

**POSTED****29 FEB 2008**

HGH

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28 February 2008

Brother Alexis Turton  
Provincial  
Trustees of the Marist Brothers  
PO BOX 138  
DRUMMOYNE NSW 1470

Dear Brother

**MARIST CANBERRA CLAIMS**

We refer to our telephone conference with Patrick Monaghan and Joe Bucci on 28 February.

As you know there is a very real issue in these cases about "prior knowledge".

CCI interpret their public liability policies as not responding to claims in respect of events which occur after a religious institute had knowledge or was on notice of a problem with a particular offending Member.

It has been agreed that there will be a "good faith" independent investigation by Ian Whitehead as to council minutes and the like to see what the state of knowledge was prior to your dealing with Brother Kostka in 1994.

If information found its way through to the school principal who failed to pass it on then there should be no problem.

If it transpires that all of the previous issues in relation to Brother Kostka did not come to light until after 1994 no problem.

Ian Whitehead will need to also collect documents that will be required on discovery.

He will want to see Brother Terry Heinrich in person and we wonder if Brother Terry will have occasion to be back in Australia over the next few months.

It may be that Brother Kostka will have some information about who knew what and when and it might be that our Mr Harrison will need to see him at some stage

when that is appropriate.

This will all probably result in some financial cost to the Marist Brothers and we obviously need to monitor the situation carefully.

Yours faithfully  
**Carroll & O'Dea**  
Per: