

29-MAY-96 WED 8:58

DOYLE & KERR.

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28/05 '96 08:25

61 2 221 1117

CARROLL & O'DEA

002/004

27-MAY-96 MON 18:14

SLATER & GORDON

FAX NO. 61 2 233 8351

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**SLATER
& GORDON****BARRISTERS & SOLICITORS**

LEVEL 4
5 E ELIZABETH STREET
SYDNEY 2000
NSW AUSTRALIA
GPO BOX 1584
SYDNEY 2001
AUSDOC DX 1163
PHONE (61 2) 233 8341

FAX (61 2) 233 8351

Reply to:

OUR REF:

YOUR REF:

PG:VA:CBC

27 May 1996

Sydney Office

Anna-Maree Farrell
Pearl Gordon
Richard O'Keefe

Partners

Paul Gordon
Stephen Phibbs
Paul Henderson
Nicholas Spence-Brown
Paul Mulvaney
Tony Long
Anna-Maree Farrell
Jacinta Forbes
Andrew Creech
Robyn Wheeler

Messrs Carroll & O'Dea
Solicitors
19th Level
St James Centre
111 Elizabeth Street
DX 183
SYDNEY NSW 2000

WITHOUT PREJUDICE
PRIVATE & CONFIDENTIAL
BY FACSIMILE

ATTENTION: HOWARD HARRISON

Dear Howard,

RE: THE TRUSTEES OF THE CHRISTIAN BROTHERS

Thank you for your letter and enclosures.

Hayden and I have perused them. In our view, time is too short between now and this evening for us to sign off on heads of agreement today.

Nevertheless, in the spirit of the negotiations conducted so far, I will seek instructions over the course of the next few days from our clients on what I understand to be the basic thrust of our agreement.

I set out hereunder, some of the issues which I believe need further refinement for the heads of agreement and the trust.

1. The trust terms of reference

We believe the trust needs wider terms of reference and we suggest the inclusion of the following:

- (i) Change "short term housing". to "Housing/accommodation"
- (ii) Emergency relief.

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- (iii) Low interest loans.
- (iv) Cases of genuine hardship in the opinion of the trustees.
- (v) Finding employment;
- (vi) Assistance for spouses and children who need treatment.

2. Composition of the trustees

In our discussions last Thursday, it was agreed that the trustees should comprise Slater & Gordon representative, Peter McGowan from Phillip Fox, two social workers - one nominated by Slater & Gordon and the other nominated by the Christian Brothers and a neutral chairperson who was a retired governor or High Court Justice or something similar. There were to be no Christian Brothers. This is different from your explanatory memorandum and we maintain that last Thursday's trustee composition is preferable.

3. Fund B

We believe that Fund B procedure should work as follows:

- (i) Anyone who proves he qualifies for payment under Fund B should receive \$25,000.00. There should be an initial distribution of Fund B payments to 24 applicants who fulfil the criteria (already stated) as follows:
 - (a) A client of Slater & Gordon on or before 1 January 1996.
 - (b) Have made a complaint of sexual abuse either to Slater & Gordon or to a medical practitioner on or before 1 January 1996.
 - (c) Suffer, in the opinion of a qualified psychiatrist from significant psychiatric impairment or affect as a consequence of such abuse.
- (ii) Any person who is a member of the class but has not received distribution pursuant to fund B may apply for a Fund B payment at any time prior to 30 November 1996. (Fund B2 claimants).
- (iii) To qualify under fund B2, an applicant needs to show all of the categories required for B1 and suffer in the opinion of a psychiatrist nominated by the Trustees from a significant psychiatric impairment as a result of the said abuse.

*Does this just
come down to the
Chair*

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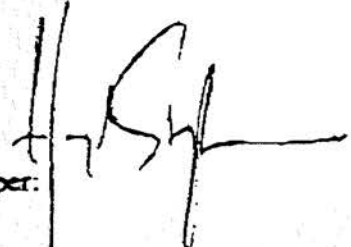
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(iv) It will be a condition of the agreement that the Christian Brothers will supplement Fund B in order to ensure that any successful Fund B2 Claimants receive \$25,000.00. It is likely that the assessment process for Fund B2 will mean that qualification will not be obtained until the middle of 1997 which will provide for time for further contribution to the trust by interest, further donation and further supplementation by the Christian Brothers to make such payment available.

- 4 We will need to agree some specification for the residue of the trust and the period of the trust.
- 5 It remains our view that significantly more of those claimants reluctant to sign this agreement will sign the agreement, if they will receive a minimum payment of say \$2,000.00.
- 6 We require a condition that the Christian Brothers will use their best endeavours to seek further contribution to this trust from the public, from the Catholic Church and by their own activities.
- 7 The Trust is limited to clients of Slater & Gordon on or before 1 January 1996 and Christian Brothers undertake no offers of settlement will be made in other cases and no gratuities (beyond pre-existing schemes) for three years.
- 8 No prejudice to the Class under any pre-existing schemes (CBERS etc).
like s.o. clients
- 9 Payment of Slater & Gordon costs in the sum of \$1,500,000.00 within 14 days of the delivery to Carroll & O'Dea of an agreed number of releases.

*not w/i 14 days.
but, say, Dec '96.*

Yours faithfully
SLATER & GORDON

per: 

*15M
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