

Francis Moore

From: Francis Moore
Sent: 17 Jul 2008 08:43:49 +1000
To: Richard Leder
Subject: Re: Abc

Richard

I agree with your proposal but will need to discuss with His Grace which I will now not be in a position to do until 5.30 - 6.00pm as he and Bishop Prowse are committed to catechesis sessions out in the parishes this morning, then the papal boat trip on the harbour followed by the papal welcome at Bangaroo this afternoon.

I have seen Bishop Prowse this morning and handed him your material and arranged to meet him at 5.30 - 6.00 so that we can prepare him for the interview. I would have to say that the comments made by Bishop Fisher have complicated the position and are generating some heat in the press and on radio and has undermined the cover provided by the Cardinal's statement. Bishop Prowse will therefore need to be in a position to respond to any questions asked about Fisher's comment. There is also a report in the SMH and referred to on ABC radio this morning quoting the papal spokesperson Father Lombardi which casts doubt on the expectation for a papal apology.

Can you provide me with two printed versions of a more detailed timeline of the events you describe around the litigation and also the suggested responses to the questions which the ABC have put forward.

Can you please confirm your availability and that of Peter for later this afternoon around 5.30-6.00pm and whether we can go to your Sydney office to use the teleconference facility.

Regards

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Subject: Abc

17/07/2008 07:42 AM

Arising out of the Lateline report, I have 2 thoughts.

First, we've been told that Bishop Prowse will be interviewed at the ABC studio by one of the journo's Sydney colleagues. We need to assume this will be Connor Duffy who has been doing the Lateline reports for the last 2 weeks.

Secondly, he concluded the report last night with:

"Anthony Foster arrives in Sydney tomorrow, but the Church is yet to agree to his request for a meeting".

Assuming that Cardinal Pell and the Pope say nothing about this tomorrow, the ABC are bound to ask about this tomorrow night. This is my tentative suggestion:

Bishop Prowse reiterate the Cardinal's comments and that he had little to do with the legal case. While he was the Archbishop of Melbourne in 1998 when an offer was made to Emma and he apologised to her, he had moved to Sydney in 2001 before the court case was issued and he was not named in the case.

Archbishop Hart has repeatedly indicated his willingness to meet with victims of abuse. He would be willing to meet with Mr and Mrs Foster at their request. The point needs to be made that they have not requested a meeting previously. Nothing had been heard from them since 2006 and particularly having regard to the sad death of Emma earlier this year, we took the view that their privacy should be respected. We are always conscious of the importance of not wanting to force the Church on victims. We recognise that many victims feel betrayed because they were abused and this is something that we need to accept.

But if the Fosters wish to have a meeting to discuss their case, the Archbishop is available to meet with them.

Francis, this approach would require discussion with His Grace and perhaps confirmation via Michael that His Eminence is happy with the approach. However in the final analysis, I am concerned that the ABC is going to ask about the issue. It is a Melbourne issue and we need to have a satisfactory response. If we don't we should revisit whether to proceed with the interview.

In terms of what we would say to the Fosters in a private meeting, there is plenty that we can say. Clearly we would be apologetic but the chronology is not as Foster suggests and we did not stall for 8 years. I would need to get further details of all of this out of the file, but the timing is along the lines of an offer in 1998 which was initially accepted by Emma herself but ultimately not signed off on by her. We heard nothing for a number of years re compensation although she continued to receive treatment and counselling. A writ was issued in 2002, not served for a long time, amended at least once, a defence was filed (by now we are in late 03 or even 04) and ultimately there was a mediation in 2006. This is the reality of Supreme Court process and it is equally frustrating to His Grace that cases take so long to go through the courts, and it is why we offer our Scheme as an alternative. In terms of the way we defended the case, the fact is that Archbishop Hart was not the Archbishop at the time of the abuse, that O'Donnell was dead, that there are legal implications that flow from this and that needed to be worked through, but we did not withdraw the apology or deny the abuse but that consistent with all cases that go to court, they need to

proceed on evidence and that if the case had proceeded, the court would impose the burden on Emma to prove her case. That would have been very difficult for her, His Grace understands that, which is why he was pleased that the case resolved itself. But no plaintiff who chooses to go to court can expect a judgment without evidence. We can also respond well to Foster's demands for begging forgiveness and provision of lifetime support. I think we offer both these things in our scheme. NB that Carelink funded well over \$100 k of treatment for the Foster family.

Obviously the above would need refinement but I proffer it to test the merits of the suggestion that His Grace agree to meet.

I look forward to your comments.

I have not copied this to Royce at this stage in case you or His Grace see no merit in the idea.

Kind regards

Richard

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