-compliance and also made orders varying by deletion of a good number of those conditions and varying the terms of the remaining conditions. It appears that Dr Coroneos has continued to practise since the formal steps necessary to effect the suspension have not yet been taken. This has occurred with the full knowledge and consent of the respondent who appears and consents to an order staying the order made 19 August until the final determination of the appeal.

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I have read the affidavit material and the history of the proceedings between the applicant and the Board and am of the view that the applicant has some prospects of success in his appeal against the order suspending him for three months and further that if he succeeded in overturning the finding of contravention or the findings of contravention or in reducing or overturning the order suspending his registration then his success on that appeal might be frustrated by a refusal today to order a stay of those suspending orders. Further, the Medical Board consents.

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In those circumstances I order that the orders of the Health Practitioners Tribunal made 19 August 2002 suspending the applicant's registration or right to practise as a medical practitioner for three months be stayed until the final determination of the appeal against that order filed 11 September 2002 on the condition that the applicant prosecutes that appeal without delay.

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JERRARD JA: I reserve the costs of the application today, the costs of and incidental to this application for a stay.

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