

# (Health Practitioners Disciplinary Tribunal, 2020)

## Charge Detail Summary

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File Number: MLS20/474P

<b>Practitioner:</b>	Sean Davison
<b>Charge Characteristics:</b>	<p><b>Aiding and Abetting</b> (Established)</p> <p><b>Legislation – breach of Crimes Act 1961</b> (Established)</p> <p><b>Lied/misled</b> (Established)</p>
<b>Additional Orders:</b>	<p><b>Other Suppression Orders</b></p> <p>Order permanently suppressing publication of the practitioner's residential address and details of his financial means</p> <p><a href="#">1127MLS20474P.pdf</a></p>
<b>Decision:</b>	<b>Full Decision</b> <a href="#">1127MLS20474P.pdf</a>

### Precis of Decision:

#### Charge

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On 11 August 2020 the Health Practitioners Disciplinary Tribunal (the Tribunal) considered two charges laid by a Professional Conduct Committee against Mr **Sean Davison** (also known as Peter Sean Romeo **davison**), registered **medical laboratory scientist, formerly of Dunedin and now residing in South Africa (the Practitioner)**.

The charges were laid under the Health Practitioners Competence Assurance Act 2003 (HPCA Act).

Charge 1 alleged that the Practitioner's three convictions for murder in South Africa separately or cumulatively reflected adversely on his fitness to practise as a medical laboratory scientist.

Charge 2 alleged that the Practitioner failed to inform the Medical Sciences Council of New Zealand (the Council) about his involvement and convictions relating to 3 murders, when he knew that his involvement was unlawful conduct. The alleged conduct amounts to professional misconduct.

#### Background

In 2011, the Practitioner was convicted of aiding and abetting the 2006 suicide of his terminally ill mother. The Practitioner was sentenced to five months of home detention.

In 2011, the Practitioner founded Dignity SA, a group that supported and advocated for law change regarding assisted suicide in South Africa.

On 2 November 2013, the Practitioner unlawfully and intentionally killed a medical doctor and quadriplegic, through the administration of a lethal concoction of drugs.

On 25 July 2015, the Practitioner unlawfully and intentionally killed a man diagnosed with motor neurone disease, by asphyxiation.

On 8 November 2015, the Practitioner unlawfully and intentionally killed a man who had suffered brain injuries, by administering a lethal dose of pentobarbital. It remained the case that there was no right to assisted dying in South Africa.

On 24 May 2017, the Practitioner applied for New Zealand registration in the Medical Laboratory Scientist scope of practice. When asked about criminal convictions, the practitioner disclosed the assisted suicide of his mother. The practitioner failed to disclose the full details of his involvement in the unlawful assisted deaths in South Africa.

The Practitioner was first registered in the Medical Laboratory Scientist - Provisional Scope of Practice, with the Council on 19 July 2018.

On 18 June 2019, the Practitioner was convicted of three offences of murder in South Africa. At all material times, the Practitioner was a New Zealand registered medical laboratory scientist.

The Practitioner failed to notify the Council of the convictions. The Practitioner accepted that this was information his New Zealand registry body could expect to receive from him.

#### Finding

The hearing proceeded via audio-visual link on an agreed summary of facts and the Practitioner accepted both charges.

The Tribunal found that both charges were established.

Charge 1 was established on the basis that the Practitioner's convictions met the threshold of being imprisonable for 3 months or longer. The charge was also proven to reflect adversely on the Practitioner's fitness to practise.

Charge 2 was established on the basis that the Practitioner failed to notify the Council of his involvement in two of the three murders and his three murder convictions. The Tribunal found that this amounted to professional misconduct.

#### Penalty

The Tribunal:

- Cancelled the registration of the Practitioner;
- Censured the Practitioner;
- Ordered the Practitioner to pay costs of \$8,439.00, amounting to 25% of the costs.

The Tribunal directed publication of the full decision and a summary.

The Tribunal further directed the Executive Officer to request the Medical Sciences Council of New Zealand to provide a copy of this decision to the Health Professions Council of South Africa.