

Commission into Sexual Abuse  
Peter O'Callaghan Q.C

Owen Dixon Chambers West  
18/15  
205 William Street  
Melbourne 3000

15 November 2004

Tel: 9225 7979

Fax: 9225 7114

e-mail [piocallaghan@vicbar.com.au](mailto:piocallaghan@vicbar.com.au).

**DRAFT**

**Private and Confidential**

Ms Elizabeth Harding  
Carelink  
163 Victoria Parade  
Melbourne 3000  
Fax No. 9419 9295

Dear Elizabeth,

**Re: The Foster Family**

Last Wednesday you advised Rosemary that "*Anthony and Christ Foster have had ten counselling sessions and would like more, could you authorise*".

I refer back to my letter of 7 April 2004 in which I advised inter alia that,

*"Having discussed the matter with Richard, I confirm my advice that in the circumstances you should continue to pay on the normal basis, the amounts rendered in respect of the treatment of Emma and Katie. In the event of a settlement or court order, the payments will be credited. If there is a failure or discontinuance of the court proceedings Emma and Katie remain entitled in my view to be compensated and indemnified by Carelink."*

I understand that because of the complications caused by the abuse on Emma and Katie, family therapy was given which included Anthony and Chris Foster.

Insofar, as treatment which they have received flows from, and is part of the treatment of the children then that would seem in the circumstances to be permissible.

However as I have explained to Mr and Mrs Foster on a number of occasions, they are not victims within the meaning of that word in the arrangements

provided by the Archdiocese. Thus, they are not entitled to be compensated for therapy which they seek or obtain in their own right, as distinct from it being an adjunct of the treatment of their daughters.

I understand that you are not in a position to discuss any of the details pertaining to the treatment, that the Foster family has in the past and seeks to have in the future.

I further understand from Richard Leder that the litigation is being pursued. So far as Emma and Katie are concerned, the position which I explained in February still holds.

However, Mr and Mrs Foster are not entitled in their own right to have the fees for their individual treatment paid for by Carelink. In distinction to Emma and Katie, they have no entitlement as such to compensation under the ex gratia arrangement of the Archdiocese.

To sum up, I consider that you are not authorised to pay for treatment of Anthony and Chris Foster, other than for treatment which is essentially related to the treatment of Emma and Katie.

I would be happy to discuss the contents of the above.

Yours sincerely,

Peter O'Callaghan  
Independent Commissioner