



NSW Ombudsman

Our reference: C/2004/1245

30 March 2004

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Dear Dr Calvo

**Ombudsman investigation concerning the Australian Institute of Music's (the institute) response and handling of child abuse allegations against Professor Victor Makarov**

As you are aware, the institute is a designated non-government agency under Part 3A of the *Ombudsman Act 1974* (the Act). The Ombudsman has the responsibility under section 25B of the Act to keep under scrutiny the systems in place for preventing and responding to child abuse allegations against employees of certain agencies.

On 23 February 2004 we received a notification of child abuse allegations which involved CAA [redacted], a student at the institute against Professor Makarov, the head piano teacher at the institute. In our letter of 1 March 2004 we advised you that we were monitoring the institute's investigation of this matter under section 25E of the *Ombudsman Act 1974* (the Act) and requested that the institute provide a copy of its risk assessment by 15 March 2004. On 24 March 2004 we received the institute's risk assessment via email.

We noted information contained in newspaper articles dated 19 February 2004 which indicated that Professor Makarov had been criminally charged with child abuse offences involving two children. To date, we have only received details about the allegations involving CAA [redacted] from the institute.

We have also been informed by the institute that three adult students have taken out apprehended personal violence orders (AVO) against Professor Makarov which may involve child abuse allegations. The institute has provided limited information about these matters and we are concerned that they may constitute further child abuse allegations against Professor Makarov.

We have considered the nature of the child abuse allegations against Professor Makarov, the information that the institute has provided and the adequacy of its risk assessment and, we are concerned about the institute's response to and handling of the child abuse allegations against Professor Makarov. We are also concerned about the systems that the institute has in place to ensure that child abuse allegations against employees are reported, properly handled and that appropriate action is taken.

## NOTICE OF INVESTIGATION

We have decided to conduct an investigation into the abovementioned issue under section 25G of the *Ombudsman Act 1974*.

I am formally notifying you of my decision to conduct an investigation as required by section 16 of the *Ombudsman Act 1974*.

### The conduct which is the subject of the investigation is:

- the institute's response to and handling of child abuse allegations involving CAA and possibly other children, against Professor Makarov.
- the systems that the institute has in place to report and respond to child abuse allegations against employees;

### The public authority whose conduct is the subject of the investigation is:

The Australian Institute of Music

## REQUIREMENT TO PRODUCE DOCUMENTS AND PROVIDE A STATEMENT OF INFORMATION

Under section 18 of the *Ombudsman Act 1974*, I require the institute to produce the following documentation:

1. Copies of the institute's current internal policies, procedures, protocols and/or memorandums dealing with child abuse allegations against employees; including any documents which are in draft form.
2. All written material, which may include letters, minutes of meetings, file notes, and records of conversation, that are related to the institute's response to and handling of child abuse allegations against Professor Makarov.
3. A notification concerning details of the second student who has made a child abuse allegation against Professor Makarov.
4. A copy of Professor Makarov's employment contract.

Under section 18 of the *Ombudsman Act 1974*, I require you as head of agency to answer the following questions:

1. Who are the members of the institute's Board?

2. Who at the institute has a role in making employment related decisions? Specifically, does the institute's Board have any role in employment decisions?
3. Has the institute's Board been informed of the child abuse allegations against Professor Makarov? If so, when?
4. Can you advise whether or not the apprehended personal violence orders taken out against Professor Makarov involve child abuse allegations? If so, please provide a notification of those matters.
5. Can you explain how Professor Makarov is supervised at the institute, including:
  - (i) what directions has the institute given Professor Makarov;
  - (ii) what information has the institute given to the parents and/or guardians of Professor Makarov's current students about the child abuse allegations;
  - (iii) how does the institute know what future classes and/or lessons Professor Makarov is providing at the institute and to which students.
6. Can you please explain why there was a delay in providing us with a copy of the institute's risk assessment in this matter?
7. Why has Professor Makarov remained in his current position given the seriousness of the child abuse allegations against him?

Due to the serious nature of the allegations, I require that this documentation and information is forwarded to me as soon as possible, but in any event no later than **4.00pm on Thursday 8 April 2004**.

We wish to advise that as part of our investigation we would like to conduct an interview with you, as head of agency for the institute, about this matter. We would like to meet with you in the week commencing 12 April 2004 at our office and will contact you about an exact date. We anticipate electronically recording our interview with you and supplying you with a cassette tape of that interview. You are also entitled to bring a support person with you. Further arrangements will be made for our interview after your receipt of our investigation notice.

#### **REQUIREMENT FOR CONTACT OFFICER**

Please nominate an appropriate representative from the institute to act as a contact officer for the purpose of this investigation and advise us of the name and contact details that officer by **Friday 2 April 2004**.

Yours sincerely

REDACTED

**Assistant Ombudsman (Children and Young People)**