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INTEROFFICE MEMORANDUM

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TO: BRET COMAN  
DIRECTOR OF INVESTIGATIONS

FROM: KAREN MOBBS  
DIRECTOR OF PROCEEDINGS

SUBJECT: DR JOHN ROLLESTON (MPO 085512)

DATE: 19/06/2007

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1. I refer to your memorandum dated 1 June 2007 and confirm that Greg Farmer, Barrister, of Jack Shand Chambers has provided written advice on 18 June 2007 in this matter (attached).
2. Counsel has advised that further information is required in relation to both complaints before a definitive opinion can be offered in relation to the merits of conducting a future prosecution before the Medical Tribunal.

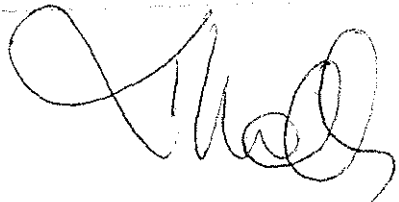
When considered individually, counsel was of the view that no further action was warranted on the complaints, on account of the age of the complaints and the HCCC's previous determination not to pursue them. Counsel also commented on certain inconsistencies arising in the two versions provided by Complainant 1 (Patient B), his refusal to provide a statutory declaration, his difficulties in being able to identify Dr Rolleston as the alleged perpetrator, as well as his failure to make any disclosure to staff at the hospital following his suicide attempt and admission in May 2004. Counsel finally noted that a stay application was likely and that separate hearings could be ordered, which would militate against any reliance upon the fact that there were two complaints. In relation to this matter, counsel noted that the two complaints were not cross-referenced when the second complaint was made in 2003.

However, in considering the cumulative effect of the complaints (ie. the fact of there being two complaints), counsel is firmly of the view that further enquiries should be undertaken in the matter.

3. Counsel suggested that the following further inquiries and investigations be undertaken –
  - Confirm whether Complainant 1 (Patient B) and Complainant 2 (Patient A) knew one another or were aware of the other's complaint to rule out "contamination", as discussed in the advice.
  - Complainant 1 (Patient B)
    - Clarify with Complainant 1 (Patient B's) reluctance to provide a statutory declaration, as well as his reluctance to make sexual abuse disclosures to staff at the hospital following his suicide attempt and admission in May 2004

- Ascertain the date(s) of the grandfather's alleged admission to hospital in the period 1970-1975, as this is relevant to the timing of one of the alleged assaults. Further, ascertain whether Dr Rolleston admitted the grandfather to hospital.
  - Obtain statements from the complainant's two siblings
  - Obtain a statement from Dr Wynn to obtain as much information as possible about his note of an "abuse issue" concerning Complainant 1 (Patient B)
  - Complainant 2 (Patient A)
    - Obtain statement from his mother
  - Consideration be given to referring both matters to the police for investigation, although it is suggested that the wishes of the complainants matters be clarified, as this would have a likely bearing on the willingness of the police to investigate the matters.
4. Counsel advised that if a decision was made not to investigate the matter further, then it seems inevitable that a similar decision be made to terminate the matter.

Please do not hesitate to contact either myself or Ms Karen Parouchais, Legal Officer if you have any questions in relation to the above.



KAREN MOBBS  
Director of Proceedings