

Investigation Brief

File Numbers: 03/01056 and 07/00070

Complainant Details:

AWH
AWO
AWC

Respondent Details: Dr John Phillip Rolleston

Conduct Description

1. AWH [redacted] alleges that Dr Rolleston sexually assaulted him on two occasions in the 1970s. Dr Rolleston was AWH [redacted]'s GP. The first occasion was when he consulted Dr Rolleston in his surgery. The second occasion was when Dr Rolleston attended the family home to attend to Mr Rolleston's grandfather. Mr AWH [redacted] has stated that Dr Rolleston would pull his pants down and masturbate him until he ejaculated.
 2. AWO [redacted] (also known as REDACTED [redacted]) has alleged that Dr Rolleston sexually assaulted him on several occasions during medical consultations in the 1970s/early 1980s. Dr Rolleston was AWO [redacted]'s GP. He has stated Dr Rolleston would masturbate his penis until he ejaculated.
 3. AWC [redacted] consulted Dr Rolleston on 4 July 1979 in the Emergency Department of Royal North Shore Hospital after a fall at school which injured his coccyx. He alleged that during this consultation Dr Rolleston masturbated his penis to check for blood in his semen. Dr Rolleston is then alleged to have told Mr AWC [redacted] to masturbate his own penis whilst Dr Rolleston inserted his fingers in and out of Mr AWC [redacted]'s anus.
 4. Dr Rolleston had a private general practice at St Ives and was also employed as medical officer at Royal North Shore Hospital (RNSH) during the 1970s and possibly the 1980s.
 5. The following facts are taken from statements provided to the Commission by AWH [redacted], AWO [redacted] and AWC [redacted].
- AWC [redacted]
6. AWC [redacted] consulted Dr Rolleston at RNSH Emergency Department on 4 July 1979 after falling and injuring his coccyx bone. His grandmother accompanied him to RNSH, but was not present during the consultation with Dr Rolleston.
 7. After telling AWC [redacted] to remove his shorts, Dr Rolleston then partially removed his underwear and informed him that Mr AWC [redacted]'s semen and anus would need to be checked for the presence of blood.
 8. Dr Rolleston is alleged to have stimulated Mr AWC [redacted]'s penis, with an un-gloved hand, until Mr AWC [redacted] obtained an erection. Dr Rolleston is then alleged to have inserted one or two fingers of a gloved hand in Mr AWC [redacted]'s anus, moving it "vigorously" and resumed stimulating Mr AWC [redacted]'s penis. Mr AWC [redacted] was then directed to masturbate his own penis, whilst Dr Rolleston put on a second glove

and then resumed penetrating Mr AWC's anus. Mr AWC was told to inform Dr Rolleston when he was about to ejaculate and Dr Rolleston caught the semen in his cupped hand.

9. After ejaculation, Dr Rolleston washed his gloved hands, told Mr AWC there was no blood visible in his semen or anus and told him to get dressed. Mr AWC stated he was instructed to rest and did not see Dr Rolleston make any notes.
10. The Commission holds statements from family and friends of AWC indicating he discussed the alleged sexual assault.

AWH

11. AWH stated that during two consultations with Dr Rolleston, one at his general practice and one at the family home, Dr Rolleston masturbated his penis until he ejaculated. Dr Rolleston always saw Mr AWH without the presence of a carer.
12. AWH has provided a statement referring to the two incidents where Dr Rolleston is alleged to have masturbated him until ejaculation. The first occurred in his first year of high school (1974 or 1975) when he consulted Dr Rolleston for the flu. The second incident occurred when Dr Rolleston visited the family home to review the paternal grandfather, who Mr AWH thought had some sort of heart condition. Dr Rolleston is again alleged to have masturbated Mr AWH until he ejaculated.
13. Mr AWH says he remembers the second incident because his grandfather was taken to hospital by ambulance on the same night. The Commission has confirmed that Mr REDACTED (grandfather) was admitted to Hornsby Hospital following a home consultation by Dr Rolleston who arranged ambulance transport.

AWO

(also known as REDACTED)

14. AWO is the brother of AWH. He has alleged that from the age of about 12 or 13 years, consultations with Dr Rolleston would include a physical examination of his heart, tongue and abdomen. Dr Rolleston would then either remove AWO's clothing from the waist down, or instruct him to do so, and indicate that he wanted to examine AWO's penis and "take a sample". According to AWO, there were multiple incidents of masturbation at both the family home and in Dr Rolleston's rooms.
15. Dr Rolleston would place paper towels around the base of AWO penis and direct him to place his hands behind his head. Dr Rolleston would then take his penis in his hand and masturbate him until ejaculation. AWO stated that during the masturbation, Dr Rolleston would check his watch and ask if he "was close yet". The semen would be caught in a tissue. When these incidents occurred Dr Rolleston would collect all the used paper and place it in his bag to take away with him.
16. AWO further consulted Dr Rolleston at RNHS when aged between 18 or 19 years. He requested a prescription for tetracyclines and a medical certificate

so he could obtain sickness benefits from Centrelink. He stated he was provided with a backdated medical certificate stating that he suffered from anxiety and depression. He alleges that during this consultation Dr Rolleston asked whether he "wanted to do it one more time?" AWO [redacted] took this to mean engaging in masturbation again.

17. Dr Rolleston has categorically denied all allegations of misconduct. He confirmed that he had a practice in St Ives between 1969-1979. He does not have any particular recall of the REDAC children or their family. Dr Rolleston has not responded to the allegations made by AWC [redacted].
18. A letter from UMP on behalf of Dr Rolleston dated 21/11/2006 advised he had no recollection of Mr AWH [redacted] and his siblings as children and stated that proceeding with this complaint "would be a breach of procedural fairness" given the age of the complaint and the lack of clinical records.
19. An expert reviewer provided an opinion on Dr Rolleston's conduct based on the facts as stated by AWH [redacted], AWO [redacted] and AWC [redacted] in their respective statements. The expert was of the opinion Dr Rolleston's conduct was a significant departure from the reasonable standards of the profession and expressed strong criticism of the departure.
20. Dr Rolleston was advised that the Commission proposed to refer his conduct in respect to AWH [redacted], AWO [redacted] and AWC [redacted] to the Director of Proceedings pursuant to s39(1)(a) of the *Health Care Complaints Act*. Dr Rolleston has not responded to the proposed action.
21. This officer recommends the investigation proceeds to consultation with the NSW Medical Board with a recommendation that the matter be referred to the Director of Proceedings pursuant to s39(1)(a) of the *Health Care Complaints Act*.

Robert Beetson
Investigations manager