

CORRS
CHAMBERS
WESTGARTH
LAWYERS

31 August, 1998

Partner
Richard Leder (03) 9672 3489

Our reference
RAL/ROMA5455-001

Mr & Mrs A Foster

REDACTED

OAKLEIGH VIC 3166

Dear Mr & Mrs Foster

**ARCHDIOCESE OF MELBOURNE
- OFFER OF COMPENSATION TO MS EMMA FOSTER**

As you know, we act for Archbishop Pell and for the Catholic Archdiocese of Melbourne. We note that an application to the Compensation Panel established by Archbishop Pell for ex gratia compensation in relation to sexual abuse has been made by Ms Emma Foster.

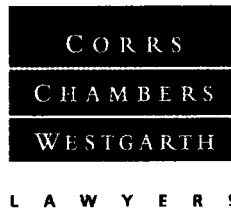
The Archbishop established the Compensation Panel to provide an alternative to the pursuit of legal proceedings. We are aware that the Panel's operation has been criticised on the basis that amounts it can recommend are less than applicants such as Emma believe that they might obtain if they pursued legal proceedings to success. However, you and Emma should consider the offer as a genuine attempt by the Archbishop to provide an alternative to litigation.

The compensation offer, together with the services that remain available through Carelink, are offered to Emma by the Archbishop in the hope that they will assist her recovery and provide a realistic alternative to litigation that will otherwise be strenuously defended. Importantly, it is also hoped that Emma will in time be able to put the abuse she has suffered behind her, and focus on the future. **Enclosed** is a personal letter to Emma from the Archbishop. We note that His Grace has also met with you personally on prior occasions.

The Compensation Panel has recommended to the Archbishop that Emma be offered the maximum amount of compensation, which is \$50,000. **Enclosed** for your information is a copy of a letter from the Chairman of the Panel to the Vicar General containing the recommendation.

In accordance with the procedures established by the Archbishop, we are instructed to offer this amount to Emma. If she wishes to accept it, it is proposed that the amount will be placed in a trust fund, to be jointly administered by you and

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the Archdiocese, until Emma's 18th birthday. At that time, Emma will have the choice of ratifying her acceptance of the compensation offer and signing a document releasing the Archbishop from all further claims arising out of the sexual abuse or any other sexual abuse by a priest, religious or lay person under the control of the Archbishop of Melbourne. You will note however that treatment and counselling through Carelink is unaffected.

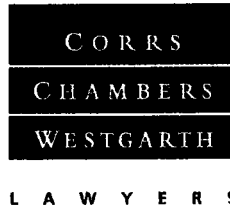
Alternatively, if Emma does not ratify her acceptance of the compensation offer, the trust will be wound up and the funds returned to the Archdiocese. In that event, Emma's rights will be unaffected by the fact that the application for compensation was made.

If Emma rejects the offer now, she and you will remain bound by the terms of the application for compensation form and in particular, may not disclose or rely upon this offer which is, of course, put on a without prejudice basis.

As appears from the **enclosed** letter from David Habersberger to the Vicar General, we are aware that in March 1998 you met with Carelink and raised various issues. You will, we trust, recognise that the structure put in place by the Archdiocese in relation to victims of sexual abuse contemplates that medical and counselling issues are administered through Carelink. Subject to that, all other claims, requests and issues are intended to be addressed by means of the ex gratia compensation payment. To that end, it is intended that if Emma accepts the \$50,000 compensation offer, the payment of that sum and the signing of a release by Emma in due course will finalise all matters, with the exception, of course, of those dealt with by Carelink.

Nevertheless, the Archbishop has asked that we reiterate what we understand was conveyed to you by the Compensation Panel, namely that if you have any specific requests, not covered by Carelink or by the compensation payment, you should approach Richard Leder of this office.

It might be of some comfort to you if we reiterate what Bishop Hart said in his letter to you of September 1997, namely that for the duration of the operation of Carelink, medical, psychological and related professional care will continue to be provided to Emma through Carelink, subject to Carelink's ordinary requirements, including an annual review of her progress. If Carelink is disbanded at any future time, appropriate alternative arrangements will be made. Where appropriate, claims should continue to be made by you and Emma on Medicare and on private health insurance.



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Would you please advise us in due course whether Emma wishes to accept the offer. Assuming that she does, and as indicated above, it will then be necessary for a deed of trust to be prepared.

If you have any queries please do not hesitate to contact the writer.

Yours faithfully

CORRS CHAMBERS WESTGARTH

Richard Leder
Partner

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