

Commission into Sexual Abuse
Peter O'Callaghan Q.C.

Optus House
Level 25 Suite 36
367 Collins Street
Melbourne 3000

3 October 1997

Tel: 9221 6190
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Private and confidential

Mr Anthony and Mrs Chris Foster

REDACTED

Dear Anthony and Chris,

Re: Emma Louise

I write to advise you that I propose to make a formal finding that I am satisfied that Emma was the victim of sexual abuse by Kevin O'Donnell dec'd.

Because of the reticence of Emma in discussing the abuse, and the absence of any other evidence as to the fact of the abuse and the inability of expert medical witnesses to categorically state that she was so abused, the finding cannot have the certitude which can be present in other cases. Perhaps the matter was best expressed by Ms Sue Sharkey who in a report to me said that,

"It would appear that Emma's claims to having been abused by Kevin O'Donnell are true ... Emma's presenting psychological and psychiatric behaviours are consistent with serious abuse Because of Emma's age it may be many years before the real story is known, I don't believe that Emma should have to go through intense psychiatric assessment at this stage and hope that we can get adequate information, or at least read files from Monash Medical Centre and/or from Michael Schwarz's file."

Most importantly from my point of view when I interviewed Emma and both of you on 17 March 1997 she told me that she had been abused by Fr. O'Donnell and that what she had told the psychologists about this abuse was true. I have since examined the reports of the various psychiatrists and

others who have interviewed Emma. The best picture appears from the letter of Chris Foster (22/3/97) to MMC and the reply thereto of 7/4/97.

To sum up I am satisfied that Emma is a person who was a victim of sexual abuse and is thus entitled to be referred to the Compensation Panel, and to receive continuing treatment from CareLink.

In that context I understand that you have received or in any event will very soon receive a letter from Sue Sharkey, which establishes that it is appropriate to make claims for Emma's treatment upon Medicare and that (the gap) be met by payments from Carelink. This will ensure that you will be fully indemnified in respect of what appears likely to be some continuing substantial medical treatment of Emma.

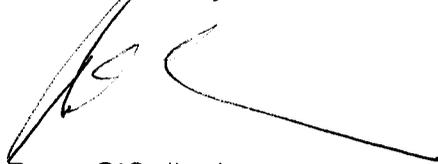
Whilst it may not advance the position at all, it may be useful for me to visit you and Emma at your home and see whether Emma is prepared to expand on what she has said in the past. I stress that in no way would I seek to press her in this regard, but it may be that in the future it will be to her benefit if she can make a fuller account of what she suffered from the abuse by O'Donnell dec'd.

Naturally, such a meeting would also enable me to advise Emma of my aforesaid findings, and to discuss with her, the best way to pursue an application for compensation. I have prepared a report for the Compensation Panel.

In the circumstances, I believe it is appropriate that this letter remain confidential to you both.

Naturally, I would be happy to discuss the above matters with you.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Peter O'Callaghan', written over a horizontal line.

Peter O'Callaghan
Independent Commissioner