

Commission into Sexual Abuse
Peter O'Callaghan Q C

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23 February 2000

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Attention Mr James Cosgriff

Williams Winter & Higgs
Solicitors
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Dear Sir,

Re: Katherine Jane Foster

I refer to your letter of 9 February 2000, and confirm that Katie Foster made a complaint to me that she had been sexually abused by Kevin O'Donnell dec'd, then the parish priest of Oakleigh. On 30 July 1998 I interviewed Katie first in the company of her parents and Ms Tania Smith, psychologist.

Later the interview was conducted with Katie and Ms Smith.

I have made no formal findings in relation to the fact of the abuse, but I confirm that I advised Mr and Mrs Foster on 6 May 1999 that a finding would be made.

I have had further communication with Ms Tania Smith who confirmed what I had already been advised by Mr David Irvine that tragically Katie had been involved in a motor vehicle accident on 28 May 1999 and suffered severe injuries.

I must however mention one matter which concerns me in the context of an application for compensation by Katie and it is the situation which apparently prevails in relation to the compensation award made to her sister Emma. This award was made as long ago as May 1998 and has not yet been formally accepted by or on behalf of Emma. I understand that in August 1998 Emma and her parents were advised of the offer of the maximum amount of compensation namely \$50,000. Emma by letter of 19 November

indicated she would accept the offer and in February 1999 Emma was provided with a proposed Trust Deed, and there the matter apparently rests. Emma of course has now turned 18.

I discussed this aspect with Mr and Mrs Foster in May last and pointed out that it would be apparently desirable for a guardian to be appointed so as to ensure the prudent disposition of moneys after Emma is 18. I understood from Mr and Mrs Foster that the reason for the delay was that they had simply not got round to it. This is of course is easily understandable, and no doubt further massive demands on their time have been caused by Katie's further severe injuries.

In the light of the above and also because of other information I have received, my query is whether Emma proposes to reject the offer and (presumably) pursue other remedies. Let me hasten to say that whether or not this occurs is not a matter which concerns me in my capacity as Independent Commissioner. I do not, as I cannot, discourage or encourage any course of action decided upon by Emma and her advisers.

However if that is the position with Emma, I assume the same procedure will be followed by Katie. In that event, it would appear that my finding is being sought for purposes other than what is contemplated by the Terms and Conditions of my appointment.

Could you let me know what the position is.

I also advise I have written to Mr and Mrs Foster with respect to other matters which I regret I have not done earlier.

I await your advices.

Yours sincerely,


Peter O'Callaghan
Independent Commissioner