

**STRICTLY CONFIDENTIAL**

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**F A C S I M I L E T R A N S M I S S I O N**

**TO:** Corrs Chambers Westgarth  
**ATTN:** Mr. Richard Leder  
**FAX NO:** 9602 5544  
**DATE:** 10 April, 1997  
**NO. OF PAGES (INCLUDING THIS ONE):** 2

Dear Richard,

Thank you for your fax of yesterday together with draft letter enclosed.

As always, your suggestions are thoughtful and obviously have merit. Nevertheless, at the expense of seeming to be stubborn, I think it is undesirable for the Panel to communicate with the applicant as to the recommendation it is about to make to the Archbishop. The application for compensation is made to the Archbishop. The Panel's recommendation will be made to the Archbishop. I feel it is more appropriate for the Archbishop or somebody on his behalf to inform the applicant that the relevant recommendation has now been received and that the Archbishop intends to act upon it providing the applicant signs the appropriate release.

If the Chairman of the Panel were to undertake this task, that would be going outside the terms of reference of the Panel and may in any event, be construed by an applicant as a qualified recommendation. Moreover, one can see a solicitor who may be acting for a number of applicants, requiring the Panel to state why it is recommending \$x when it awarded \$x + \$1,000 to another of his clients. (The Panel will probably have to pass on its recommendation in any event.) Assuming for a moment that the applicant is not prepared to sign the release, the Panel would nevertheless have to communicate its recommendation to the Archbishop.

On another point, I agree with the reservation that you and others have expressed about somebody from Corrs remaining in the room while the Panel discusses matters with the applicant. The concerns I had about not having an independent person present when discussions ensue between the Panel and the applicant, particularly when he has his solicitor present, are still very much alive. Nevertheless, somebody from Corrs being in the room at the relevant time may create an even greater problem than the one about which I am apprehensive. Consequently, I think we should proceed on the basis that, subject to the provision of the secretarial services, neither you nor anybody else from Corrs will be in the room while the Panel is discussing matters with the applicant or considering the question of what amount should be recommended.

Perhaps we can discuss these things within the appropriate time.

Regards,



ALEX CHERNOV

Please telephone (03) 9608 8023 immediately if any pages are not received.

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