



GEELONG GRAMMAR SCHOOL
An Anglican School for girls and boys

CONFIDENTIAL

From the Business Manager

15 July, 1998

MEMO TO: J. L.C. MCINNES
LWH

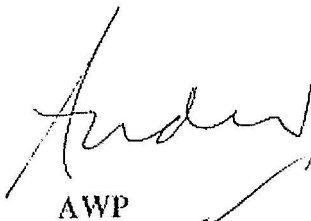
cc PBA (cash planning)

RE: CLAIM BY BIR

The attached letter from Richard Anderson advises that settlement has been effected with BIR for \$32,000. The deed of settlement includes a release of the School from any further claims relating to the alleged incident or otherwise. It requires BIR to keep the alleged incident confidential. If he breaches this requirement, he becomes liable to repay the full settlement sum (\$32,000).

Richard asks whether we wish to pursue the claim for indemnity against BIM (the alleged perpetrator) or our insurer. As we ourselves will not wish to take such claims to court for judgment (which would mean risking public disclosure of the events), any demand we make of BIM or the insurer will not be able to be followed up with the issue of proceedings and may be seen by them to be nothing more than empty threats.

However, I think it would be worth sending a solicitor's letter to BIM he may just agree to contribute. As the insurers have already denied liability, I think it is pointless seeking to recover from them. Even if it went to court the insurer would, as Harwood Andrews have pointed out in earlier correspondence, probably be successful in arguing that, because the incident occurred off the School's property, the wording of the policy excludes the event.


AWP

Attachment