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LAWYERS

Your Ref: C/2004/1245
Our Ref: TJM:mr\3224\029

CONFIRMATION
OF FAX

→ REDACTED

8 April 2004

REDACTED

Assistant Ombudsman
(Children and Young People)
NSW Ombudsman
580 George Street
SYDNEY NSW 2000

Via facsimile: REDACTED

Dear REDACTED

PROFESSOR VICTOR MAKAROV

Thank you for the time you afforded me, as the Principal of this firm, yesterday with regard to your letter to Dr Calvo of the Australian Institute of Music of 30 March 2004 and the extension granted to comply with the matters raised therein.

While our client and our firm are collating the information you request and preparing a detailed response to your letter, we specifically answer the inquiries raised in paragraph 5 of your letter as follows:

- 5(i) Professor Makarov has been directed that he is not to have any classes with any student under the age of sixteen unless there is another person present.

We note that the above is also a bail condition of the bail granted to the Professor.

We note that the Ombudsman Act 1974 defines a child as being a person under the age of eighteen years and if you regard it as appropriate our client will increase the supervision provision to those persons under the age of eighteen however we note recent amendments to legislation in regard to consent of persons over the age of sixteen (to eighteen).

We note however that Dr Marcellino, the Principal of the Institute, made inquiry of the Department of Education and was advised, only yesterday, that the age should be eighteen.

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We would appreciate your advice in this respect. Until advised otherwise our client will adopt the view that sixteen should be the age limit.

Further we advise, Professor Makarov has been directed that he can only teach in one building and the other three students referred to in your letter are in another building. The buildings do not have a common entrance.

While not directly referable to your inquiry, we refer to our answer in 5(ii) below and advise that if a parent or guardian does not attend then there is another person present; in this regard we advise that Dr Calvo and the Head of the Young Musician's Program conduct random "checks" to ensure that no student under the age of sixteen is with Professor Makarov by themselves. The room in which Professor Makarov conducts his lessons has a large observation window in the door which reveals at least one half to two thirds of the whole room (the area where the lesson is being conducted can be viewed when simply walking past and most certainly when deliberately observing).

- 5(ii) The Head of the Young Musician's Program at the Institute has contacted each of the parents and/or guardians of each of Professor Makarov's current students and has advised them that Professor Makarov has been the subject of allegations of child sexual abuse reciting the matters raised in the bail conditions document.

Each parent and/or guardian has also been requested to attend each lesson involving their child.

- 5(iii) All lessons with all students are booked through the administration office and no student at the Institute can arrange a lesson in the absence of it being booked through the administration office.

The Head of the Young Musician's Program advises each student of their lesson time and therefore is aware of each and every lesson conducted by Professor Makarov.

We met with our client yesterday with regard to correspondence received on 6 April 2004 from the NSW Police Service (copy attached.)

We feel obliged to advise you of this correspondence, the matters raised in this letter will be addressed in detailed response being prepared.

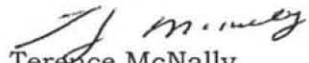
We advise that our firm and our client take the letter from the NSW Police Service, your letter and issues relating to Professor Makarov seriously and to this effect our firm has instructions to appoint a Barrister with experience in sexual abuse and Industrial Relations matters to prepare a full report and recommendations for our client's Board.

In the meantime our Mr McNally will contact you in the new week to discuss the arrangements in regard to compliance with the remaining portions of your letter and the report to be prepared by the Counsel appointed by the Institute.

REDACTED
Professor V Makarov

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Yours faithfully


Terence McNally
