



# RANKIN & NATHAN

Solicitors • Notaries

Our Ref: RNC:AJS:ROD:030839  
Reply to Newcastle Office

Your Ref:

3 September 2003

**RESTRICTED AND CONFIDENTIAL**

The Right Reverend Roger Herft  
Bishop of Newcastle  
PO Box 817  
NEWCASTLE NSW 2300

Dear Bishop

CKU



I refer to the above matter and advise that there appears to be no obligation to report this matter under the Ombudsman Act NSW 1974.

The reporting obligations contained in the Ombudsman Act apply to employees of an agency, where the agency can be characterised as a designated non-Government agency within the meaning of the Act. In our view, given the material supplied, it does not appear that the subject of the allegations was an "employee" as defined by the Act. Furthermore, it does not appear that the environment in which the alleged incidents occurred can be characterised as a "non-designated Government agency" as defined by the Act.

We attach for your reference, an excerpt from the "Ombudsman's Guide to Reporting" and draw your attention to paragraph 3.8 where it states:-

*"If you only became aware of the allegation of child abuse after an employee left, it is not necessary to notify the Ombudsman"*

If you have any further enquiries with this matter please do not hesitate to contact the writer.

Yours faithfully  
**RANKIN & NATHAN**

**Robert Caddies**

**Senior Partner**

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