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Our reference: C/2013/6776

Contact: Sue Phelan

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3 December 2013

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

Attention: Louise Coe, Director Working with Children Check

Dear Ms Boland

Re: CDM [REDACTED], DOB REDACTED

I have been authorised to provide the Office of the Children's Guardian (the Guardian) information pursuant to Chapter 16A of the *Children and Young Persons (Care and Protection) Act 1998* in relation to CDM [REDACTED] (DOB REDACTED).

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

The notification to this office arose from CDM [REDACTED]'s arrest and charge with four counts of aggravated indecent assault of three preschool age children. Prior to the matter going to court, CDM [REDACTED] was advised by the Office of the Director of Public Prosecutions that the Director had decided that there would be no further proceedings in the matter.

The Centre engaged an independent investigator to conduct a reportable conduct investigation and this office has copies of the report and supporting documentation. CDM [REDACTED] did not return to his position at the centre and we have received advice from your office that as at 23 November 2013, he has not applied for a new Working with Children Check (WWCC). Additionally, we have been advised that CHD [REDACTED] has since sold the Centre and is currently not operating a child care centre. Given the unusual circumstances of this matter, should the Guardian receive a WWCC application from CDM [REDACTED] we ask that the Guardian contact this office regarding the information we hold.

If you have any questions about this letter please contact me on REDACTED

Yours sincerely

Sue Phelan  
Principal Investigator  
for the Ombudsman

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