

MEETING 18 JUNE 1997

1. WHO ACTUALLY ATTENDED MEETING?

7	Former residents of Neerkol (Neerkol Action Support Group [NASG] Chairman- AYD)
1	Former resident of Adelaide Orphanage.
3	VOCAQ representatives
2	Representatives from Children's Commission
1	Independent Chairman (Mr John Briton)
1	Solicitor representing former residents (Shine/Roche/McGowan)
1	Solicitor representing RSOM (Geoff Hancock - Deacons/Graham/James)
4	Representatives from RSOM (Di-Anne, Grace, Margie & Phillip)
Total	<u>20</u>

2. WHAT HAPPENED?

- Agreed on a joint media release through Commissioner (copy attached)
- Meetings contents to be kept confidential & to be "without prejudice"
- No more comments to media (at least as far as meetings go)
- RSOM provided \$5000 to VOCAQ to assist in the provision of counselling support for those involved in Neerkol committal hearings.
- Progress made on provision of counselling services through PSC and the likelihood that RSOM will fund the activities of the Neerkol Action Support Group to the extent of \$13,800 for the next 6 months.
- Question of apologies to be the subject of further consideration. Public, private, by whom to whom - all need to be thought out. Strong suggestion that apology by Di-Anne on behalf of RSOM is not enough. Apology may be needed from higher in Catholic hierarchy - Bishop or Archbishop. Wording would have to be carefully crafted so as not to compromise possible court proceedings by the admission of liability. This more than likely could be achieved through careful wording. Similar problem to stolen children dilemma.
- Issue of recognition in some official way that victims are telling the truth is another difficult legal and media question and is tied in with apologies question. Issue of compensation is going to be a major sticking point.
- Options/possibilities/outcomes/ideas with respect to Compensation would include:-
 - a) Residents prefer out of court financial compensation settlement
 - b) Quantum of such settlements yet to be disclosed
 - c) RSOM said we would examine what was put before us but we may not be able to comply with compensation demands.

- d) Both solicitors agree there are technical issues that need to be resolved before the question of quantum of legally determined financial compensation can be considered. One of these issues is statute of limitations that could jeopardise residents' entitlement to sue for compensation. We must be aware that court can put aside the question of statute of limitations and allow cases to proceed regardless of how long ago events occurred.
- e) Other avenue for residents is to sue under breach of fiduciary duty legislation. Their solicitors are already suing another orphanage on behalf of former residents under a breach of fiduciary duty premise.
- f) Their solicitor is going to send a legal submission to our solicitor detailing entitlement issues, request for variation of statute of limitations time constraint and breach of fiduciary duty based claims. This will occur within 14 days.
- g) Our solicitor will respond to this legal submission back to their solicitor within 14 days after that. Every possibility exists, that regardless of any court case to determine quantum payments, there will be a case to test the actual entitlement of the residents to proceed to court.
- h) We are obtaining an estimate of what legal costs we will incur up to the end of our solicitor formulating a reply to their legal submission and we can then determine what course we then take.
- i) There is every likelihood that their solicitors will issue a compensation writ against :-
 - 1. Individual staff at Neerkol - Sisters, priests, doctors, workers
 - 2. The RSOM
 - 3. The Catholic Diocese
 - 4. The State Government
 - 5. The Federal Government (the last is under legislation apparently applicable at times). These writs could come at an early date.
- j) The provision of putting together a financial package among Church stakeholders to fund an out of court compensation settlement should not be discounted or rejected. Early indications are that the costs of defending such a case if their entitlement to sue was established could be in the vicinity of 1/4 to 1/2 million dollars - our insurance cover needs to be established beyond doubt and CCI needs to be asked if in light of the possible outcome, they would consider being a party to any out of court financial settlement.

- k) Next meeting set down for 15 July 1997. No doubt Commissioner and Independent Chairman favour a negotiated settlement with the Church contributing significant dollars and significant contriteness and compassion.
- l) Options could be:-
1. Continue all PSC Response & agree to out of court compensation settlement. (Appears a good PR response but will cost significant dollars)
 2. Withdraw from PSC response & go completely down the legal court pathway. (Would be bad PR for Church - will mean significant legal bills - still could lose - insurers coverage would have to be rocksolid)
 3. Continue PSC response, but point out that we just simply do not have the funds to settle out of court. Say legal action may be the only way for them to proceed, but point out legal costs and likelihood it will take years and they still may not win. (This option would at least not be a media PR disaster and may have the effect of getting the residents to lower their compensation demands)

The foregoing hopefully adequately summarises where we are and where we may be going.