

STATEMENT OF JOHN PHILIP ROLLESTON

I, John Philip Rolleston of Mosman, in the State of New South Wales, Medical Practitioner state:

1. I refer to the Notice of Complaint dated 7 August 2012 filed in the Medical Tribunal of NSW ('the Medical Tribunal') and to the Amended Notice of Complaint ('the Amended Complaint') served upon my lawyers on 14 January 2013. This statement is made in response to the Amended Complaint.

Background

2. I was born in Sydney, New South Wales on REDAC 1938.
3. I was raised and educated in Sydney. I completed my secondary schooling at the Trinity Grammar School in 1954.
4. In 1958, I graduated Bachelor of Pharmacy from the University of Sydney. I thereafter worked as a pharmacist for approximately 7 to 8 years. I was initially a full-time employed pharmacist however, whilst studying medicine I worked on a part-time basis on weekends.
5. In 1967, I graduated MB BS from the University of Sydney.
6. In 1967, I was employed at the Sutherland Hospital as an intern. In 1968, I was employed at the Sutherland Hospital and thereafter at Mona Vale Hospital as a Resident Medical Officer.
7. In 1969, I commenced to practise as a general practitioner in the Sydney suburb of St Ives. Also in 1969, I became a partner of that practice with Dr John Dowsett. I continued to practise at that practice until late 1979. During the period of time I was practising there, the practice relocated to a more quiet location in St Ives.
8. In mid-1979, I resigned from the partnership and left general practice to commence a role as the Medical Director of the Accident & Emergency Department at the Royal North Shore Hospital. That position was full-time and included both medical practise and also numerous administrative responsibilities. I remained employed in that position until mid-1983.
9. Between mid-1983 and 23 February 1987, I was employed as a general practitioner at Mount Drutt in Sydney's Western Suburbs.

10. On 4 April 1986, I was found guilty and convicted in the District Court of NSW of 12 Counts of 'issue a document which was false in a material particular and which was capable of being used in support of an application for payment of an amount under the Health Insurance Act'.
11. Consequently, on 23 February 1987, I was found guilty of Professional Misconduct (as a result of my conviction) after a hearing before the Medical Tribunal and my name was removed from the Register of Medical Practitioners.
12. On 3 October 1990, I was successful in my Application to the Medical Tribunal to have my name restored to the Register of Medical Practitioners in NSW. In granting my Application, the Medical Tribunal ordered that initially, I only return to medical practise in the Hospital system without rights of private practise for a period of 2 years following which I was able to apply to the then Medical Board of NSW for General Registration.
13. Between October 1990 and February 1993, I was employed in a *locum tenens* capacity in various Hospitals in Sydney and thereafter, in Broken Hill. During that time, I worked primarily as a Medical Director of the Emergency Department at the Hospitals in Sydney and I was also the Medical Superintendant at the Broken Hill Base Hospital.
14. On 26 February 1993, the NSW Medical Board removed the Conditions from my Registration which related to me working only in a Hospital setting.
15. From early 1993 to early 1997, I was the Director of Medical Services at the Greater Western Area Health Service, Broken Hill Hospital.
16. In 1997, I established the Broken Hill Medical Centre. I worked there as its principal until 25 March 2010.
17. In June 2009, I appeared at an inquiry convened by the Medical Board of NSW in accordance with section 66 of the then *Medical Practice Act 1992* ('the section 66 Inquiry'). That Inquiry related to the Medical Board of NSW having received complaints by 4 patients of inappropriate conduct some 30 to 40 years ago. At the conclusion of that Inquiry certain Conditions were imposed upon my Registration. These Conditions included *inter alia* having a chaperone for all consultations with patients under the age of 11 (and completing and submitting to the Medical Board of NSW a log recording compliance with that) and not seeing any patients between the age of 11 and 18 inclusive.
18. On 3 July 2009, I was arrested and charged with a number of counts of Indecent Assault. Between then and 9 December 2009, I was charged with a further series of similar charges.

19. On 25 March 2010, I appeared before a further section 66 Inquiry conducted by the Medical Board of NSW as a result of my having breached certain of those Conditions and because I had by then, been charged with the 40 offences contained within the Court Attendance Notice served on 10 December 2009.
20. I was subsequently unsuccessful in my appeal of the Decision of the Delegates of the section 66 Inquiry to suspend me from practice. I have not practised since 25 March 2010.

Complaint One

21. I admit Complaint One in the Amended Complaint. Specifically, I admit that I have been convicted of the criminal offences set out in the Particulars of Complaint One and which are numbered 1(a) to 1(j), 2(a) to 2(g) and 3(a) to (d) respectively.

Complaint Two

22. I admit Complaint Two of the Amended Complaint. Specifically, I admit the matters set out in the Particulars thereof and numbered 1, 2(a) to 2(l) and 3.
23. I concede that my conduct the subject of Complaint Two would amount to unsatisfactory professional conduct within the meaning of section 139B(1)(l) of the *Health Practitioner Regulation National Law (NSW)* No.86a ('the National Law') in that such conduct was improper or unethical in relation to the practise or purported practise of medicine. admit
PC

Complaint Three

24. I admit Complaint Three of the Amended Complaint. Specifically, I admit the matters set out in the Particulars of Complaint Three and numbered 1, 2, 3, 4 and 5.
25. I concede that my conduct the subject of the Complaint Three would amount to unsatisfactory professional conduct within the meaning of section 139B(1)(c) of the National Law in that such conduct contravened certain Conditions imposed upon my Registration. admit
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Complaint Four

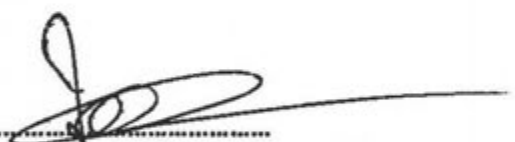
26. I admit Complaint Four of the Amended Complaint. Specifically, I admit the matters set out in the Particulars thereof.
27. I concede my conduct the subject of the Complaint Four would amount to professional misconduct within the meaning of section 139E of the National Law. admit
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Complaint Five

28. I admit Complaint Five of the Amended Complaint. Specifically, I admit the matters set out in the Particulars of Complaint Five and numbered 1, 2 and 3(a) to 3(gg).
29. I concede my conduct the subject of the Complaint Five would call into question my suitability to hold Registration in the medical profession.

General

30. On 3 June 2011, I signed a Statutory Declaration, which was subsequently provided to the Health Care Complaints Commission by my lawyers and which stated *inter alia*, that I did not have any intention of practising medicine in the future and therefore, did not propose to renew my Registration when it then fell due. Within that Statutory Declaration, I agreed that I would not to seek renewal of my Registration on 1 July 2011 or at any time thereafter.
31. I maintain the position as set out within my Statutory Declaration dated 3 June 2011.
32. I can indicate to the Medical Tribunal of NSW that I am truly contrite for my behavior, the subject of the Amended Complaint.



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John Philip Rolleston

Dated: 28/2/13.