

CORRS

CHAMBERS

WESTGARTH

L A W Y E R S

7 August 1998

Partner

Richard Leder (03) 9672 3424

BY COURIER**Our reference**

RAL/ROMA5455-001

Mr and Mrs A Foster

REDACTED

OAKLEIGH VIC 3166

Dear Mr And Mrs Foster

**ARCHDIOCESE OF MELBOURNE - APPLICATION FOR
COMPENSATION BY MS EMMA FOSTER**

As you may be aware, we are the solicitors for the Archdiocese of Melbourne.

We understand that your daughter Emma's application for ex gratia compensation is due to be heard by the compensation panel next Tuesday. The writer has had various discussions with the panel's chairman, Mr Habersberger QC, about the legal complications that arise from the fact that your daughter is a minor, and the consequences that this will have in the event that she wishes to accept the offer that is made to her based on the panel's recommendation.

Ordinarily, applicants who accept the compensation offer are required to sign a Release. However because Ms Foster is a minor, she does not have legal capacity to provide an enforceable Release. In all of the circumstances, it was not considered appropriate or desirable to require her to wait until she turned eighteen before seeking compensation. Rather, our recommendation to the Archdiocese is that if Ms Foster wishes to accept the offer made to her, that amount be placed in a trust fund, to be held until her eighteenth birthday. The trust would be jointly administered by one or both of you and by an equal number of representatives of the Archdiocese.

When Emma turns eighteen, she will have the options of:

- ratifying her decision to accept the compensation offer, signing a Release and in return, receiving the trust funds together with the accrued interest;
or

BOURKE PLACE 600 BOURKE STREET MELBOURNE VIC 3000

GPO BOX 9925 VIC 3001

TELEPHONE (03) 9672 3000 INT +613 9672 3000 FAX (03) 9602 5544

DX 336 MELBOURNE



7 August 1998

Page 2

Mr and Mrs A Foster

**ARCHDIOCESE OF MELBOURNE - APPLICATION FOR
COMPENSATION BY MS EMMA FOSTER**

- declining to sign the Release, in which case the trust will be determined and the funds returned to the Archdiocese. In that event, Ms Foster's legal rights against the Archdiocese would be unaffected by the fact that ex gratia compensation had been sought.

The purpose of this letter is to raise these issues in advance of the hearing, so that you can consider them and, if you wish, discuss them with the panel members.

Yours faithfully

CORRS CHAMBERS WESTGARTH

Richard Leder
Partner