

From: Maria Shand
To: i.cwatson [REDACTED]
Date: Tue, Aug 10, 1999 12:28 pm
Subject: NC

**** For Your Eyes Only ****

Dear Craig

As discussed set out below is the strategy that we suggest TNSW adopt in response to the allegations made against NC.

1. A decision should be made asap to investigate the allegations. Under your Articles this will need to be a decision of the Executive (as an urgent matter).
2. Consideration needs to be given to whether or not NC should be withdrawn from his current role in Germany given he is not due to return until 22 August. We understand he is there as the only adult with children under 16yrs. There is therefore some risk (perceived or real) that he could act in an inappropriate way and if he does and TNSW allowed him to stay knowing what it now knows this could give rise to breach of duty of care. The decision however is probably one for Tennis Aust since he is there on TA business. One option might be to send another adult over or to arrange for someone else to join him and the team until the tour is completed. We suggest you urgently discuss this with Geoff Pollard at TA.
3. Contact should be made with NC asap telling him you have received the allegations and the process which will be adopted. We have spoken with his lawyer, Stephen Healy, already and he has asked correspondence to be sent to him today. We will prepare a draft letter to send this afternoon with the relevant documents.
4. NSWIS should be notified of the allegations and invited to participate in the investigations, if they wish.
5. A letter should be sent to the [REDACTED] setting out the process. It should also emphasize that the matter should be kept confidential until such time as the investigation is completed and any decision is made, otherwise it may jeopardise the investigation.
6. All those persons who you know are aware of the matter should be advised that this matter must remain confidential until resolved. TNSW should stress that these are only allegations and if leaked could give rise to defamation action against the individuals concerned and/or TNSW.
7. An investigation should commence asap. We would be pleased to act in this role as your advisors. We would suggest that a list of those likely to have some input into the investigation be prepared and that we set time aside either late this week or early next week in Sydney to meet with these people.
8. Depending on the investigation it may be that TNSW needs to consider suspending NC on pay (or asking him to take leave on pay) pending the completion of the enquiries. At present in our view the conduct which is alleged is probably not serious enough to warrant such action. However if upon investigation they change then this may need to be considered. TNSW should also consider any aspects of his job where he is alone with children and seek to have another person with him at those times, as an interim action to manage any risk (perceived or real).
9. As discussed we estimate that our costs will be between \$5000 to \$10,000. This will cover our investigation of all relevant witnesses, report to TNSW and advice on the process and possible outcomes. Our earlier letter to you estimated \$5000 but having now seen the documentation, and based on the several other similar matters we have done for sports clients this year, we consider it will be greater. This fee excludes disbursements (including flights, etc) which would be additional. However we would seek to minimise flights to ensure all meetings were held in one trip.

Could you please confirm that you are agreeable for us to proceed on the above basis.

If so we will finalise letters to S Healy (for NC) and the **REDACTED** for sending out this afternoon.

Regards

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CC: Ian Fullagar