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Our Ref: PJR:BP 08-0524

19 January 2009

Mr Richard "Tommy" Campion

REDACTED

COPY

WITHOUT PREJUDICE

Dear Sir,

RE: ANGLICAN DIOCESE OF GRAFTON - NORTH COAST CHILDREN'S HOME

We acknowledge receipt of your letter dated 28 December 2008.

We wish to make the following comments:

a) First Paragraph: Name of North Coast Children's Home.

As previously advised, we have fully investigated the question of correct legal name of the North Coast Children's Home. Successive Constitutions for the Home referred to the Home as the "North Coast Children's Home". Moreover, official diocesan records, consistently refer to the Home by that name. It is conceded that there was a sign at the subject premises, which included the words "Church of England". It is also conceded that the Home may have been known locally as "The Church of England North Coast Children's Home". However, this was never its correct legal name. As you no doubt would be aware, it is not unusual for persons or institutions to be known by names other than their correct legal name. Moreover as pointed out by you in your letter under reply there have been a number of other children's homes in the region, which do not include the name of the particular religious denomination in their name. We would however make the general comment that the actual name of the Home is really a matter of formality only and is not critical to the nature of the complaints made by you or the redress now being sought.

b) Second Paragraph: Director of Professional Standards

As you may be aware, Bishop Keith Slater only became Bishop of Grafton on 14 November 2003. Bishop Slater had no prior association with the Anglican Diocese of Grafton nor would he have had any knowledge or information concerning the

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management or running of The North Coast Children's Home during the years referred to in your correspondence.

c) Third Paragraph: Comben's Apology

We note that you are prepared to accept Rev'd Pat Comben's revised apology. We are instructed to advise that this apology will be printed on Anglican Church letterhead and signed by Rev'd Pat Comben once an overall settlement of this matter has been achieved.

d) Fourth Paragraph: General Manager/Registrar

As you are aware, Rev'd Pat Comben is the General Manager/Registrar of the Anglican Diocese of Grafton. Any Deed of Release relating to this matter would need to be signed by the representatives of The Corporate Trustees and by Rev'd Pat Comben as Registrar. Accordingly, it is unavoidable that Rev'd Pat Comben would be aware of the terms of any negotiated settlement of this matter.

e) Fifth Paragraph: Accepting revised letter of apology from Bishop Slater and Comben

We are of the opinion that Bishop Slater would not have authority to make any admission or declaration on behalf of the Anglican Church in the terms of your request. There are a number of reasons for this opinion including the following:

- i) "The Anglican Church" is simply the collective name for a large group of individuals (presumably millions worldwide) professing or adhering to Anglicanism (sometimes referred to as "the Anglican communion). Such would not have been involved in the management or running of North Coast Children's Home at the relevant time or any other time.
- ii) Even if the requested admission of responsibility were intended to be limited to the Anglican Diocese of Grafton, it would still be a very large and fluctuating group of individuals who would never have been involved in the management or running of the North Coast Children's Home.
- iii) The Anglican Church is not a legal entity as such. Its legal status would be equivalent to an unincorporated association. As a general rule, persons or such groups of persons within an unincorporated association are only considered responsible for their own actions on a personal basis and not as being a representative of all other persons in the association. Accordingly, the only person or persons who could be considered responsible in a legal sense for the matters complained of by you are the actual perpetrators or such other person or persons who were *personally* involved in the actual management and control of the institution at the relevant time.

We have advised the Bishop accordingly.

We have reviewed the revised draft apology dated 3 December 2008. It appears to us such letter of apology dealt with the various matters raised by you fairly and to the full extent reasonably possible in the circumstances.

In these circumstances, we would once more invite you to accept the Terms of Settlement including the Bishop's apology in its present form in order this matter may be finalised.

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Yours faithfully,
FOOTT, LAW & CO.

Per:

Peter Roland