

Robert Burns & Associates Solicitors

ROBERT M. C. BURNS
EL. B. QU. T. A. TRI. PRAC. M. A.

OFFICE HOURS
Mon-Fri 8:30am - 5:15 pm
A.H. by Arrangement

REDACTED

Burns Lawyers
5 CAROL AVENUE
SPRINGWOOD Q 4127
REDACTED



*list with
daughter's concerns
mail*

Shop 224
Chancellor Street
Shopping Centre
Corner Chatswood Road &
Magellan Street
CHATSWOOD HILLS QLD 4127

Phone 07 5511 1111
DAISY HILL QLD 4127

E-Mail: burnslaw@ozemail.com.au

Received Opened 4.11.99

*Phoned Lloyd 4.30 PM
4.11.99*

Your Ref
Our Ref: RB:MF:DR

Date: 19th November, 1998.

Mr. B. Welch & Mrs. M. Welch

REDACTED

Dear Mr. & Mrs. Welch

Re: YOUR GRIEVANCES - JOHN O'CONNOR

We are the Solicitors who act on behalf of the Gold Coast Family Support Group Inc. ("FSG"). We have been provided with details of the grievances which you have made to FSG in relation to the matter under reference together with FSG's reports and policy documents.

FSG has always been conscious of the special vulnerability of people with a disability and as such have in place appropriate training programs, policies and procedure to protect both clients and support workers. We are instructed that FSG have met with you on a number of occasions to discuss your grievances and concerns and to investigate those (including co-operation with a police investigation). The results of the investigations confirmed that there was and is no basis for further action being taken in respect of the matters you have raised with FSG relating to John O'Connor. Notwithstanding the investigations which have taken place, it would seem that you are not prepared to accept the result, but rather have embarked upon a campaign directing your anger at FSG, it's executive, management and staff.

We are instructed that you first raised concerns regarding Mr. O'Connor caring for your child in April 1995 and that these concerns were at that time investigated by FSG to your satisfaction. No further complaint or grievance was made by you to FSG until April, 1998 when you met with members of the executive of FSG and presented your report of the concerns you had regarding the matter in April, 1995. The matters which you then raised (some three (3) years on) were alarming and of surprise to FSG particularly in view of your discussions with FSG in April, 1995, and that you did not advise FSG subsequent to 1995 of your concerns which you raised in 1998. At that meeting on the 26th March, 1998, you indicated that you would be contacting the police to have the matter investigated and that you required FSG to take action to terminate Mr. O'Connor's employment by FSG. As there had been no contact between Mr. O'Connor and your child since April, 1995, and there would not so be in the future,

*26th March
26th March
26th March*

Page 2

Mr. & Mrs. Welch

19th November, 1998

FSG, (on legal advice) decided not to terminate Mr. O'Connor's employment, but to ensure that there was no contact and to permit the police to investigate your allegations and rely upon the expertise of the police investigations as to whether Mr. O'Connor had a case to answer. FSG was informed by the police on the 28th April, 1998, that the police investigation revealed that there was no case for Mr. O'Connor to answer. Had FSG terminated Mr. O'Connor's employment, then FSG would have been liable for a claim for damages by Mr. O'Connor.

We are instructed that notwithstanding the police investigations you have persisted in making spurious and defamatory comments regarding Mr. O'Connor and staff at FSG. The executive, management and staff at FSG are disappointed in the anger which you have continued to direct towards them. Notwithstanding this, they have at all times endeavoured to counsel and assist you with your concerns.

On our instructions, FSG has always had proper procedures and policies in place to deal with your concerns and grievances and have dealt with your matter in accordance with those procedures and policies, both in relation to your initial complaint in April, 1995, and more recently this year. In fact, the executive, staff and management of FSG have extended courtesies to you to assist in dealing with your concerns.

X We are instructed that at the Annual General Meeting of FSG you made a number of statements which were defamatory to members of the executive, management and staff of FSG by implying that those persons had failed to act or acted improperly in the performance of their duties particularly with respect to the care of children with disabilities. Such statements are strenuously rejected and are defamatory and made without substance.

X As you are aware, FSG is a group which provides support to families with children with disabilities and as such cannot and will not permit the good name and reputation of FSG built up by the efforts of many people over the past 20 years to be damaged by any persons making any defamatory statements regarding the organisation, the executive, management or staff. Our client will take whatever legal action is necessary to ensure against such attack including taking proceedings in the Supreme Court of Queensland. FSG trusts that this will not be necessary and that you will immediately cease and desist from making any defamatory statements regarding FSG, the executive, management and staff.

We are instructed that FSG has been sympathetic to your concerns regarding this matter, has dealt with your concerns in accordance appropriate policies and procedures and having regard to the investigations which have been conducted you are not justified in the anger and attacks which you have made upon FSG.

FSG is an organisation which is well respected in the community at large for its professionalism and ability to deliver care services for and provide support for families with disabled persons. FSG is dependent upon its good reputation for gaining access

Page 3

Mr. & Mrs. Welch

19th November, 1998

to government funding for its various projects and as such will take all necessary steps to protect its reputation. You should be aware that your continued baseless and defamatory remarks regarding FSG will only tend to injure a large number of persons who rely greatly upon FSG for support.

Our client trusts that you will seek further legal advice and immediately cease and desist from making any defamatory statements (written or oral) regarding FSG, its management, staff and employees.

Yours faithfully
BURNS LAWYERS

Per:

Mark Francis

LET1