

30 July 2010

BY REGISTERED POST

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KQ and REDACTED  
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Dear KQ and REDACTED

I refer to my recent correspondence to you.

I once again offer, on behalf of the Diocese of Toowoomba, my sincere apology to your daughter KH, you and your family for the abuse suffered by KH whilst she was a student at the primary school by Gerard Byrnes.

I understand that the process of pursuing, negotiating and settling a claim of this kind can be stressful and worrying. To this end I wanted to write to let you know that I will be establishing an independent mediation process to facilitate a just and expeditious resolution of any claims those involved wish to advance. It is my hope, provided all parties are ready to proceed, that this process can be initiated and completed within the next few months.

Notwithstanding that you have not yet pursued a claim for damages on KH's behalf, I invite you to participate in this process as KH's guardians should you wish to do so. It will coincide with the resolution process being undertaken for others who have formally pursued claims.

I am proposing that The Hon. Ian Callinan AC act as mediator. As a former justice of the High Court of Australia, Mr Callinan AC is eminently experienced to mediate these matters. He is highly respected for his judicial and legal experience, his independence and for his mediator skills. The Diocese's solicitors have contacted Mr Callinan AC and he has indicated a preparedness to accept an appointment as independent mediator.

The Diocese will meet the costs of the mediation, including Mr Callinan AC's fees and any reasonable travelling/accommodation costs you may incur in attending the mediation.

Prior to the mediation, KH would need to be examined by a child psychiatrist to enable an expert assessment to be made of any harm that KH has suffered, or may in the future suffer, as a result of what happened. The psychiatrist would especially be asked to make recommendations about KH's future treatment needs. The Diocese would meet any reasonable costs associated with the examination, including travel/accommodation costs.

If the mediation is successful and a settlement is agreed between you, as KH's guardians, and the Diocese, the settlement would need to be independently approved or sanctioned by the court. A trustee would also need to be appointed to receive, hold and manage any compensation paid by the Diocese until KH reaches the age of 18.

So that the necessary arrangements can be made, I ask that you please indicate as soon as possible whether you are willing to participate as KH's guardians in the mediation process I have outlined above. I encourage you to do so.

You should seek independent legal advice in relation to this matter from your family solicitor. Alternatively, the Queensland Law Society (telephone (07) 3842 5842) can refer you to a specialist personal injury solicitor.

I reiterate the Diocese's offer to meet the reasonable costs of counselling for KH and your family.

If you have any queries or wish to discuss any aspect of this matter please do not hesitate to contact me or the Diocese's solicitors details of which are:

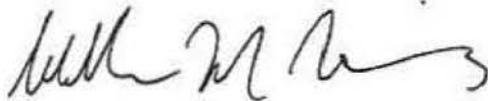
Contact: John Moore / Angela Yates  
Thynne & Macartney  
Level 27, 12 Creek Street  
Brisbane Qld  
Telephone: 07 3231 8861  
Facsimile: 07 3229 0855

Although it is with deep sadness and regret that I must correspond with you about such matters, I wanted to ensure you were made aware of and were given the opportunity to participate in the mediation/resolution process I have proposed.

You, KH and your family remain in my thoughts and prayers.

With every blessing.

Yours in Christ



William M Morris, DD  
BISHOP OF TOOWOOMBA