

FILE COPY

MEMORANDUM

To : The Assessment Committee

From : David Harris, Legal Officer

File : 98/01035

Matter : Complaint by [AWC] concerning a Dr Rollerto

Date : 22 October, 1998

In this matter the Commission has received a letter of complaint from Mr [AWC] which concerns an examination conducted upon him by a medical practitioner at the Royal North Shore Hospital on 4 July 1979 (some 19 years ago). Recent enquiries made by Mr [AWC] with the Medical Records Department of the Royal North Shore Hospital led to a tentative identification of the relevant medical practitioner from an examination of handwritten clinical notes as a Dr Rollerto or Rolleto. The Commission has ascertained that there is no medical practitioner registered in NSW with either of those surnames. Accordingly, notification has not been provided to the object of the complaint as the medical practitioner can not be identified at this stage.

The Commission has forwarded correspondence to the Chief Executive Office of the Royal North Shore Hospital requesting that the hospital identify the medical practitioner who examined Mr [AWC] on 4 July 1979. No response to this request has been received to date.

Mr [AWC] was interviewed by the writer on 7 October 1998 and a draft statement in respect of his allegations has been prepared and forwarded to him. In general terms, the substance of Mr [AWC]'s complaint is that as a 15 year old, he fell onto his coccyx bone and was taken to the Accident & Emergency Department of the Royal North Shore Hospital to determine if he had suffered any serious injury. It is alleged that in the A & E Department of the RNS Hospital, a middle-aged male medical practitioner saw Mr [AWC] alone in a small examination room and after taking a history advised him that:

"We have to check to see if you have blood in your semen and we have to see if you have blood in your anus."

It is then alleged that after the removal of Mr [AWC]'s pants and underwear, the medical practitioner stroked Mr [AWC]'s penis with an ungloved hand and when an erection had been attained, the practitioner inserted a gloved finger into Mr [AWC]'s anus which was moved around vigorously whilst the practitioner allegedly continued masturbating Mr [AWC]'s penis. After a period of a few minutes, the practitioner requested that Mr [AWC] continue masturbation himself which he did so whilst the medical practitioner continued moving a finger in Mr [AWC]'s anus. During this period, the practitioner said to Mr [AWC] words to the effect of:

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"Tell me when you're going to come."

It is alleged that the medical practitioner positioned his other hand near to Mr AWC's penis in order to collect his sperm upon ejaculation. After ejaculation had been achieved, it is alleged the practitioner said words to the effect of:

"No. There's no blood in your semen and no blood in your anus. That's the most important thing. You're fine. Just rest."

Mr AWC advises that he did not inform any person of this incident until he spoke about it with his general practitioner in late 1997. The reasons provided by Mr AWC for not making an earlier complaint are essentially that he was very uncertain whether what occurred was inappropriate, he grew up in a homophobic environment and was thus very reluctant to disclose the incident to either friends or members of his family and he simply attempted to shut it out of his mind.

Mr AWC advises that the incident has continued to affect him particularly in the last twelve months or so. He states that publicity relating to the alleged paedophilic activities of Phillip Bell has caused him to confront what happened to him in 1979. Mr AWC alleges that in the last twelve months, he has been treated with anti-depressants by his medical practitioner and has consulted both a psychiatrist and a psychologist for the management of severe anxiety attacks which he has been experiencing. Mr AWC attributes these difficulties to what occurred during his examination by the unidentified medical practitioner on 4 July 1979.

Clearly, having regard to the extensive time that has elapsed since the events about which Mr AWC complains, the Commission prima facie has a discretion to discontinue dealing with the complaint under s.27(1)(f). However, the complaint equally raises serious allegations which, depending upon a number of factors yet unknown, may make it appropriate in the public interest to investigate the complaint. Prior to determining whether or not the complaint should be investigated, it is considered that the medical practitioner to whom the complaint relates should be identified, it should be ascertained whether he continues to practise as a medical practitioner and whether any complaints of a like or similar nature have been received.

In interview, Mr AWC presented as an entirely credible person who was providing a truthful and uncoloured account of the examination which was performed upon him.

RECOMMENDATION

That the assessment of this complaint be delayed until the medical practitioner to whom the complaints relate is identified, his current practising status ascertained and enquiries made as to whether any other complaints have been made against him.

David Harris
22 October, 1998

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Agree : 
28/10/98