

*Notes re visit  
to Foster's 16/10/97.*

## NOTES RE EMMA FOSTER

I attended at the home of Anthony and Chris Foster at [REDACTED] Oakleigh which is just off [REDACTED] Street. (16 October 1997)

I met the two girls, Amy and ....., one apparently older and the other apparently younger than Emma.

Emma was then brought in and I had a chat with her in the presence of her father and mother. The father was highly strung to say the least, tense and aggressive.

I said to Emma did she remember speaking to me in my Chambers and that one day she talked to me about Fr. O'Donnell, she said she did. I said would like to chat about it now and she said she might, then she didn't.

To cut a long story short, I believe she probably would have talked about it to some degree had the mother and father not been there. Indeed at one later stage the mother suggested that they leave and Emma seemed to like that but then resiled from it.

The father was aggressive in the sense that he was saying the Church ought to accept that she's not going to talk, that she shouldn't be required to talk and there should be compensation and that should be the end of that. Let us get on with our lives and let the experts look after her.

I said to him that the purpose I was here was twofold. First to possibly assist .... and secondly to smooth the path for the application for compensation and in particular to obtain some real evidence for the Compensation Panel as to the circumstances of the abuse. This would then allow the Panel to better assess compensation.

This somewhat unsatisfactory state continued for a while and I said look let's leave it and I will come back in a few weeks time to see Emma if she feels like doing it then.

I then said to the parents how about having a talk with me in her absence to which they agreed.

Before going to the detail of this I can say that ultimately this proved to be very successful. I think it can be said that I got Anthony Foster rounded up and he then commenced to be constructive in discussion.

In the course of talking with Emma I said to her that I wanted to speak to her much the same way as she spoke to Domchi. Before going on to that below, the father made a somewhat impassioned speech to Emma saying that if she didn't want to say anything or do anything about compensation, that was o.k. It was money for her and she did not have to do it.

When I commenced talking with them I said I thought that it was undesirable and inappropriate for such high powered discussions to be taking place in Emma's presence. Naturally I stressed that I said this without being critical but that it seems to me that she was being given too much strain for a young girl and it would be better if she was sort of left out of things as much as was possible, though with the idea that eventually she might freely speak.

In the context of talking about Domchi, they then said oh but that was for her application for crimes compensation. I professed not to know anything about this, though I think I did read somewhere where it was said that all the family were making application for compensation.

In any event it appears that James Cosgriff of Williams Winters & Higgs is in charge of that application, though they have not seen much of him, perhaps

spoken to him on the phone. It was subsequently agreed that I could contact him and discuss where matters are at.

I then went into a discussion with them about the impact on Emma and in the course of doing this I said that I have to get some information because so far as I am aware she has never said anything to either of you directly. They both protested that that was not quite so, though there was some confusion about it.

However, it would appear that the chronology of events so far as the Fosters are concerned is as follows.

- (a) The conviction of O'Donnell in 1994 was well and widely known in the area and no doubt at the school. Accordingly Emma would have known for a considerable time before she made her suicide attempt that O'Donnell had been convicted.
- (b) The parents had not the slightest inkling that Emma had been abused and this remained the position until, much to their shock and concern, Dr. Blanthorn told them when Emma was being discharged that it is consistent with her having been abused. Foster naturally said well how can you be sure of that and it was explained and so on. Blanthorn apparently asked could you have any idea of who it could be and both parents said no it's impossible, the only person really who had the opportunity would have been Anthony Foster himself or perhaps a grandfather of Emma or an uncle. Otherwise they were completely at a loss to attribute it to anyone. With what they readily agree with great surprise as amazing oversight, they did not advert to the position of O'Donnell. They say that this was really quite incredible because all one had to do was to think about it long enough and he was the prime suspect. That would have been the obvious because here was a man convicted of paedophilia and was at the school. Chris Foster said that really she overlooked O'Donnell because first she

thought that his crimes had been with boys, second that he didn't really have proximity to Emma. Upon later reflection of course he had the classic opportunities with Emma which he had (though unknown to Fosters) performed with other children but in particular with REDACTED

REDACTED and REDACTED

- (b) I am not clear as to when they decided that it was O'Donnell. They took it really from a statement which Emma had made and it was following her revelations at the hospital to nurse Royden and then her subsequent statements to the psychologist who in turn repeated them to the parents. The psychologist said of course with a confirmatory throwing up of the hands, of course it will be him once she'd learnt what she had not previously known that there was at the school a paedophile in the form of the parish priest.
- (c) Most significantly some days after Emma had been discharged from hospital, Anthony Foster took her to the school. That was because she had been saying to the nurses things that happened ..... (Obviously I am going to have to get the Fosters in to make a more detailed recording.)
- (d) In any event upon some sort of an impulse Foster dropped the keys of school and that one key opened all the doors save a room Emma apparently alleges was used by O'Donnell. When he brought Emma in and approached the door which requires a different key, Emma became stressed and in fact bolted back to the car.
- (e) The other thing she has said directly to the parents is that she sat on O'Donnell's knee for ....

The mother has got some other concerns which she doesn't really attribute directly to the assault, but it could be. She fears that Emma was interfered with and probably penetrated over a long period. I must say that in talking with them last

night, it was very similar to the description given by **REDACTED**. Chris spoke of the time that she took Emma to the doctor for **REDACTED**

**REDACTED** At this time in no way did she attribute this in any way to assault but .. .... She spoke then of difficulties in Emma's first period and tended to attribute it to .....

She spoke also of the strange pair of pants which she discovered washing and when she asked the girls for information about this ..... She surmises this may have been a situation when the other pants were soiled consequent upon an assault and Emma was given a fresh pair of pants to overcome that. The suggested donor was O'Donnell.

This is obviously entering into speculative areas but it reflects the great obsession and justifiably so which these parents have .... the child.

I ... ..... clothing and I will set out headings so as to invite them to themselves write about it .... coming in and being recorded.

**17 October 1997**