

**NOTES OF CONFERENCE  
WITH CHRIS AND ANTHONY FOSTER**

On 6 May 1999 I attended the home of Anthony and Chris Foster at REDACTED  
REDACTED Oakleigh. I arrived at about 7.10 pm. I was courteously  
greeted and taken to the lounge room where Chris and Anthony sat.

I asked how things were, saying that I had primarily come to talk about Katie but how was Emma. Chris said that Emma had been very bad. She had been about as worse as she had been. She speaks constantly of hating life and wanting death and of having been on heroin and then on methadone from which she is now being weaned.

I then started to discuss with them the fact that whilst there had been award of compensation to Emma nothing had been done in relation to the Trust Deed. Somewhat unique they seemed to admit fault for this, saying that they had really been too much taken up with Emma's condition to worry about money. I said that it's obviously necessary to do something about it and to do that fairly quickly because Emma will be 18 in November and I presume that the Trust Deed would be drawn so as to terminate at that date. I then pointed out the desirability of someone being appointed a guardian of Emma so as to control the investment.

This discussion continued for a little while and I then asked what sort of treatment was Emma getting. They were somewhat vague about this. I asked them whether they had been with Emma and Katie to a post traumatic stress specialist in recent times because that was what I had been advised by

Tania Smith. They appeared confused about this and eventually said it may have been in connection with the Crimes Compensation Application.

I asked whether Katie was going to see Tania Smith and they confirmed that she was seeing her weekly. I told them that it was probably going to be desirable for me to get authorities from them to obtain the reports from various doctors.

It was I think at about this time that the door was slightly opened and Emma said she wanted to come in. There was I think some reluctance immediately on the mother's part for her to come in but I welcomed this happening and it did. I asked Emma how she was and she said something either she hated life and wanted death or words to that effect. I endeavoured to chat with her and was not doing too badly in extracting some comments about her life, her feelings and so on. I then inter alia said to her that whilst I appreciated that what Fr O'Donnell had done was a very wrong thing, but it would be giving him a sort of a victory for her to continue to be so affected by what had been done. The father then quite unhelpfully broke into the conversation saying but it is not only that it's the drugs and her not having eaten, her whole attitude to life and so on. I endeavoured to steer it back to saying she should forget about Fr O'Donnell or so far as it was possible to put it behind her etc.

This led the parents most unhelpfully I thought to say well Emma's been at her worst the last three weeks, we have had no time to do anything else. Chris the husband said was involved virtually every minute with her to which Christ agreed and to which Emma said "I'm sorry". She was assured by her parent that she should not be sorry.

I asked Emma who she was seeing and she said she was seeing various doctors. She then told me she was seeing a doctor in Jaspers Road who was a General Practitioner and seeing him a couple of times each week. The reason she was see him Chris intervened was because he was empowered in relation to Methadone. I asked whether she still went and saw Dr Lapin her old GP and she said no and there was then some muttered conversation with her mother about how she had apparently had a disagreement or falling out with Dr Lapin. I asked her about school and whether she was going to school, to which she strangely replied I don't know. This was explained by the fact that she had been back to school apparently a couple of days ago, the first time for some months. I asked her what school she went to and she told me a school in Richmond. The father then said terrible things have happened to Emma. This was explained by Emma saying that the school at which she attended was the place where the murder of a teacher occurred.

As I gathered Peter Orr which was the teacher's name was murdered and that he was either a teach of or was known to Emma. Further she said there was a recent murder in Northcote of a social worker who in fact was a social worker whom again had either treated Emma or she knew.

I then said to Emma did she remember meeting Sue Sharkey and she said she had and I asked her whether she would think it was a good idea if she spoke to Sue again, Sue being a person who has great experience and competence in these matters. She certainly concurred with that though there was immediately some attempts of qualifications by the father. She has seen so many people etc. reflectively, of his negative attitude. In any event I said I would have Sue ring Chris or Emma and arrange a meeting.

I then asked Emma whether she reads much. To which she said nothing. I asked whether she had any interests - she said none. I jokingly referred to football of which she was completely ignorant though there was some slight berinage between Chris and Anthony who barracks for Collingwood and Chris for Essendon but then a hastily disclaimer of any real interest or knowledge in football. I asked Emma whether she watched any T.V. She said only Home and Away. She presented as a very depressed and miserable sounding girl though she did appear to be of reasonable weight etc.

I asked her whether she had any questions of me and she said "Are you from the Church" and I gave her a lengthy answer explaining my position and how I was independent of the Church, and that I was akin to a Royal Commissioner and I had to and did "call things as I see them". At the conclusion of that I said that was a pretty lengthy answer to your question which provoked the only ready smile from her. Conversation in a <sup>clearly</sup> ~~clearly~~ way continued and eventually I said that I would leave. At that point of time Anthony said I want to take up with you the fact that you refused our applications for compensation. He had the application for compensation forms there as well as the Terms and Conditions of my appointment. Essentially his argument was that at the time this scheme was introduced by the Archdiocese it was to provide compensation to victims of sexual abuse, Chris and he were victims of sexual abuse, and I (at least impliedly) contrary to the wishes of the Archdiocese was taking a legalistic approach to the position and denying people such as he and Chris compensation.

It is not possible to record all the pros and cons which then took place except that I assured him that I had very fully considered his and Chris' position as I had many others but the position was clear that unless a secondary victim was so proximate in time and place as to constitute an effect impact of the

assault upon the primary victim then no compensation was available. He railed about that. He went to the Terms and Conditions of my appointment and said no where is there a definition of a victim and then said "I defy you to sit there and say we are not victims". I explained to him that I had the greatest sympathy for he and his wife and recognised the trauma, distress, the pain they have suffered by virtue of what has occurred but that did not make them compensable within the Terms and Conditions of my appointment. He simply did not accept that. I told him that I would again consider the matter and report to him in chapter and verse my reasons. Chris said there does not seem much point in doing that if your mind is already made up. I said I would explain the reasons for the conclusion I have reached and do that in writing.

She then went on to say that it was at the Compensation Panel hearing in respect of Emma that they apparently achieved the idea that they were entitled to compensation. I think they may have even suggested that the Compensation Panel would do so but I was preventing that. They instanced the fact that the Compensation Panel had told them in relation to car expenses and so on to speak to Richard Leder. When they spoke to Richard Leder - he said what can I do for you and as soon as they asked he said in effect I cannot do anything for you. They then said like everyone else we got nothing. I gently pointed out that it might be said the system has worked as satisfactorily as it can in relation to their problems but to no avail. The departure was best described as a stiff farewell. I will be writing to them.

**6 May 1999**