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Your ref:  
Our ref: ABF 010463 (ABF:CEO)

9 July, 2002

**PRIVATE & CONFIDENTIAL**

Father David Cappo  
Vicar General  
Catholic Church  
Archdiocese of Adelaide  
39 Wakefield Street  
ADELAIDE SA 5000

Dear David,

**St Ann's Special School - Internal Inquiry**

I have spoken with Chris Kourakis Q.C. about the nature of the inquiry that might now be conducted.

Mr Kourakis has advised that you reconsider the nature of the inquiry in light of the difficulties encountered in appointing an eminent person such as a former Justice of the Supreme Court to conduct it. The findings and recommendations of such a person would have been sufficiently authoritative to achieve the purpose of the more public inquiry earlier proposed. The public aspects of that inquiry would have involved associated difficulties such as liability for any statements made and loss of privilege. In spite of that, it was thought that the benefits that might come from an inquiry conducted by such a person justified pursuing that course.

As an inquiry cannot now proceed in that way, Mr Kourakis' advice is that the most appropriate way for the matter to proceed is for EMA Legal to conduct investigations for the purpose of advising the Church on the following matters:

- (a) any liability of the Church arising out of the St Ann's Special School matter;
- (b) any legal action which the Church should take with respect to that matter;
- (c) the procedure which the Church should implement to ensure as far as reasonably practicable that the Church complies with any duties imposed by the law; and

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9 July 2002

- (d) to advise the Church as to what public statements might properly be made about the matter and the risks of legal action if any such statements are made.

As plainly appears from Mr Kourakis' advice, the brief which we will prepare and submit to him will request him to provide the Church with that legal advice. That legal advice may facilitate the making of a statement or statements by the Church about the matter.

I would appreciate your instructions to proceed as advised by Mr Kourakis

Yours faithfully,



Tony Fuller