

IN THE MATTER OF

**TENNIS NEW SOUTH WALES
INCORPORATED**

and

NOEL CALLAGHAN

BRIEF TO ADVISE

Counsel: Mr AJ Sullivan QC

Clerk: Paul Daley

Fee: \$

RIGBY COOKE
Lawyers
Level 36
101 Collins Street
MELBOURNE VIC 3000
Tel: REDACTED
Fax: REDACTED
Ref: Mj Shand

**RIGBY
COOKE
LAWYERS**

Memorandum To Counsel

Counsel is briefed to give advice by way of an opinion.

Should Counsel require further information please contact Maria Shand, on the following contact numbers:

Work phone REDACTED

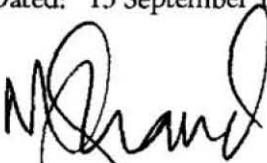
Facsimile REDACTED

Email: REDACTED

Mobile REDACTED

Home phone REDACTED

Dated: 15 September 1999



RIGBY COOKE

Small vertical text on the right margin, likely a scanning artifact or page number.

MEMORANDUM TO COUNSEL

MR AJ SULLIVAN QC

1. Counsel's instructing solicitors act for Tennis New South Wales Incorporated (TNSW). TNSW is the governing body for tennis in New South Wales and is incorporated in NSW under the Associations Incorporation Act 1984.
2. On 3 August 1999 [BXJ], a former NSW Squad player, made allegations to TNSW involving the existing State Coach/Head Tennis Coach of the New South Wales Institute of Sport, Noel Callaghan. The allegations were made at a meeting held at the offices of Tennis NSW.
3. There are essentially five allegations which can generally be summarised as alleging sexual harassment by Noel Callaghan of [BXJ], during the period from June 1997 to early 1998. [BXJ] was 16-17 years of age during this period.
4. [BXJ] is a former State Squad player. She was in the Under 18 State Squad in 1997 attending squad training and tournaments as a State Player. She was also coached privately by Noel Callaghan and attended tennis camps and other squad sessions organised by Noel through his business Tennis Plus.
5. Noel Callaghan was Assistant State Coach in 1997. He was contracted on a part time basis by TNSW in this role. The role required him to assist the then State Coach, Craig Miller including coaching the U18 State Squads (boys and girls), of which [BXJ] was a member.
6. Since May 1998 Noel Callaghan has held the role of State Coach as a full time employee of TNSW.
7. After receiving the allegations TNSW sought our advice and determined to commence an investigation into the allegations. We interviewed [BXJ], Noel Callaghan (together with the CEO, Craig Watson and the President, John Whittaker) and either interviewed, spoke with or communicated with 22 other people.
8. Noel Callaghan agreed to take "annual leave" pending the determination of the investigation by the Board.
9. We completed our investigation and reported our findings and advice in a confidential report dated 10 September 1999, ("the Report") which is enclosed.
10. The Board of TNSW met on 14 September 1999 to consider the report and resolved to obtain a second opinion from senior counsel on the report and the advice contained within it.
11. In particular we understand our client seeks your written opinion on the conclusions reached in the findings in the Report, and the advice given on how it should proceed.
12. Our client is anxious to resolve this matter as quickly as possible and would like to be able to make a decision by the close of business this week. To that end it seeks your opinion by no later than noon on Friday 17 September 1999.

Maria Shand
Senior Associate
Rigby Cooke

15 September 1999