

Our Ref: MJ Shand
 Your Ref: REDACTED
 Direct Dial: REDACTED
 Direct E-mail: REDACTED
 Doc Id: Love.let.23.8.doc

**RIGBY
 COOKE**
 LAWYERS

25 August 1999

Level 36
 101 Collins Street
 Melbourne
 Victoria 3000
 Australia
 Facsimile
 61 3 9650 9588
Telephone
61 3 9656 8888

Colin Love
 Colin W Love & Co
 Solicitors
 Suite 104 1st floor
 135 Macquarie St
 Sydney NSW 2000

GPO Box 4767UU
 Victoria 3001
 Australia
 DX 191 Melbourne
www.rigbycooke.com.au

By Facsimile: REDACTED

Dear Colin

Tennis New South Wales - NSWIS - Noel Callaghan

We refer to your facsimile received on 23 August 1999.

We confirm our discussions with you that Tennis NSW has been informed of allegations involving Noel Callaghan. It is not a formal complaint as such. The allegations were brought to our clients attention on 3 August 1999 when the "complainant" and her parents requested a meeting with Craig Watson, CEO of Tennis NSW. The allegations have been made by a former State Squad player who is not, nor has been, an NSWIS scholarship holder. The alleged incidents occurred in 1997 and early 1998 when the complainant was 17 years of age.

Our client understands the concerns raised by your client. Our client is also concerned about the issues you raise. To minimise the risks which you raise our client promptly sought advice and requested us to investigate the allegations, report on whether there is any substance to them, and if so, advise them on the steps which it might take. We have now interviewed the complainant and several others and we hope to complete our investigations and report to our client in about three weeks time. Obviously our investigations will also examine whether or not there has been any breach of any applicable codes of conduct and ethics.

Our client has considered the possibility of suspending Noel Callaghan from his duties pending the outcome of this investigation. However it has decided not to do so for a number of reasons.

However, Noel Callaghan has agreed to take "annual leave" effective from today pending the outcome of this investigation.

Our client will be making arrangements to cover Callaghan during his absence in accordance with the usual arrangements when leave is taken.

Colin Love
Colin W Love & Co

25 August 1999

Our client has on an almost daily basis kept your client informed of progress with this matter. It will continue to keep your client informed about this matter and consult with it as requested. While Callaghan may be seen as a representative of NSWIS, he is an employee of Tennis NSW and therefore it is our client who is liable for any action taken in relation to his employment.

As you will appreciate the notes we are making in the course of interviews for our client are privileged. Our client is not prepared at this stage to waive that privilege and to provide your client with copies of the statements. To ensure fairness to both the complainant and Callaghan our client also wishes to keep this matter confidential until such time as it makes a decision regarding the allegations. As mentioned we are hopeful this will only be a matter of weeks.

We trust this satisfies your client of the position and that it will now not see the need to take steps "to disassociate itself from the program and the person against whom the allegation is made", as you suggest in your letter.

We would be pleased to hear from you to advise of your client's response.

Yours sincerely



Maria Shand
Senior Associate

Cc TNSW

25 AUG 1999 15:55

RISBY COOKE

REDACTED

NO. 859

P. 1/2

Colin Love
Colin W Love & Co

25 August 1999

Our client has on an almost daily basis kept your client informed of progress with this matter. It will continue to keep your client informed about this matter and contact with it as requested. While Callaghan may be seen as a representative of NSWTA, he is an employee of Tennis NSW and therefore it is our client who is liable for any action taken in relation to his employment.

As you will appreciate the notes we are making in the course of interviews for our client are privileged. Our client is not prepared at this stage to waive that privilege and to provide your client with copies of the statements. To ensure fairness to both the complainant and Callaghan our client also wishes to keep this matter confidential until such time as it makes a decision regarding the allegations. As mentioned we are hopeful this will only be a matter of weeks.

We trust this satisfies your client of the position and that it will now not see the need to take steps "to disassociate itself from the program and the person against whom the allegation is made", as you suggest in your letter.

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Yours sincerely

Colin Love
Colin Love
Colin W Love & Co

cc: TNSW

25. AUG. 1999 15:46

RIGBY COOKE REDACTED

NO. 858

P. 2/4

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**RIGBY
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LAWYERS

25 August 1999

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Our client has considered the possibility of suspending Noel Callaghan from his duties pending the outcome of this investigation. However it has decided not to do so for a number of reasons.

However, Noel Callaghan has agreed to take "personal leave" effective from today pending the outcome of this investigation.

Our client will be making arrangements to cover Callaghan during his absence in accordance with the usual arrangements when leave is taken.