

AB

LOBBAN MCNALLY | LAWYERS

Your Ref: C/2004/1245
Our Ref: TJM:mr\3224\113

8 July 2004

REDACTED

Deputy Ombudsman
NSW Ombudsman
Level 24
580 George Street
SYDNEY NSW 2000



Dear **REDACTED**

INVESTIGATION CONCERNING AUSTRALIAN INSTITUTE OF MUSIC

We refer to your letter of 15 June 2004 addressed to Dr P Calvo for whom we act, our client has requested we respond on his behalf.

It is noted your advice with regard to making submissions in relation to accuracy and/or issues and conclusions set out in the draft statement of provisional findings and recommendations. Our client does not agree with certain factual matters, however reading of the report appears to be directed in assisting our client and not intended as adverse comment. By reason of this our client is of the view further correspondence in relation to factual matters will only prolong finalisation of the investigation, it being our client's intention to accept the provisional recommendations set out in the draft. so as to enable the matter to progress in a positive manner.

In relation to the proposed provisional recommendation, adopting the same paragraph numbering we are instructed:-

1. Professor Makarov is now on leave and will not be returning to the Institute until his current criminal proceedings are determined. If an adverse finding is made against the Professor, our client intends to review the position in respect of future employment.
2. Professor Makarov is being informed in writing of the reasons giving rise to the leave arrangements.
- 3 to 6. It is our client's understanding the current policies relating to the matters referred to in these paragraphs are adequate. Having said that, our client is always prepared to review such policies and in this regard you might forward copy of your publication "Framework for developing a child protection policy" which our client intends to use as basis for reviewing current policies.



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REDACTED
Professor V Makarov

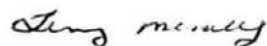
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We have advised our client of the type of documentation required by the Child Protection (Registrable Offenders) Act 2000, Commission for Children and Young People Act 1898 and the Working with Children Check Guidelines 2004. It is intended the client's existing procedures and documentation be reviewed in accordance with our recommendations

A matter which caused our client difficulties was lack of response from certain statutory entities and persons associated with the alleged offences when our client sought assistance with regard to investigating and providing report. Because of the difficult situation in which our client was placed Mr A Tudehope, barrister was retained to conduct investigation on behalf of the client, the costs associated with that inquiry being substantial.

We should be obliged if there could be included in your final report comment with regard to our client's implementation of the provisional recommendations.

Yours faithfully,



Terence McNally