

105/99

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P.L.T. MEMO

To : **PLT Members**, (cc: Aust. Province Leaders, Messrs. H. Harrison, M. McKenzie, G. Gaunt and D. Allen).

FROM : Br. Tony Shanahan, Province Leader
Christian Brothers (HSP)

DATE : Monday 24 May, 1999

SUBJECT : **WIND UP OF THE W.A. RECONCILIATIONS' TRUST (WAIRT)**

1. On Friday 21 May 1999, I met with Barry MacKinnon, the Chairman of the WAIRT, and Andrea Lace, the Executive Officer. We discussed arrangements for the wind up of the Trust and the implementation of the intentions of the Trust Founder in regard to the residual funds.
2. The Trust is to be formally wound up on June 30th. We need to arrange things in such a way that the provisions of the Trust Deed are carefully observed. At the same time, we were looking for a way to use the administrative infrastructure that the Trust has in place to give effect to our intentions in regard to the residual funds.
3. It was explained that the Trust office and Andrea Lace would remain in operation for a month or so after the formal wind up. This is to attend to various administrative loose ends, as well as allow for auditing of the Trust's accounts. The Trustees will estimate an amount of money to cover these costs and reserve those funds. They estimate this will cost \$40,000 to \$50,000. The fact that Andrea Lace and her office will be in action for a month or so after the formal wind up makes it easier to arrange things such that they do the mailing out of information and cheques that the Founder of the Trust wants to effect.
4. The procedure agreed on is as follows:
 - a) A final update from the Trust will go out to the men in early June informing them that the formal wind up will occur on June 30th. It will also inform them that the money reverts to the Founder of the Trust, and that the Founder of the Trust has indicated what will be done with the money. Accordingly, the participants in the Trust can expect to receive cheques early in July. This bulletin will also inform men that all their files from their contact with the Trust will be put into secure storage and kept for seven years in case of any legal complications. After that time they will be destroyed.
 - b) Phillips Fox have been instructed to prepare a trust deed for the creation of a new trust to administer \$85,000 for the ongoing medical and psychological treatment of twelve to fifteen men who will be named before the end of June by Andrea Lace. Barry MacKinnon, Peter McGowan and Haydon Stephens will be the trustees of this trust, which will be administered from Barry MacKinnon's office. The men concerned here will be written to to ask for their permission for their files to be handed on to the new trust.
 - c) Andrea Lace will draft a letter to go to the seven men who will receive top-up payments of \$15,000 in connection with their claim under the sexual abuse provisions of the Trust. This will inform them that they will be receiving a top-up payment and the reason for this. A letter also will be drafted and sent to the men whose treatment needs will be covered by the new trust – this letter will inform them of the arrangements being made.

- d) The Trust will be formally wound up on June 30th. All of the remaining funds, bar the \$40,000 to \$50,000 being reserved for final administrative expenses, will be transferred to the Holy Spirit account. These funds will then be paid back to the Trust account with instructions to Andrea Lace for their disbursement as previously agreed - \$85,000 for the new trust; \$105,000 in top-up funds to seven nominated individuals; the remainder shared equally among all the participants in the trust.
 - e) The cheques will go out from the Trust office but accompanied by a letter from me on Province letterhead, reinforcing what was said to the men in the update sent to the men in June. It will be emphasised to the men that this way of effecting the final payout was chosen to maximise their privacy.
 - f) All that should remain at that point is for the final administrative matters to be attended to and for Trust accounts to be audited. Any funds remaining from the \$40,000 to \$50,000 put aside for final administration will be returned to the Founder.
5. Attached to this Memo is a note given to me at the meeting by Andrea lace concerning details of the new trust.
 6. Any questions or concerns about the appropriateness or curtness of these procedures should be addressed to me as a matter of urgency since the wind up of the Trust is only a month or so away.

Br. Tony Shanahan, cfc
Province Leader

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With respect to beneficiaries' future therapy needs, it was decided by the Trustees to propose that:

- i) ***A new trust be established.***
- ii) The Trustees of the new trust be the Chairman, Hayden Stephens and Peter McGowan. The Christian Brothers be a party as Founder.
- iii) The beneficiaries of the new trust be those beneficiaries earmarked by the Trustees of the WA Institutions Reconciliation Trust as requiring long term treatment.
- iv) Benefits available under the new trust be restricted to therapy needs but that the benefits be the same as those available from the WA Institutions Reconciliation Trust.
- v) Regular reports from psychologists etc., be obtained by the new trust with respect to its beneficiaries' need for continuing treatment.
- vi) The term of the new trust be a maximum of 5 years from 1 July 1999.
- vii) The settled sum be \$85,000.00.
- viii) Administration be attended to by Barry MacKinnon, depending upon the volume of work involved. Alternatively, an administrator be employed by the new trust.
- ix) At the expiration of the new trust, the surplus, if any, be paid to the Christian Brothers.