

**CORRS
CHAMBERS
WESTGARTH**

L A W Y E R S

FACSIMILE TRANSMISSION

Date: 6 May 1999

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To: Mr Peter O'Callaghan QC	Attention:	Telephone:	Facsimile: 9640 0335
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Telephone (03) 9672 3476**

Dear Peter

EMMA FOSTER

I refer to our telephone conversation this morning in which you requested copies of relevant correspondence relating to Emma Foster. I understand that you are meeting with the family this evening.

I think that the relevant starting point is the Vicar General's letter to them of 16 October 1997, a copy of which is **enclosed**. As you will note, the letter commits to support through Carelink, subject to Carelink's ordinary requirements, including an annual review of the progress towards recovery. I understand that there has been no annual review, and in my recent discussions with Professor Ball and Sue Sharkey, it was decided that we would call for one. I was to write an appropriate letter, but have not yet done so.

In the meantime, you will recall that Emma went to the Compensation Panel. She was offered \$50,000 which she accepted. As she remains a minor, the proposal was that the funds be placed in a trust to be jointly controlled by the Archdiocese and Mr and Mrs Foster, and that when Emma turns 18, she have the option of ratifying her acceptance, signing a release and receiving the money, or alternatively, declining to sign a release in which case the money would be returned to the Archdiocese. The status of this is that I wrote to Emma on 8 February 1999 enclosing a proposed trust deed. I have received no response. I suppose that as time passes, she will be approaching her 18th birthday, and it may therefore be that the trust proves unnecessary. In any event, the offer remains open to her.

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FROM-CORRS CHAMBERS WESTGARTH

FEB-22-2000 17:55



L A W Y E R S

6 May 1999
 Mr Peter O'Callaghan QC
EMMA FOSTER

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For your information, I am **enclosing** a copy of my letter to Mr and Mrs Foster of 31 August 1998. You will have seen that letter before. In addition, I am enclosing Professor Ball's letter to the Vicar General of 5 May 1998, my letter to Professor Ball of 2 September 1998 and my fax to you of 8 September 1998. Finally, I **enclose** a copy of my fax to Carelink of 21 December 1998 which contained a draft letter dealing with pharmaceutical benefits. That letter has not yet been sent and again, was to be the subject of a letter that I am to write.

In summary, I see the position in relation to Emma Foster as follows:

- 1 The compensation offer remains open.
- 2 She is continuing to receive support through Carelink. The time for an annual review is long overdue, and we will call for one. If they do not co-operate in relation to this, then Carelink's support will ultimately be withdrawn. The review of Emma's progress would ideally be conducted by Professor Ball. However, if Emma refuses to see him, then an independent practitioner, acceptable to both Emma and to Carelink, can conduct the review. As I understand it, a report from Emma's treating physician is not sufficiently independent for Carelink's purposes.
- 3 There are some items being claimed from Carelink which may be inappropriate, and in particular pharmaceutical benefits. Pressure will need to be applied to curtail these amounts.
- 4 If complaints or allegations are made by other members of the family, then they need to go through the proper processes. In particular, if Katie alleges to have been abused, this will obviously have to be subject to an investigation by you. Once again, they will need to comply with Carelink's processes.

At the end of the day, we do need to be firm about the fact that if they will not co-operate with Carelink, then their bills will not be paid. We made a special case for Emma to avoid the need for her to see Professor Ball directly, and those special arrangements can be made again, but that is as far as we can go.

Please do not hesitate to telephone if you have any queries.

With kind regards

Richard Leder
 for Richard Leder