

**Office of the Health Care Complaints Commission
Private and Confidential**

INVESTIGATION REPORT

Respondent: Dr John Rolleston

Complainant: Mr [AWB] and the New South Wales Medical Board

File Number: 09/01047 & 09/01529

Complaint Issues

1. Mr [AWB] lodged a complaint about the conduct of Dr John Rolleston on 11 May 2009 at the Office of the Health Care Commission (the Commission). Mr [AWB] alleges that Dr Rolleston touched him inappropriately and masturbated him in 1978 and 1979. Mr [AWB] has also made a complaint to the NSW Police.
2. The New South Wales Medical Board (NSWMB) on 23 June 2009 determined to hold proceedings pursuant to s 66 of the *Medical Practice Act 1992* after receiving a copy of Mr [AWB]'s complaint of 11 May 2009.
3. The Commission investigated the following conduct in relation to Dr Rolleston;
 - a. In 1978 and 1979 on 3 separate occasions Dr Rolleston allegedly masturbated Mr [AWB] on 3 separate occasions at his surgery in St Ives
 - b. In 1979 on 2 separate occasions Dr Rolleston allegedly masturbated Mr [AWB] at Accident and Emergency at Royal North Shore Hospital

Conclusion

4. Based on the evidence of Mr [AWB], and in consideration with the other matters before the Commission, Dr Rolleston's conduct should be tested before a Medical Tribunal.

Outcome

5. The Commission after consultation with the NSW Medical Board on 13 October 2009 determined to refer this matter to the Director of Proceedings under s 39(1)(a) of the *Health Care Complaints Act 1993* ('the Act').

Background

6. Mr [AWB] first consulted with Dr Rolleston on 8 July 1976 whilst he was twelve years old at a medical practice located at 1 Stuart Place St Ives.
7. In approximately 1978 Mr [AWB] states that he presented to Dr Rolleston at the medical practice in St Ives whilst he was fourteen years old. During this consultation he alleges that Dr Rolleston asked him to undo his pants and then Dr Rolleston pulled down his pants and underpants. Dr Rolleston then informed him that he needed to test for an infection. Mr [AWB] states that Dr

Rolleston applied gel to his penis and commenced rubbing up and down. After a few minutes Mr [AWB] ejaculated and Dr Rolleston dabbed blue litmus paper on the semen. Dr Rolleston informed him that he only needed a little bit of fluid.

8. In approximately April/May 1979 whilst he was fifteen years old, Mr [AWB] states he had a foot injury and presented to Dr Rolleston at the medical practice in St Ives. He states that Dr Rolleston asked him to undo his pants and then Dr Rolleston pulled his pants down to his knees. Dr Rolleston then allegedly informed him that he needed to test for an infection. Dr Rolleston applied gel to Mr [AWB] penis and then commenced rubbing. After a few minutes Mr [AWB] ejaculated and Dr Rolleston dabbed blue litmus paper on the semen.
9. Mr [AWB] states that a further incident occurred in approximately April/May 1979 at the medical practice in St Ives and it was identical to the earlier incident in April/May 1979. He states that Dr Rolleston informed him that he needed to test for an infection. He then applied gel to Mr [AWB] penis and then commenced rubbing. After a few minutes Mr [AWB] ejaculated and Dr Rolleston dabbed blue litmus paper on the semen.
10. Mr [AWB] states that two further incidents occurred in 1979 and/or 1980 at Royal North Shore Hospital Accident and Emergency Department. He states that the incident was the same as the other three except that they occurred in a ward bed with a privacy curtain drawn around the bed. Dr Rolleston allegedly put gel on Mr [AWB] penis and rubbed his penis up and down until he ejaculated.
11. Mr [AWB] states that he did not inform anyone of Dr Rolleston's conduct for a long time. He informed no one at the time it occurred but states that his school grades began to suffer.
12. Mr [AWB] attended general practice where Dr Rolleston was employed in 1978 and 1979. The Commission has obtained a copy of his medical records from the complainant.
13. Mr [AWB] states he told his wife [REDACT] about these incidents in 2001 after meeting someone at a party called Rolleston. A statement from [REDACT] [REDACT] has been obtained. Mr [AWB] also states that in 2007 he saw Dr Rolleston on Military Road in Mosman outside the country road store. He states he had a flood of memories and a psychological reaction and at approximately this time he contacted the NSW Police.
14. On 3 July 2009 the NSW Police charged Dr Rolleston with 11 counts of indecent assault upon four victims and released him on bail. These four victims are [AWC], [AWO], [AWH] and [AWB]. The Commission has received complaints for all four victims and the complaints about [AWC], [AWO] and [AWH] are currently with the Director of Proceedings. This matter is ongoing before the Court.
15. On 10 August 2009 the NSW Police informed the Commission that fourteen more alleged victims have contacted them.

16. The NSW Police Force has now provided additional statements from 8 additional alleged victims. These have been provided to the NSW Medical Board on 21 September 2009 for consideration of whether a further complaint should be lodged.

Section 40 Submissions

17. On 25 August 2009 the Commission wrote to Dr Rolleston's legal representative advising of our proposal to refer this matter to the Director of Proceedings under s 39(1)(a) of the Act.
18. On 31 August 2009 the Commission was advised by Dr Rolleston's legal representative that he was instructed not to make any s 40 submissions at this stage.

Sacha Keady
Sacha Keady
Investigation Officer
30 October 2009