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COPY

Our ref: JRM:KA:991255  
Direct Line: 3231 8861  
Direct Email: mooregroup@thymac.com.au  
Your ref: PJD:dkt:ISA990279 [Peter Deed]

27 October 1999

Cranston McEachern  
Lawyers & Attorneys  
DX 143  
BRISBANE

Dear Colleagues

Re: The Corporation of the Trustees of the Roman Catholic Archdiocese of Brisbane -  
ats- Joan Isaacs


We refer to your letter of 11 October 1999. With respect, our discussion with Mr Deed on 8 October 1999 was left on the basis that we were to "tell the Church they have another seven days" and if a substantive response to the money claim was not to hand, your client "will be suing". What we have tried to make abundantly clear to you is that we are working through a process with the Church in relation to the significant cash damages claim your client has presented. Despite your advice to us that your client was not pursuing a "civil liability claim", quite clearly, with respect, that is the case and we note your advice that the matter is now to be litigated.

In our view it is clear that the parties have different understandings with respect to the *Towards Healing* process and protocol. "Compensation" in that arena can be directed towards reimbursement of properly incurred medical expenses in appropriate cases. The protocol otherwise seeks to provide for assessment and where ongoing needs exist, continuing assistance designed to promote a process of healing. As we have previously indicated, *Towards Healing* is not a monetary compensation protocol in the sense of a process that deals with a substantial civil common law claim. No assessment by the Church interferes in any way with the processes of civil or criminal law.

In this instance your client seeks a substantial common law payment made up as follows:-

General, exemplary and aggravated damages	\$49,000.00
Special damages	1,710.50
Future medical expenses	1,724.50
Future medication costs (per year)	240.00

Associated Firms:

 Dibbs Crowther & Osborne  
50 Carrington Street, Sydney 2000

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Cranston McEachern

27 October, 1999

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Future medical treatments	7,840.00
Travelling expenses	5,845.44
Future travelling	1,040.00
Past medication	3,050.00
Past economic loss	100,980.00
Future economic loss (to age 65)	141,303.00
Past loss of superannuation benefits	5,090.00
Future loss of superannuation benefits (to age 65)	12,259.00
<u>Griffiths -v- Kirkemeyer</u> damages	8,840.00
Future <u>Griffiths -v- Kirkemeyer</u> damages	19,760.00
<b>Total</b>	<b><u>\$358,682.44</u></b>

As we have previously indicated, in our view, civil legal liability does not exist on the part of any Church institution for criminal or other alleged wrongful or disgraceful activities of a person who quite obviously acted outside any scope of authority or duty entrusted to them and, certainly, outside any religious teachings. On this basis, and as explained to you by phone on 19 October 1999, it is our expectation that ex gratia cash compensation will not be paid in response to the above very substantial common law claim.

The resources of the Archdiocese are directed towards supporting the *Towards Healing* program. It is our belief that ongoing support under the *Towards Healing* program, which can take into account issues involving treatment expenses, will be made available to your client.

We will write further shortly.

Yours faithfully

