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**STATUTORY DECLARATION**


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I, AWC of **REDACTED** in the State of New South Wales, do solemnly and sincerely declare as follows:

1. I hereby make a complaint to the Health Care Complaints Commission concerning the conduct of a medical practitioner during an examination conducted upon me on 4 July 1979 in the Accident & Emergency Department of the Royal North Shore Hospital.
2. I am presently 34 years of age, my date of birth being **REDACTED** 1964. On 4 July 1979, I fell over in the playground of the Mosman High School whilst playing with friends after school. When I fell I struck a metal grate in the playground with my coccyx bone. I felt immediate pain from the fall and found it difficult to walk. I then telephoned my grandmother, **REDACTED** with whom my mother and I were then living for a short period of time. My grandmother drove to the High School and then drove me to the Royal North Shore Hospital. We arrived at the Casualty Department of the hospital at about 4.00 to 4.30pm and after a short wait, a nurse said to my grandmother and I:

*"Come through".*

3. My grandmother and I then followed the nurse through swinging doors into a large area which I recall had a number of beds with curtains around them. I then saw a man in a white coat standing in this room who I would describe as being about 40 to 50 years of age with fair hair, a fair complexion, about six feet tall and with a medium build. We followed the nurse up to this man and I saw the nurse hand him my record card and the nurse then left. The man, who I assumed to be a doctor at the hospital, then said to my grandmother words to the effect of:

*"He'll be fine. If you just want to wait, he won't be long."*

My grandmother then turned and walked back through the swinging doors into the waiting room.

4. The doctor then showed me into a small office off the main room and shut the door. I recall that the door had a push button lock on the knob but cannot say whether the door was locked. I recall that there were two chairs in the room and an examination bench. The doctor sat in one chair and I sat in the other opposite him. The doctor then said to me words to the effect of:

*"What seems to be the problem."*

I said: *"I hurt my bone at the bottom of my back."*

The doctor said: *"Your coccyx bone."*

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I said: "Yeah."

The doctor then said: "How did you do it?"

I said: "I fell over in the playground at school mucking around and fell onto a metal plate."

He then said: "Well hop up on the bench."

5. I then got up on the examination bench and as I was doing so the doctor said to me:

*"Lie down on your side. Take your pants down."*

I then laid on my left side facing the doctor who was standing at about the level of my waist. I pulled my school shorts to about my thigh level and the doctor then took hold of my shorts, removed them completely from one leg and then he removed my underwear in the same manner. The doctor then said to me words to the effect of:

*"We have to check to see if you have blood in your semen and we have to see if you have blood in your anus."*

I said: "How can there be blood in my semen?"

He said: "That's very easy to happen. We don't know until we check."

6. I recall that I felt quite alarmed at this stage but as the doctor was putting on a glove during this discussion, I believed that he was going to perform a medical procedure. I recall that he initially only put a glove on one hand only. He then started to stroke my penis with his ungloved hand by moving his hand up and down until I obtained an erection. He continued this for a minute or two and then he moved his gloved hand between my legs and put one of his fingers into my anus. He then commenced moving his finger around vigorously in my anus whilst continuing to stroke my penis. This continued for about two minutes. The doctor then stopped masturbating my penis and said to me words to the effect of:

*"Masturbate yourself."*

7. At this time, the doctor withdrew his finger from my anus and then put a second glove on his other hand. He then again placed a finger in my anus by passing his hands between my legs and continued moving his finger around inside my anus whilst I was masturbating myself. He then said to me words to the effect of:

*"Tell me when you are going to come."*

He then held his other gloved hand near to my penis in a cupped fashion in a position to collect sperm when I ejaculated.

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8. After a period of masturbating myself whilst the doctor was moving his finger inside my anus, I ejaculated into his other gloved hand. As soon as this happened, the doctor went to a sink in the room and commenced washing his hands and said to me:

*"Just get dressed."*

I then pulled my underpants and shorts back on and observed that he was taking his gloves off at the sink. The doctor then turned and said to me words to the effect of:

*"No. There's no blood in your semen and no blood in your anus. That's the most important thing. You're fine. Just rest."*

The doctor then opened the door and I left. I did not see the doctor write any notes during or after the examination in my presence.

9. I felt very upset after I had left the room. I recall that I felt very uncertain about whether what had occurred was medically appropriate or not. When I reached my grandmother, she said to me:

*"What happened? What did he say?"*

I said: *"Nothing. It's fine."*

10. I did not tell anyone about this incident with the doctor at the Royal North Shore Hospital until about late 1997 when I saw my general practitioner, Dr Malcolm Parmenter who practises at the 393 Medical Centre at Mosman. I did not previously disclose what had occurred during the examination at the Royal North Shore Hospital because at the time of the incident, I was very involved in surfing activities with friends and we were all quite homophobic. I was too embarrassed to say anything to any of my friends, to my mother or other relatives. I simply tried to shut it out of my mind and not think about it. I found I was generally able to do this until about mid-1997 when there was a lot of publicity about Phillip Bell and his alleged paedophile activities on the Northern Beaches. I knew Phillip Bell as he used to often come to Manly Beach where my friends and I surfed although I was never physically molested by him at any time. However, the publicity surrounding his activities caused me to think constantly about what had happened to me at the Royal North Shore Hospital in 1979. I also found that it was affecting my sexual relationship with my then girlfriend.

11. When I disclosed to Dr Parmenter what had occurred to me with the medical practitioner at the Royal North Shore Hospital on 4 July 1979, he said to me words to the effect of:

*"You have been 100% sexually abused."*

Around this time, I also disclosed to my girlfriend what had happened to me in 1979 and it upset her greatly and further affected our relationship. I commenced to have frequent anxiety attacks around this time and Dr Parmenter commenced prescribing Prothiaden for me. I also consulted a psychiatrist, Dr Lambe, and a psychologist, ~~Suzanne~~ <sup>Suzanne</sup> Gow for

treatment. I saw Ms Gow for about three months on a weekly basis for treatment and I also disclosed to her what had occurred when I attended the Royal North Shore Hospital on 4 July 1979.

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the "Oaths Act of 1900 - 1953".

Subscribed and declared at *MOSMAN* )  
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this *30th* day of *OCTOBER* *98* )  
 )  
One thousand nine hundred and ninety eight )  
 )  
before me )

AWC

*M. J. Berry*  
*Michael J. Berry*

[ Justice of the Peace ]

REDACTED