

FILE COPY Professional Standards Office

Established by the Bishops and Leaders of Religious Institutes
Of the Catholic Church
in South Australia

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26th November 2003

LS & LR

REDACTED

Dear LS & LR,

Re: Form of Acceptance – LG

I refer to your letter of 18th November 2003 and acknowledge receipt of the signed form of acceptance.

Without debating whether or not the three matters you have noted specifically in relation to the form of acceptance are consistent with the form of acceptance, the Church relies on the letter of offer and the form of acceptance as the totality of the arrangements.

As to the Health Insurance Commission, the offer and form of acceptance make it clear that the amount offered and accepted is not compensation or damages and is not made in response to any specific claim for compensation or damages. The payment is an unsolicited and gratuitous gesture by the Church to assist in enhancing the quality of life for LG.

As has been made clear, the payment does not preclude you (on behalf of LG) from making any claim for compensation or damages if you should be advised that you have a right to do so.

Out of an abundance of caution the Church has had regard to Section 22 of the Health and Other Services (Compensation) Act and has notified you of the potential liability to refund benefits in case at some future date the amount paid to LG is construed as compensation for reasons presently beyond the control of the Church (for example, as a consequence of successful civil action by you).

In the meantime the Church will not repay any Medicare rebates unless and until it is legally required to do so in the context of an obligation to pay compensation or damages.

Whatever arrangements you make with the Health Insurance Commission are matters for your own judgement, but I would encourage you to take appropriate advice before making any decision in respect of refund of the rebates.

Specifically in relation to the form of acceptance, before we can process the matter for payment we need some additional documentation and information as follows:

1. As you have signed on behalf of [LG], we assume that he does not have legal capacity to manage his own financial affairs. Do you have any formal documentation that may assist in identifying you as [LG]'s legal guardians (e.g. Power of Attorney, Guardianship Order or similar)? If so would you please provide photocopies?

2. If there is no formal documentation we would need to be satisfied that [LG] does not have the legal capacity to manage his finances. This could be satisfied by perhaps a letter from [LG]'s G.P. stating that [LG] does/does not conduct his own financial affairs. Also does [LG] have his own banking arrangements? (eg. An account in his own name)? If so, please provide the location and number and who are the signatories to the account.

3. Would you please provide a certified copy of [LG]'s birth certificate.

Could you also indicate the details of the account you may wish to nominate to receive the funds in question and confirm whether or not electronic transfer or cheque is acceptable to you.

Once you have provided the above information we will contact you to make a time for us to sight your personal ID (e.g. driver's license, passport etc).

Yours sincerely,



Sue Cain
Director