

CORRS  
CHAMBERS  
WESTGARTH  
L A W Y E R S

15 April 2003

Pages: 3 (including this page)

**To:** Bishop-Elect Prowse  
Catholic Archdiocese of Melbourne

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Dear Bishop-Elect Prowse

**THE FOSTERS**

I refer to your facsimile of 11 April 2003.

Some weeks ago Elizabeth Harding and Richard Ball rang me to discuss Emma Foster's situation, and in particular the issues relating to her accommodation.

My analysis was that to the extent that Emma had accommodation needs that were therapeutic, and were part of a program of treatment that was finite in time, one could justify meeting those costs through Carelink. It seemed to me that just as Carelink would arrange emergency residential treatment for someone who was suicidal, or might arrange respite care for someone with particular difficulties, there was ample justification in Carelink arranging for Emma's accommodation at a detox or drug treatment facility.

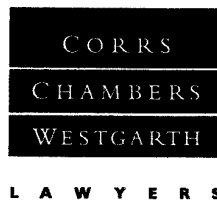
However beyond that, it is quite clear that it is not Carelink's role to provide long term accommodation for anybody.

The request from Mr and Mrs Foster does not suggest that there is any link between Emma's need for accommodation and any treatment that she requires. Rather, she is homeless because her parents have thrown her out.

The basis of the request made of you appears to be that her homelessness is related to the sexual abuse. Objectively, that argument cannot be sustained.

The fact is that ex gratia compensation is available to people, and that this can be spent as they see fit.

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SYDNEY MELBOURNE BRISBANE PERTH CANBERRA GOLD COAST  
OUR LIABILITY IS LIMITED BY THE SOLICITORS SCHEME, APPROVED UNDER THE PROFESSIONAL STANDARDS ACT 1994 (NSW).  
THIS LIMITATION OF LIABILITY APPLIES TO CLAIMS THE PROPER LAW OF WHICH IS THE LAW OF NEW SOUTH WALES.



15 April 2003  
 Catholic Archdiocese of Melbourne  
**THE FOSTERS**

Page 2

Emma went before the Compensation Panel in 1998, and an offer of \$50,000 was made to her. At that stage, Emma was aged less than 18. Emma indicated that she wished to accept the compensation offer, and a trust deed was prepared to facilitate this. I sent this to her under cover of a letter dated 8 February 1999, and heard nothing further.

It seems to me that the appropriate response to the letter sent to you by Mr and Mrs Foster is for us to indicate that the compensation offer remains open. I propose the following draft:

*"Dear Mr and Mrs Foster*

*I refer to your letter to me of 2 April 2003 and to my brief response of 11 April.*

*I understand that in 1998 Emma made an application for ex gratia compensation. Late in 1998 she wrote to the Archbishop's solicitors indicating that she wished to accept the compensation offer that was made to her. As she was then aged less than 18 years, it was proposed that the money be held for her on trust until she turned 18.*

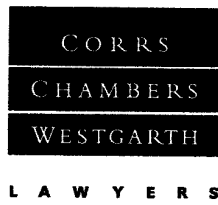
*I am informed that a trust deed was sent to Emma in February 1999, but that nothing further was then heard, either from Emma or from you in relation to the offer.*

*The offer remains open for Emma to accept if she wishes. The amount involved would, quite clearly, address the issues raised in your letter of 2 April 2003, as well as assisting Emma with some of the other issues that may need to be addressed.*

*I should clarify that notwithstanding the misleading media publicity in 2002, the ex gratia compensation payment is not accompanied by confidentiality requirements. It is only if the offer is not accepted that it is a confidential and without prejudice offer. However nothing in the compensation panel process prevents Emma from discussing publicly the abuse of which she complains, if that is her wish.*

*Yours sincerely in Christ"*

In the event that Emma chooses not to accept the offer, then I would certainly agree with the sentiments expressed by the Archbishop that there is nothing further that we can offer.

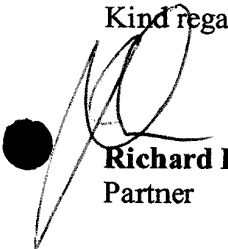


15 April 2003  
Catholic Archdiocese of Melbourne  
**THE FOSTERS**

Page 3

Please do not hesitate to telephone me if you wish to discuss the matter.

Kind regards



**Richard Leder**  
Partner