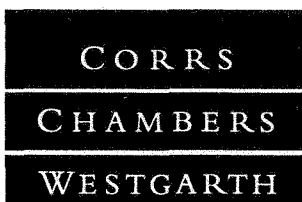




A0035



L A W Y E R S

3 May 2001

**PRIVATE AND CONFIDENTIAL  
BY DELIVERY**

**Partner**

David Abernethy (07) 3228 9456  
Email: David\_Abernethy@corrs.com.au

**Our reference**

DJA/BRIS2923-7545873

Mr Ken Winks  
Consultant/Account Executive  
AON Corporate Risk Services  
Level 10  
Comalco Place  
12 Creek Street  
BRISBANE QLD 4000

Dear Ken

**BRISBANE GRAMMAR SCHOOL - VARIOUS CLAIMS**

I refer to our conference yesterday when we discussed the current position in relation to claims foreshadowed against the School's former Counsellor, Mr Kevin Lynch.

Saturday's Courier Mail carried a report that Shine Roche McGowan had, on Friday 27 April, instituted proceedings on behalf of 34 former BGS students. Those proceedings have not yet been served on BGS or ourselves.

At the invitation of Shine Roche McGowan we recently attended a without prejudice conference to discuss the claims. In that conference we suggested that we may be prepared to look at claims provided they gave to us full details of each claim together with a basis upon which each claimant would overcome the limitation problem. I enclose for you a copy of the Submission received from Shine Roche McGowan under cover of their letter of 18 April. I also enclose a copy of my response of 1 May.

When the allegations in relation to the proposed claims first surfaced in the middle of last year you gave notification of circumstances which may give rise to claims to such of the public liability insurers that you were able to identify during the relevant years. You will see from the Submission that the relevant years are 1977 – 1989 being the years during which Mr Lynch was School Counsellor and it is alleged that incidents took place in each of those years. Therefore we need to ensure that the Submission and notice of these claims is now given to all public liability insurers during that period.

WATERFRONT PLACE 1 EAGLE STREET BRISBANE 4000

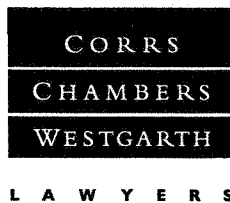
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CCW.072.0150



3 May 2001  
AON Corporate Risk Services  
**BRISBANE GRAMMAR SCHOOL - VARIOUS CLAIMS**

Page 2

Accordingly, would you please provide as a matter of urgency the following:

- 1 A schedule with details of the public liability insurers during the period 1977 – 1989 together with current contact details.
- 2 A folder of all correspondence which you have had with the insurers in relation to these potential claims.

I appreciate you have checked in your own archives and do not have copies of policy wordings for those years. Do you have any other avenues which can be pursued in order to obtain copies of relevant policies? When we have the schedule of insurers and write to them we will ask for the policy wording in each case but understand from you that most may not now be available.

In respect of notice of these potential claims previously given to HIH as professional indemnity insurer I would welcome your comments on steps that you think should be taken on behalf of BGS to protect its position in relation to any dividends ultimately paid to HIH policy holders or should there be any sort of rescue package put in place by the industry or government.

Yours sincerely

A handwritten signature in black ink, appearing to read 'David Abernethy', written in a cursive style.

**David Abernethy**  
Partner

**copy:** Mr Rick Edwards  
rick.edwards@aon.com.au

**encl**

