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original placed in mail
on 13 March 2014
with 2 statements
attached

Our ref: C/2013/6776
Contact: Steve Kinmond
Telephone: (02) REDACTED

13 March 2014

Ms Kerryn Boland
Children's Guardian
NSW Office of the Children's Guardian
Level 13, 418A Elizabeth Street
SURRY HILLS NSW 2010

Attention: David Hunt, Director OOHC and Acting Director Legal and Policy

By Email: REDACTED

Dear Ms Boland

I am providing the following information to you pursuant to Chapter 16A of the *Children and Young Persons (Care and Protection) Act 1998*.

The name and details of the employee this provision of information relates to are:

Name: CHD
DOB: 13 July 1972
Employment: Former director and licensee of CEG
REDACTED

Background

On 9 December 2010, our office received a notification from CEG (the centre) about volunteer cook and maintenance person CDM. CDM is the father of the owner/director of the Centre, CHD, and he had a 1% ownership of the Centre.

The notification to this office arose from CDM's arrest and charge with four counts of aggravated indecent assault of three preschool age children who attended the centre. The charges against CDM did not proceed to court.

The director of the Centre, CHD, has advised that she referred the findings of the reportable conduct investigation into CDM's conduct (which included a finding of Not Sustained – Insufficient Evidence in relation to a sexual misconduct allegation) to the Commission for Children and Young People. Our office has separately made a chapter 16A release of information to your office pertaining to CDM.

On the 10 September 2013 this office received a written complaint from [CDN] and [CDP], the mothers of two alleged victims. [CDN] and [CDP] raised concerns regarding the reportable conduct investigation conducted by [CEG] [REDACTED] into sexual misconduct allegations made against [CDM] by a number of children attending the centre.

Representatives from this office have met with both [CDN] and [CDP] and we are in the process of finalising our response to their complaint

[CHD]'s suitability to be a child care centre licensee

Information received by our office raises issues relating to [CHD], the prior licensee of [CEG].

I have attached a copy of two statements given by a previous employee of [CEG] [REDACTED]. The employee has confirmed that these statements accurately reflect the running of [CEG] in 2010.

You may wish to take the attached statements into account when making future decisions pertaining to [CHD]. Please be advised that our office has also provided copies of these statements to the Department of Education and Communities' Early Childhood Education and Care Directorate.

Our office understands that [CHD] has sold the centre, and is currently living overseas.

If you have any questions about this matter, please contact me on [REDACTED]

Yours sincerely



Steve Kinmond
Deputy Ombudsman