

CORRS

CHAMBERS

WESTGARTH

S O L I C I T O R S

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TO: Commission into Sexual Abuse
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FOSTERS**

In our telephone conversation this morning you said that you would be seeing the Fosters on Tuesday, and I thought it might be helpful if I set out some of my thoughts.

According to the newspapers, this is a particularly horrible and difficult matter, and it represents a rigorous test of the various sexual assault initiatives.

As I understand the position, the Fosters have been receiving counselling and treatment for some time, going back before October 1996. The bills have been paid by the Archdiocese. Since Carelink was established, bills continued to be paid. However, on a number of occasions, Sue Sharkey has quite rightly expressed concerns about this, because she has no file at all relating to the Fosters.

My understanding is that Helen Last had a file, but that the Fosters refused to give their consent to this file being referred to Carelink. They raised concerns about Professor Ball's involvement in the

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O'Donnell trial. My view, which is a view shared by Tony, Barry and I understand, the Vicar General, is that the Fosters concerns about Professor Ball are misplaced, and demonstrate a fundamental misunderstanding about the nature of expert evidence generally, and about Professor Ball's role in the O'Donnell trial.

Nevertheless, the Fosters' concerns about Professor Ball need to be respected. They are clearly entitled to deal with doctors of their choice.

The fact however remains that one of the reasons why Carelink was set up was to ensure that the treatment and counselling provided to victims are provided subject to appropriate professional supervision, limits and safeguards. The more I think about it, the stronger my view becomes that if victims want counselling and treatment paid for, then they must go through the Carelink system.

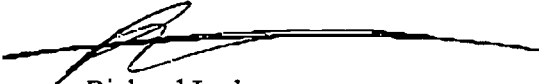
As we discussed this morning, Sue Sharkey tells me that in the Fosters' case, the treating psychiatrist is well known to and respected by Professor Ball. What is required is a consent from the Fosters to that psychiatrist providing a report to Professor Ball that would enable him and Sue to then assess whether the bills being sent into Carelink should be approved for payment.

In this difficult case, it may be most appropriate for the Fosters to be told this in a letter from the Vicar General. However, to some extent you represent the public face of the initiatives and I hope that this briefing will be helpful to you in dealing with them.

The Fosters have raised a second issue, and I imagine that you will not want to get involved in it. It involves Medicare, and the requirement that if a Medicare claimant receives "compensation", amounts paid by Medicare need to be refunded. Mr Foster has apparently told Sue that as a matter of principle, he refuses to claim on Medicare. I am looking at the legal position but subject to that, the views of the Vicar General and those at Carelink are that where Medicare is available, it should be claimed. Carelink will pay the gap.

I hope that these thoughts will be helpful for Tuesday's meeting. Just so that you know, I am providing a copy of this fax to the Vicar General.

With kind regards



Richard Leder
Senior Associate

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