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Our Ref: MPO085512-05 : DD10/13693

26 March 2010

CONFIDENTIAL

Dr John Rolleston
Box 744 PO
SPIT JUNCTION NSW 2088

Dear Dr Rolleston

Suspension from practice of medicine

I refer to the section 66 Proceedings held by the NSW Medical Board (the Board) on Thursday 25 March 2010 which resolved in action by the Board pursuant to section 66 of the *Medical Practice Act 1992* (the Act) under which the Board suspended you from practice of medicine effectively from 5.00 pm Thursday 25 March 2010.

The Board is satisfied that this action is appropriate for the protection of the health or safety of any person or is otherwise in the public interest.

A copy of the Board's written reasons for the decision will be provided as soon as it is finalised by the Board's delegates.

Effect of Suspension and annual renewal

With effect from 25 March 2010 the Board has amended the Register to reflect your suspension. Please return your registration card by post to the Board marked to my attention by **Tuesday 6 April 2010**.

100 Effect of suspension

- (1) While an order under this Act suspending a person from practising medicine is in force, the person is taken not to be a registered medical practitioner, except as provided by subsection (2).
- (2) A suspended registered medical practitioner is considered to be a registered medical practitioner for the purposes of the provisions of Part 5 (Annual registration fees) of Schedule 1.

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While suspended from the Register you are not able to practice or prescribe, whether for reward or otherwise. You must not undertake any form of medical practice whilst this suspension is imposed on your registration.

Period of Suspension

The period of your suspension ends on **19 May 2010**.

In the absence of any fresh information which is relevant to the reasons for your current suspension, please note that the Board will seek the written approval of the Chairperson of the Medical Tribunal (or a Deputy Chairperson) for an order extending the period of suspension for a further period of up to 8 weeks.

If you wish to submit any material for the Board to consider in relation to whether the period of suspension should be extended, please provide such material by **30 April 2010**.

Section 66AB submission

Under section 66AB of the Act, you may apply to the Board for a review of the Board's decision under section 66. Upon receiving your application for review, the Board must reconsider its decision in light of any new evidence or material submitted by you or that the Board considers reasonably relevant. The Board may refuse to reconsider its decision if the application is deemed frivolous or vexatious.

Applications for review should address the Board's reasons for suspension and include relevant documentary evidence in support.

Following any reconsideration, the Board may affirm, vary or set aside its decision and take any action it has power to take under section 66.

Notifications by the Board

Under section 191B of the Act, the Board is required to give such notice it considers appropriate of any order made under the Act within 7 days of the order as follows.

- (1) The Board is required to give notice of any order made in respect of a registered medical practitioner under this Act, or the imposition of conditions on the registration of a registered medical practitioner, to the following persons:
 - (a) the employer (if any) of the practitioner concerned,
 - (b) the chief executive officer (however described) of any public health organisation in respect of which the practitioner concerned is a visiting practitioner or is otherwise accredited,
 - (c) the chief executive officer (however described) of any private hospital or day procedure centre in respect of which the practitioner concerned is accredited,

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(d) the chief executive officer (however described) of any nursing home (within the meaning of the *Public Health Act 1991*) in respect of which the practitioner concerned is accredited.

(1A) Without limiting subsection (1), the Board may give notice of any action taken under Division 5 of Part 4 to any person or body the Board reasonably considers it appropriate to notify.

Section 191B (4) provides that the *employer* is a reference to the employer at the time of the relevant conduct and includes a reference to any subsequent employer that the Board considers appropriate. Under section 191B(7) an *employer* includes any person who engages a practitioner to perform work (whether or not under a contract of employment).

It is noted that you have declared pursuant to section 127C(2) of the Act that you are self-employed as the principal of a medical centre in Broken Hill and employed by Southern Cross Care in Broken Hill. In accordance with your written confirmation, the Board has provided notification of your suspension to Southern Cross Care in Broken Hill.

Please advise the Board immediately if any other notification is required in accordance with section 191B of the Act.

Notice of Suspension

In addition to the section 191B notification, the Board has forwarded a Notice of Suspension to all States and Territories and New Zealand, NSW Department of Health, Medicare Australia, the Department of Veterans' Affairs and the Pharmaceutical Services Branch.

A copy of the Notice of Suspension is enclosed.

Referral of Complaint to Commission

When the Board takes action under section 66 of the Act, pursuant to section 66B of the Act, the Board must refer this matter to the Health Care Complaints Commission for investigation. The matter will be dealt with by the Commission as a complaint.

Pursuant to section 66B of the Act, the Board will now refer this matter to the Health Care Complaints Commission for investigation as a Complaint.

Please contact me on 9879 2200 if you have any questions.

Yours faithfully



Bronwyn Sharp
Legal Officer

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Enclosure:

- Copy Notice of Suspension dated 26 March 2010

Cc: Mr Andrew Davey of Unsworth Legal