

CORRS

CHAMBERS

WESTGARTH

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FACSIMILE TRANSMISSION

DATE: 15 November 1996

TO: Catholic Diocesan Centre
ATTENTION: Rev Monsignor Denis Hart
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DESTINATION: East Melbourne

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HELEN LAST

We refer to your letter of 13 November 1996 enclosing a copy of Helen Last's memorandum to the Archbishop of 8 November. We respond to your numbered paragraphs as follows:

- 1 There is no reason why His Grace should not meet with the Fosters if that is what he wants to do. However he should realise that agreeing to such a meeting creates a precedent. If he agrees to meet with some victims then he will be under continuing pressure to meet with others. That may or may not trouble him.

To keep some control over this, it might be wise for him to first seek a briefing from Ms Last as to the specifics of the Fosters' case. We are not aware of the Fosters' case. He can then decide whether the circumstances justify the use of his time. In any event, he should obtain this briefing before the meeting so that he knows what to expect.

If he agrees to the meeting, then we think it desirable for there to be a witness, in order to protect His Grace in the future. This need not be Ms Last, and our recommendation would be that you be present, or alternatively Father Stanley in his capacity as Private Secretary.

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- 2 -

15 November 1996
 Catholic Diocesan Centre
HELEN LAST

- 2 We have not yet received Professor Ball's comments, and will keep you informed.
- 3 The comments concerning the continuing role of the Pastoral Response Office concern us. The provisions of the plan are clear. New contacts should be referred to Peter O'Callaghan. It is for Mr O'Callaghan to refer those contacts back for pastoral support.

If people complaining of assault are not referred to the Commissioner, the potential for allegations of a cover-up by the Church remains. His Grace cannot allow this paragraph to go uncorrected. We were inclined to recommend that he respond by memo as follows:


"Thankyou for your memorandum of 8 November. I am in the process of addressing the issues you have raised. However I note your indication that you have had new contacts following my announcement. In order to ensure the independence of Mr O'Callaghan QC it is imperative that ALL new contacts are first referred to him. You will understand that it is only in this way that the Church is protected against unfounded allegations that it has been party to a cover-up.

I am raising this matter with Mr O'Callaghan, and asking him to contact you to discuss the appropriate procedure to be followed."

Since drafting this proposal Richard Leder has spoken with Mr O'Callaghan, who advises that he has had various contacts with Ms Last. We agreed to send him a copy of Ms Last's memo together with a copy of this fax, and we will advise you further next week after discussing the matter with Mr O'Callaghan.

Please do not hesitate to contact Richard Leder if you have any queries.

Kind regards


 A W LeP Darvall
 Managing Partner

M/44192/RLeder/S1