

Delivered 5/11/98

**Commission into Sexual Abuse**  
Peter O'Callaghan Q C

Owen Dixon Chambers West  
Room 1815  
205 William Street  
Melbourne 3000

5 November 1998

Tel 9608 7979  
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**The Chairman Compensation Panel**  
**Mr David Habersberger Q.C.**  
**ODCW**  
**1402**  
**205 William Street**  
**Melbourne 3000**

Dear David,

**Re: A & C Foster**

Mary has provided me with copies of the application for compensation forms received by you from Anthony and Chris Foster. Subject to any comments you have, I propose to write to them as follows.

"Dear Anthony & Chris

David Habersberger QC, who has recently returned from overseas, has advised me that you have each made application for compensation.

I, as the Independent Commissioner, make findings in respect of those persons who have been the victims of sexual abuse, and which findings are accepted by the Compensation Panel.

I must advise you that I have made no findings that either or both of you were victims of sexual abuse within the meaning of the terms and conditions of my appointment. The only persons who can be classified as victims of sexual abuse are those who have been actually abused. In a limited number of instances when another person such as a parent, has been so proximate in point of time and place that person is also classified as a victim.

For instance, the parent who witnessed the assault upon his or her child.

However, in yours, as in many other cases, whilst the discovery of the abuse is a traumatic and distressing occurrence, this does not make that person a victim within the meaning of the terms and conditions of my appointment.

Accordingly the Compensation Panel will have no finding from me that you are entitled to be treated as a victim, and presumably will act accordingly."

I await your reply.

Kind regards.

Yours sincerely,

Peter O'Callaghan

