

DR J.R.M.CAPLEHORN

JUDGEMENT

On 3RD June, 1977 the registered person was convicted and sentenced in the District Court to six years imprisonment with hard labour on a charge to which he had pleaded guilty that he on 19th May 1976 at Annandale did supply a drug of addiction, namely amphetamine sulphate, in that he did have the same in his possession for supply. A non-parole period of two years was specified. The conviction was deemed to be a complaint by the investigating committee which referred it to the Tribunal for inquiry.

At the inquiry the transcript of proceedings in the District Court was tendered together with the learned Judge's remarks on sentence. This material showed that when police searched Dr Caplehorn's house on 19 May, 1976 they found large quantities of the drug- 3.5 pounds- being manufactured with the necessary apparatus and chemicals available. In a signed record of interview the respondent stated that he was engaged in producing pure amphetamine sulphate which he intended to sell in bulk. He said he had sold six ounces of the drug for which he had received \$1210, of which sum \$1380 was found by the police on the premises. Dr Caplehorn in evidence said he had ended up a major drug pusher.

The relevant personal and professional history of the registered person is that he was born on 19th September, 1948 and having repeated year three, completed the faculty of medicine course at Sydney University in 1972 and was registered as a medical practitioner on 3rd January 1973. He spent 1973 in residence at Concord and then at Auburn District Hospital.

According to Dr Caplehorn he had been taking drugs for some months in 1968 but had broken the habit when he resumed his studies in 1969. being disinclined to continue hospital work it seems that he did no work in the first half of 1974 until he

started as a doctor at what is known as the Brisbane Street Drug Dependence Clinic run by the Health Commission in either May or June, 1974. He left this job in March, 1975 and was unemployed between then and his arrest in May 1976. It appears that he did not seek to follow his profession and gave in evidence a vague account of taking up drugs again and then deciding to discover the means of making amphetamine sulphate. How long he was engaged in this is not clear. However, what is clear enough is that before May 1976 he had embarked upon the wholesale manufacture of pure amphetamine sulphate for the purpose of supply to the illicit drug market of the community.

Whilst awaiting hearing of the proceedings against him, Dr Caplehorn obtained a position as resident medical officer at Camden District Hospital on 21st June 1976 remaining there until he was dismissed or suspended in February 1977. It appears that this latter event occurred as the result of pressure from the Health Commission on it becoming aware that he was working at the hospital. At any rate Dr Caplehorn said he enjoyed working there and evidence has been given that he worked hard and gained the respect of staff and patients.

In prison Dr Caplehorn has studied philosophy, becoming physically fit, corresponded with the Professor of Child Health at the University of Sydney and claims to have changed in his outlook, having no interest now in taking and being desirous of returning to work in a hospital such as Camden District Hospital. He has told his parole officer that if de-registered he would be interested in some paramedical career.

Learned counsel for Dr Caplehorn has submitted that the appropriate penalty would be suspension from practice. He submits that there is no likelihood of the doctor reverting to drugs taking, that he has displayed his talents as a doctor at Camden District Hospital and that the overall public interest does not require that he be de-registered.

The Tribunal is unable to accept these submissions. Firstly, the conviction was for a very serious offence. Indeed, it is almost incredible that a doctor with or without experience of drug taking and drug dependence should enter the illicit drug market.

As Dr Caplehorn's Counsel said, "it is diabolical to think of a doctor manufacturing illegal drugs for sale". The Tribunal is clearly of the opinion that such a conviction demands removal from the register. With respect to Dr Caplehorn's drug taking, it is felt that a lengthy period outside the prison environment would be necessary before it could safely be said that he was not likely to revert to drug taking. The time to consider this, if at all, would be upon some future application.

In giving consideration to the matter of the public interest the Tribunal has regard to the fact that Dr Caplehorn has not had a lengthy medical career and his removal from the register would not deprive the community of the services of an experienced practitioner.

The Tribunal directs that the name of John Richard Marsden Caplehorn be removed from the Register of Medical practitioners in New South Wales.