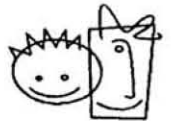
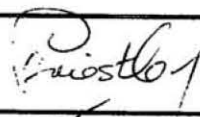
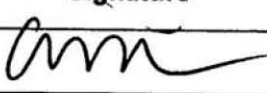


COMMISSION FOR CHILDREN AND YOUNG PEOPLE

nsw commission for
children & young people

WORKING WITH CHILDREN CHECK – RISK ASSESSMENT REPORT

Surname: Callaghan		First Names: Noel Michael			D.O.B. REDACTED 955
Type and Number of Records	Criminal 1	Disciplinary 0	AVO 0	Dates of incidents: 1986/88/89 & NK	Age of victim(s): Under 16 years
SUMMARY OF RELEVANT RECORD					
<p>12/03/2003 - Sexual assault (Cat 3) knowing no consent given - Not guilty by verdict. Records confirm that Mr Callaghan was found not guilty by verdict for the above charge on 12/03/2003 by Judge Urquhart. Refer TAB B.</p> <p>The Police Facts Sheet state that the victim was introduced to the defendant by a mutual tennis associate and was invited to a tennis teaching clinic by the defendant free of charge. The camp was held on a weekend. The victim reported that she was awoken by the defendant knocking at her door at 1:00 am and saying that he had something to tell her. The victim alleges she opened the door and the defendant forced his way in and pushed her backwards on to the bed. The victim then recalled that the defendant penetrated her vagina. Refer TAB C.</p> <p>17/10/2002 - Sex assault (Cat 4) indecent assault & under authority >= 14 & T1 (2 Counts) – discharged. Refer TAB A. No records available from court.</p> <p>12/03/2004 - Assault with act of indecency – T2 – No evidence offered: defendant dismissed: costs against informant. Refer TAB A. No records available from the courts.</p> <p>12/03/2004 - Assault with act of indecency – T2 (2 counts) – No evidence offered: dismissed. Refer TAB A. No records available from the courts.</p>					
Risk Assessment Outcome	Criminal High	Disciplinary Nil	AVO Nil	Workplace Medium	Outcome High
Reassessment Considerations:					
<p>Mr Callaghan is seeking employment as a tennis coach in an all girls' school. He has been the subject of sex related allegations by three separate victims; all under sixteen years of age.</p> <p>All victims report they were coached by Mr Callaghan.</p> <p>While no charges have resulted in convictions, the Commission was unable to obtain any information to support Mr Callaghan's assertions that the charges were "sour grapes" by "pupils who didn't make their desired level of tennis", or, "were having problems at home and wanted victim's compensation". It is noted that Mr Callaghan did not consent to be interviewed by police when charged on 17/08/2001.</p> <p>Considering the above, a reassessment of Mr Callaghan is not considered appropriate.</p>					
Recommended Outcome:			High		
Risk Assessment Completed by:	Helen Priestley			22/02/2005 Date	
	Name	Signature			
Approved	Craig Warwicker A/Coordinator WWC			22/02/2005 Date	
		Signature			

SUMMARY OF INFORMATION – FILE NUMBER 051571

Applicant:	Noel Michael Callaghan
DOB:	REDACTED 1955
Applicant ID:	996868
Employer:	SCEGGS Darlinghurst
Employer ID:	4743
Check Category	C
Position applied for	Tennis Coach
Screening request received	18/11/2004
Crim Record/AVO/REP received	02/12/2004 – C/R
Risk Assessment allocated	07/12/2004
Outcome:	High

CONTACT WITH APPLICANT

Mr Callaghan was contacted on 13/12/2004. He verified that the criminal record belonged to him. Mr Callaghan stated that "it was a long story with a lot of collaboration and conspiracy", "the allegations were ridiculous, he had challenged them and the whole matter was a non event". "The pupil who took him to court had "sour grapes" as she didn't get to the level of tennis that she wanted, she had problems at home and wanted victim's compensation".

Mr Callaghan added that he had signed the consent and prohibited declaration form as he had "nothing to fear".

He further stated that he has been coaching tennis professionally since 1984 with White City Tennis Complex, has had his own tennis coaching business and coached tennis at state level for New South Wales for 2 years. Mr Callaghan has conducted tennis coaching schools for a number of students and has managed to deal with any problem students successfully. When coaching private school students he believes that he is dealing with the elite and the kids are very receptive and willing to learn. He will be coaching year 9 students whom he finds are reasonably mature and want to make the school tennis team. He added that boys often need to be reminded of why they are there whereas girls may often require more attention because "they can lack confidence". A teacher will be with the children for coaching sessions.

Mr Callaghan was unable to provide any references but gave the name and telephone number of Deb Carroll who would be able to assist with a character reference and his work ethics, REDACTED

SUMMARY OF RELEVANT RECORD

- **12/03/2003 - Sexual assault (Cat 3) knowing no consent given - Not guilty by verdict.**

Records confirm that Mr Callaghan was found not guilty by verdict for the above charge on 12/03/2003 by Judge Urquhart. Refer TAB B.

The Police Facts Sheet state that the victim was introduced to the defendant by a mutual tennis associate and was invited to a tennis teaching clinic by the defendant free of charge. The camp was held on a weekend. The victim reported that she was awoken by the defendant knocking at her door at 1:00 am and saying that he had something to tell her. The victim alleges she opened the door and the defendant forced his way in and pushed her backwards on to the bed. The victim then recalled that the defendant penetrated her vagina. Refer TAB C.

The victim and her mother decided not to disclose the incident, however, on hearing complaints from other females involved with the defendant as their tennis coach, reported the matter to the North Sydney in November 1999. Refer TAB D.

- **17/10/2002 - Sex assault (Cat 4) indecent assault & under authority >= 14 & T1 (2 Counts) – discharged.**

Records confirm the above charge and that Mr Callaghan was discharged. Refer TAB E. No other records are available.

SUMMARY OF INFORMATION – FILE NUMBER 051571

- 12/03/2004 - Assault with act of indecency – T2 – No evidence offered: defendant dismissed: costs against informant.
- 12/03/2004 - Assault with act of indecency – T2 (2 counts) – No evidence offered: dismissed

Refer TAB A.

Records confirm the above charges and decisions. Refer TAB F.
No further information is available.

WORKPLACE ASSESSMENT

The workplace assessment was conducted with Ms Jenny Allum, Head of School, SCEGGS, Darlinghurst.
Ms Allum stated that Mr Callaghan would be coaching tennis for SCEGGS for about 10 to 20 hours per month.

RISK ASSESSMENT OUTCOME - HIGH

REASSESSMENT

1. Mr Callaghan is seeking employment as a tennis coach in an all girls' school.
2. He has been the subject of sex related allegations by three separate victims; all under sixteen years of age.
3. All victims report they were coached by Mr Callaghan.
4. While no charges have resulted in convictions, the Commission was unable to obtain any information to support Mr Callaghan's assertions that the charges were "sour grapes" by "pupils who didn't make their desired level of tennis", or, "were having problems at home and wanted victim's compensation". It is noted that Mr Callaghan did not consent to be interviewed by police when charged on 17/08/2001.

Considering the above, a reassessment of Mr Callaghan is not considered appropriate.

RECOMMENDATION

The employer be advised Mr Callaghan's risk assessment outcome is **high**.



Helen Priestley
Risk Assessment & Project Officer
Working With Children
22 February 2005



Craig Warwicker
A/Coordinator
Working With Children

