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WOTTON & KEARNEY

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Our ref: PNW2334189
Your ref: DJA/BRIS2923-7545873

18 February 2002

Mr David Abernethy
Corrs Chambers Westgarth
DX 135
BRISBANE

By Facsimile: 07 3228 9444

Dear Sir

BRISBANE GRAMMAR SCHOOL – CLAIMS BY VARIOUS FORMER STUDENTS

1. I refer to our recent telephone conversations. I confirm that I have left Phillips Fox and am now practising at Wotton & Kearney. All future correspondence should be forwarded to me at the above address.
2. I have now received from Phillips Fox copies of your facsimiles dated 20 December 2001 and 1 February 2002. I confirm that I am instructed to represent ACE at the meeting to be held at your office at 10am on 20 February 2002. I note that you will be representing Brisbane Grammar School ('BGS') and that Ron Ashton of Minter Ellison will be representing AIG and Royal Insurance.

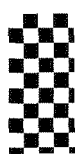
1 September 1977 to 1 September 1979

3. I confirm that ACE has not been able to confirm from its own records the assertion you have made on behalf of BGS that ACE or one of its predecessor companies was on risk for the periods 1 September 1977 to 1 September 1978 and 1 September 1978 to 1 September 1979. I understand that, in making this assertion, BGS relies on evidence to be furnished by former employees of Reed Stenhouse and Stenhouse Queensland Limited and, with respect to the period 1 September 1978 to 1 September 1979, on a letter from Reed Stenhouse to BGS dated 15 May 1979. I confirm my request that you provide me with copies of the statements of the former employees in question and of the Reed Stenhouse letter to BGS dated 15 May 1979. ACE is keen to resolve the insurance issues with respect to these years. If, in addition, BGS can supply relevant policy numbers, or advise if the name of the 'Insured' for these years was other than BGS or the trustees of BGS, this may assist in resolving the insurance issues for these years.

1 September 1982 to 1 September 1986

4. ACE has been able to confirm from its own records that INA issued primary Public and Products Liability Policies to BGS covering the period 1 September 1982 to 1 September 1985 and that CIGNA issued a primary public and products liability policy to BGS for the

OPERATOR AT 4:16 AM
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PRINT TIME 18. FEB. 16:16

RECEIVED TIME 18. FEB. 16:14

- 2 -

period 1 September 1985 to 1 September 1986. However it appears that these primary policies had a \$1million limit of liability.

5. ACE has been unable to locate any records to indicate that INA issued cover with the limits of liability you suggest were in place for the period 1 September 1982 to 1 September 1984, that INA issued an excess policy for the period 1 September 1984 to 1 September 1985 or that CIGNA issued an excess policy for the period 1 September 1985 to 1 September 1986. So that I can seek further instructions from ACE would you please provide me with copies of:
 - 5.1. all of the documents referred to in your Schedule of Insurers with respect to these periods;
 - 5.2. the underlying policies in force for the periods during which you suggest or CIGNA issued excess policies.

1 September 1986 to 1 September 1988

6. ACE has been unable to locate any records suggesting that CIGNA issued excess cover during these periods. So that I can seek further instructions from ACE would you please provide me with copies of:
 - 6.1. all of the documents referred to in your Schedule of Insurers with respect to these periods;
 - 6.2. the underlying policies in force for the periods during which you suggest INA and/or CIGNA issued excess policies.

Statements of Claim

7. The Schedules enclosed with your facsimile dated 20 December 2001 indicate that proceedings have been instituted on behalf of 49 former students. Of these I presently do not have copies of the Statements of Claim filed on behalf of REDACTED
REDACTED
REDACTED BQA and REDACTED Would you please provide me with copies of the Statements of Claim in these matters at an early date.
8. The letter from Shine Roche McGowan to you dated 11 May 2001 provided particularisation of the claims by 41 of the Claimants. Have you received similar particularisation relating to any of the remaining claims and, if so, would you please provide me with copies.

BQA

9. Please provide me with copies of the Defence filed on 13 June 2001, the Reply filed on behalf of the Plaintiff on 27 June 2001, your Request for Further and Better Particulars, your application to strike out the Statement of Claim and any Affidavits filed in support of such application. Would you also please provide copies of any medical reports served on you in support of this claim.

PNW2334189/18.2.02

2

PRINT TIME 18. FEB. 16:16

RECEIVED TIME 18. FEB. 16:14

- 3 -

REDACTED

10. Please provide me with a copy of the Defence you have filed on behalf of BGS and the medical reports served on you.

REDACTED

11. Please provide me with a copy of the Defence filed on behalf of BGS, the Plaintiff's List of Documents and Statement of Loss and Damage, your Request for Further and Better Particulars, your application to strike out the Statement of Claim and any Affidavits filed in support of such application.

REDACTED

12. Please provide a copy of the Defence you have filed on behalf of BSG, the Plaintiff's List of Documents and Statement of Loss and Damage, your Request for Further and Better Particulars, the psychiatrist's report referred to in your facsimile dated 20 December 2001, your application to strike out the Statement of Claim and any Affidavits filed in support.

Judgment in Anglican Church Toowoomba Matter

13. Would you please provide me with a copy of the judgment in this matter.

Strike Out Applications

14. You have advised that you have advice from Senior Counsel relating to the Strike Out Applications. Please provide me with a copy of this advice.

Judgment in REDACTE

15. On page of your facsimile dated 20 December 2001 you referred to a case of REDAC which will come before the High Court this year. Would you please provide me with a copy of the relevant Court of Appeal Judgment.

Yours sincerely



Phillip Wotton
Partner
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