

Alex Chernov Q.C.

Owen Dixon Chambers  
205 William Street  
MELBOURNE VIC 3000

Tel: (03) 9608 7002

Fax: (03) 9608 8974

### MEMORANDUM

**To:** Members of Compensation Panel  
Geraldine Croagh  
Tim McFarlane  
Ruth Vine

COPY

**From:** Alex Chernov

**Date:** 28 February, 1997

The purpose of this Memorandum is to bring you up to date with developments and to outline briefly the proposed procedure as to the making and processing of applications for compensation. At the outset, it may be useful to note a number of fundamental matters that relate to the work to be undertaken by the Panel.

- (a) The Panel will act only if there is a finding by the Commissioner that a relevant abuse occurred. In that event, the Panel will assume as fact the relevant circumstances accepted by the Commissioner.
- (b) The payment will be made by the Archbishop upon the recommendation of the Panel (assuming the Applicant executes appropriate releases).
- (c) The determination by the Panel should be made with expedition, although one must keep in mind that in appropriate circumstances, the Panel may have to meet with the Applicant and his or her advisers.
- (d) In general terms, the approach that the Panel will take in dealing with assessments will not be one whereby it seeks to compensate the Applicant for economic loss, pain and suffering as may be done in workers compensation or personal injury contexts. Rather, the Panel is to decide the appropriate amount that should be paid to the Applicant by way of ex gratia payment in recognition of the physical, mental and spiritual sufferings experienced as a result of the relevant abuse. This particular statement is not intended to oversimplify the problem of how one determines such ex gratia compensation.

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A key document that an Applicant will be required to sign, preferably at the outset, is an Application Form which will make it clear, inter alia, that the application for compensation is made to the Archbishop and that, assuming relevant abuse has been found by the Commissioner, the Archbishop will, upon an appropriate release, pay the Applicant by way of compensation, an amount recommended by the Panel. The Application Form will also deal with matters such as confidentiality, etc. Richard Leder and I are in the process of finalising the document. We expect to have it ready shortly, at which stage a copy will be forwarded to you.

I have received informal applications for compensation from [REDACTED] [REDACTED] have written to each of them outlining the procedure that is likely to be followed in the making and processing of applications. I enclose a copy of my letter to Mr. [REDACTED] for information.

Richard Leder and I have also prepared for internal use, i.e., use by the Panel, a draft outline of the principal steps involved in the making and processing of an application for compensation. I enclose a draft outline. If you have any views upon the draft, please let Richard know. His telephone number is 9672 3424.

The position has now been reached where applications will have to be considered by the Panel in the very near future, possibly during the next few weeks. I anticipate that the Panel will be provided with premises in East Melbourne. I also anticipate making arrangements for an informal meeting of Panel members so that we can discuss its future work on an informal basis. One of the critical matters to be considered will be the criteria to be used in assessing the quantum of each claim.

As to the matter of your appointment, that will be finalised as between each of you and Richard Leder.

Richard Leder or I will be in touch with you shortly about a possible meeting.

*Alex Chernov*  
ALEX CHERNOV