

## HEALTH CARE COMPLAINTS COMMISSION

## INVESTIGATION REPORT

## PRIVATE AND CONFIDENTIAL

Complainant: Mr AWH  
 Respondent: Dr John Philip Rolleston  
 File No: 03/01056

On 9 May 2003, Mr AWH sent an e-mail to the Health Care Complaints Commission alleging he and his two siblings were all sexually assaulted in the 1970s by a Dr Rolleston who at the time had a practice in St Ives, New South Wales.

Mr AWH expressed concerns that Dr Rolleston may still be practicing medicine and that he may still be sexually assaulting children.

The only details of the alleged sexual abuse concerned Mr AWH who stated that whenever he attended for a consultation, Dr Rolleston would "masturbate me". Mr AWH stated that he recalled one occasion in particular when he had attended Dr Rolleston's rooms in relation to a chest cold. Mr AWH said that Dr Rolleston "dropped his (Mr AWH's) pants and masturbated me, but I was real young and trusted our doctor to know what he was doing".

This file notes that Dr Rolleston was removed from the Register for Medicare fraud in 1987 and was subsequently restored in 1990.

The Commission also received a similar complaint against Dr Rolleston in 1998, however the matter was terminated. The grounds of this decision were as follows:

1. The alleged misconduct had occurred in 1979.
2. There was a significant delay in the making of the complaint which placed the practitioner in a prejudicial position in having to defend the allegations (these reasons are outlined in the 1998 Investigation Report)
3. After 22 years there was no longer a public interest in taking disciplinary action against Dr Rolleston.
4. There is a strong likelihood that any disciplinary action would be permanently stayed given the lapse of time since the alleged conduct occurred.
5. The difficulties in proving a complaint of professional misconduct given the lack of corroborative evidence and the denial of any misconduct by Dr Rolleston.

The 1998 complaint was not referred to the Director of Public Prosecutions or the Department of Community Services for the same reasons the Commission decided to terminate the matter.

In June 2003, after several attempts, the Commission spoke with Mr AWH about his complaint and advised that further information would be required in order to pursue the matter. Mr AWH advised that both he and his brother, AWO, would be prepared to provide statements to the Commission to assist with the investigation of this complaint.

The matter was allocated for investigation on 12 September 2003. Contact was made with Mr AWH on 19 September 2003 and the issue of whether he wished to make a statement to the Police was also discussed.

Mr [AWH] indicated that he would speak with a friend of his in the Police about proceeding with Police action. He also advised that his brother [AWO] had relocated to the Baukham Hills area and was willing to meet with the Commission to provide a statement. Mr [AWH] was asked to provide the appropriate contact details to his brother so that [AWO] could contact the Commission if he wished and provide a statement.

On 23 September 2003, the Commission again contacted Mr [AWH] Mr [AWH] advised that he did not intend on providing a statement to the Police about this matter. He also stated that he would be in Sydney during the September/October school holidays and may visit the Commission to provide statement. Mr [AWH] did not make any contact with the Commission during this time.

On 23 October 2003, Mr [AWH] was telephoned and advised that an officer of the Commission would attend his home in Murwillumbah and obtain a statement and statutory declaration so that the investigation could commence. The interview was scheduled for 31 October 2003 after 2.00 pm.

Mr Chris Waters, Manager, attended Mr [AWH] s home on 31 October 2003 at 2.00 pm. The house was unattended and Mr [AWH] s mobile was switched off. At 4.00 pm, Mr Waters left to catch his flight back to Sydney. A note was left for Mr [AWH] advising of the missed appointment and the fact that the Commission was unsure how far his complaint could be taken without further and better particulars.

Mr [AWH] contacted the Commission on 1 November 2003 and queried whether a second home visit could be scheduled. Mr [AWH] stated that he remembered the appointment but had been under the impression that the Commission would telephone him to confirm the appointment. Mr [AWH] then went to Queensland to visit relatives. He was advised that this was unlikely. Mr Waters advised Mr [AWH] that if he wished, he could provide the information about his complaint in writing or via e-mail and told to contact the Investigation & Resolution Officer handling the matter.

There was no further contact from Mr [AWH] and on 11 November 2003, a complaint form and brochure were posted to Mr [AWH] and he was asked to complete the relevant documentation and return it to the Commission within fourteen days. No complaint form has been received and Mr [AWH] has provided no further information about his complaint. Mr [AWH] has not contacted the Commission to request an extension for the return of his complaint form

#### Conclusion

The Commission does not have a statutory declaration to verify the complaint or sufficient particulars of Mr [AWH] s complaint to commence an investigation of this matter. Therefore, the Commission is of the view that this complaint should be discontinued pursuant to Section 27(1)(g) of the HealthCare Complaints Act, 1993.

  
 Angela O'Gorman  
 Investigation & Resolution Officer  
 Northern Districts