MINUTES OF THE MEETING OF THE BOARD OF TRUSTEES 
OF THE WA INSTITUTIONS RECONCILIATION TRUST HELD 
MONDAY 16 DECEMBER 1996 AT 8.00AM 
AT 6TH FLOOR 216 ST GEORGE'S TCE PERTH 

PRESENT: Mr Barry MacKinnon (Chairman) 
Mr Hayden Stephens (By Telephone) 
Ms Carol Bahemia 
Ms Andrea Lace (Manager) 

APOLOGIES: Mr Peter McGowan 
Mr Dalton Gooding 

ITEM 1 MINUTES 

The Minutes of the meeting of the Trustees held 4 November 1996 were confirmed as a true 
and correct record of that meeting. 

ITEM 2 MATTERS ARISING FROM THE MINUTES 

The Manager reported: 

2.1 Trust Bank Account 

2.1.1 Signatories 

The Manager is now a signatory of the Trusts's bank account. Her signature is required to 
be co-signed by one Trustee. 

Clause 19 of the Trust Deed requires "that all instruments including cheques be signed by at 
least two Trustees for the time being." 

It was RESOLVED by the Trustees (pursuant to clause 18) that clause 19 be amended to 
read: 

The Trustees shall determine the manner of signing instruments dealing with the 
Trust Fund provided that the minimum requirement hereunder shall be that all 
instruments including cheques shall be signed by at least two Trustees or the 
Manager and one Trustee. 

2.1.2 Deposit of funds 

A further $1m was deposited to the Trust's account on 12 November 1996.
2.1.3 Withholding Tax

To November 1996, withholding tax totalling $3,265.80 had been debited to the Trust's account as Challenge Bank had not been advised of the Trust's tax file number. The Manager has now provided Challenge Bank with the tax file number and requested that the withholding tax be credited back to the account.

2.1.4 Interest Rates

The interest rates earned by the Trust's account (known as a commercial account) are as follows:

- $20,000-$50,000: 4.6%
- $50,000-$100,000: 4.7%
- $100,000-$500,000: 5.35%
- Over $500,000: 5.5%

A term deposit of $250,000 invested for a minimum of 3 months on 30 days call would earn 5.75%. Interest that could be earned on the money market cannot be advised unless the amount to be invested is specified.

The Manager undertook to request the advice of Dalton Gooding after his return from leave in late January 1997 as to the most profitable methods of investing the Trust's funds.

It was not known by Hayden Stephens as to when the remaining $1.5m was to be deposited to the Trust's account.

2.2 Application Form and Explanatory Letter/Trust Packages

The application form was printed in Melbourne and forwarded to the Manager. The content of the explanatory letter was settled by Hayden Stephens and the Manager and photocopied by Snap Print in Perth.

On 22 November 1996 the application form and letter were posted to 191 applicants; those applicants who, to that date, had received a $2,000 payment. The date shown in the explanatory letter, for the return of the completed application form, was 14 December 1996.

On 6 December 1996 a further 16 application forms and explanatory letters were issued to claimants. The date for the return of these applications was extended by the Manager to 14 January 1997.

To 13 December 1996, 139 application forms had been returned to the Manager.

Trust packages i.e extracts from claimants files held by Slater & Gordon, were received by the Manager from Slater & Gordon on 28 November 1996.

2.3 Claimants

The Manager reported that 3 persons had asked to become beneficiaries of the Trust.

* REDACTED and his brother REDACTED had registered with VOICES 2 years ago but due to a mix-up were never included as plaintiffs in the court proceedings. Slater & Gordon do not have a record of receipt of their details from VOICES. REDA and REDACTED were of the belief that they had done all required of them to be included as plaintiffs. Both men claim physical and sexual abuse.
had enquired of the Manager as to the procedure to follow to become a beneficiary. He advised the Manager that he would forward a medical report to the Manager.

The Manager asked what advice she should give to men seeking to be included as category 3 claimants. Hayden Stephens advised that all persons making such enquiry should express their interest to Slater & Gordon. The decision as to which 8 persons shall be included as category 3 claimants will be made jointly (pursuant to the Trust Deed) by Slater & Gordon and Carroll & O'Dea.

2.4 Bruce Blyth

At the Trustees meeting on 4 November 1996, Hayden Stephens and the Chairman had asked the Manager to make contact with Bruce Blyth, to keep him informed.

The Manager reported that she had not met Mr Blyth, but had had a number of telephone conversations with him, during the course of which he had been extremely unpleasant and argumentative and had complained again and again about:
- The settlement of the court proceedings;
- The terms of the Trust Deed;
- That the claimants had been asked to sign yet another form;
- The time it was taking for funds to be distributed to claimants.

Further, the Manager's omission to read the 40 page parliamentary submission, made it obvious, so said Mr Blyth, that the Manager was not doing, and could not do, her job properly! Although Mr Blyth commented it was unfortunate that a number of claimants had been abusive to the Manager, in addition to his criticism of the Manager's ability to do her job, he told the Manager that failure to pay the sum of $25,000 by early December, would surely cause Mr Blyth to attempt suicide; and the Manager should consider herself personally responsible should Mr Blyth die!

The Manager asked to be relieved from the request to keep Mr Blyth informed. The Trustees agreed, and in the event Mr Blyth continued to upset the Manager, that she tell Mr Blyth to direct all further enquiries/complaints to the Chairman.

2.5 The Manager’s Remuneration

The Manager reported that a Group Employer Application had been submitted to the ATO but no response had yet been received.

An application for the Trust to become a member of the WA Legal Superannuation Fund (WALSF) had yet to be signed by all Trustees but the WALSF was aware of the Trust's intention to become a member.

2.6 The Manager’s Office and Office Requirements

The Manager reported that her office was now fully equipped. The purchase price of necessary furniture and electronic equipment was $6,116.00. An assets register, prepared by the Manager, was noted by the Trustees.
ITEM 3  ASSESSMENT OF APPLICATIONS IN THE CATEGORY OF SEVERE SEXUAL ABUSE

3.1  Procedure

The Manager had enquired of Hayden Stephens as to the procedure to be followed to make the payments under the heading of severe sexual abuse, she having been of the understanding that the beneficiaries of these payments were already earmarked. Hayden Stephens responded, in writing, on 6 December 1996. The content of his letter was noted by the Trustees. It included:

1. When the settlement offer was put to the men for their consideration, it was stressed to them that all claimants would be given the opportunity to apply for the cash payment of $10,000 and $25,000. Each of them was informed of the criteria that must be satisfied.

2. Section 24 of the Trust Deed states (in effect) that Slater & Gordon and their Counsel should nominate an initial group of 30 (who shall receive $25,000) and a later group of 25 men ($10,000 payment) who satisfy the criteria for payment. In each case, Mr Rush QC will be asked to provide a brief advice on whether the person meets the required criteria.

3. As I previously informed you, I have forwarded to Mr Rush a group of 10 persons whom I believe will satisfy the said criteria and who should receive a payment of $25,000. I am waiting an advice from Mr Rush in respect to these men and expect same within the next 10-14 days.

4. I have nominated these 10 men at this early stage because I have already sufficient documentation on their file which clearly outlines the severity of the psychological and psychiatric problems following instances of sexual abuse. It's probable that I could nominate a further 5-10 men who would also have similar material on their files and who I believe could be eligible for a payment of $25,000. However, I am reluctant to nominate other men without first knowing which individuals among the group wish to apply for these extra payments. To nominate all 30 persons at this stage would exhaust the fund in this category therefore denying the opportunity to others who might wish to apply for payment."

3.2  Criteria

At the meeting, the Manager asked Hayden Stephens to clarify the criteria for choosing the most severe of the sexual abuse cases. The Manager had noted that the first 10 men recommended as beneficiaries of $25,000 had undergone extensive therapy whereas many claimants had never sought, or had only recently sought, treatment or counselling. She therefore asked the following questions.

1) Would failure to seek help be regarded as evidence that the sexual abuse had not had a severe affect?

In relation to this question, the Manager cited REDACTED who alleges that he was told by the psychologist engaged by Slater & Gordon that he was one of the two most severely affected men the psychologist had interviewed. REDACTED has had no treatment or counselling.

2) Was it not most likely that those men already well known to Slater & Gordon, (whether because they were test cases or more outspoken than others) would be
recommended as the beneficiaries of severe sexual abuse payments; despite all claimants having been invited to apply on the application form?

In relation to this question, the Manager cited that REDACTED has told the Manager that he has been in mental institutions more times than he could count; he has attempted suicide; he has mutilated himself many times; he has appeared on the Today Show offering his kidney for sale; he was alcohol dependent for most of his life until May 1993 when he kidnapped his psychiatrist and for which act he was convicted of unlawful imprisonment. He received a suspended sentence. Mr REDACTED is not known to Hayden Stephens.

Hayden Stephens answered as follows:

A recommendation for a severe sexual abuse payment is based on:

1. The claimant having stated that he was sexually abused when he registered with Slater & Gordon.

2. The claimant having suffered psychiatric or psychological problems which qualified medical personnel attributed to the sexual abuse.

Failure to have had past treatment will not disqualify a claimant from consideration, but claimants who have not had past treatment must now be assessed. Without a psychological report, it will not be possible to determine if the criteria have been satisfied.

Hayden Stephens asked for a list, prior to the next Trustees' meeting, of all claimants and the nature of their claims. He proposed that thereafter:

a) He review the files of those men making a severe sexual abuse claim and thereafter nominate up to 25 men (of a total of 30) for payments of $25,000 and up to 15 men (of a total of 25) for payments of $10,000;

b) At the next meeting he put forward a time line for the consideration by the Trustees of the men to be nominated by him.

3.3 Severe Sexual Assault Payments

Payments of $25,000 were approved for each of the following:

- REDACTED
- REDACTED
- REDACTED
- REDACTED
- REDACTED
- REDACTED
- REDACTED
- REDACTED
- REDACTED
- REDACTED
- REDACTED
- REDACTED
- REDACTED

(Slater & Gordon had advanced the funds to Mr REDACTED (as funds had been immediately required to transport Mr REDACTED's late son's body to Perth) and an authority would be obtained from Mr REDACTED directing the Trust to pay Slater & Gordon.)

The written advice of Mr Rush QC, (to confirm his discussions with Hayden Stephens) to support the recommendation that these men receive $25,000 was not yet available, but
Hayden Stephens expected to receive it later in the day and undertook to forward a copy to the Chairman or the Manager.

**ITEM 4  ASSESSMENT OF CLAIMS GENERALLY AND IN PARTICULAR FOR ADDITIONAL EXPENSES AND NON CASH BENEFITS**

The Manager reported that few claimants had provided the information needed to support their claims and many had requested the Manager’s help. She proposed that she be given time to arrive at a realistic estimate of the total of the benefits claimed (by determining and hopefully obtaining the information needed from the claimants) before the Trustees formulate guidelines for the various categories of benefit specified in the Trust Deed. The Manager estimated that she would need until the end of February 1997, and to reduce the number of telephone enquiries as to the progress of applications, suggested a letter of acknowledgement be sent to all claimants to include advice that it was unlikely they would hear further from the Trust until after 28 February 1997. The Trustees agreed and advised the Manager of their requirements for the content of the letter of acknowledgement.

The Manager raised a number of matters for consideration by the Trustees concerning past and future travel expenses and a number of the specified non cash benefits. Lack of time prevented discussion of most of the matters raised, which were deferred until the next Trustee’s meeting.

However, it was agreed by the Trustees that private literacy classes would be paid for by the Trust despite there being public classes available at no cost. Further, as the Manager had been told by one of the Christian Brothers that they could not provide employment eg. gardening or cleaning, the Chairman asked the Manager to advise him, in due course, of the number of men seeking assistance in obtaining employment. He would then take up the issue with the Brothers.

**ITEM 5  SUPPORT SERVICES**

The Trustees approved the engagement of support services, as and when required by the Manager.

From 22 November 1996, with the approval of the Chairman, the services of Arpad Ollari-Hazy, the proprietor of Totem Ink, had been engaged at the rate of $20 per hour.

**ITEM 6  REDACTED REDACTED**

Mr REDACTED had requested emergency relief of $1,000 to purchase a TV and VCR for his use whilst on remand in Canning Vale prison awaiting sentence for a conviction of sexually abusing a minor (male).

The Trustees refused Mr REDACTED request.

**ITEM 7  REDACTED REDACTED**

Mr REDACTED had requested emergency relief of $500 to pay the bond and letting fee on a flat for himself and his wife. Mr REDACTED had given the tenancy of his current flat to his pregnant daughter, who is an unemployed single mother of a 2 year old girl, has learning difficulties, and whose boyfriend is a resident at a drug rehabilitation centre.
ITEM 8 ADDITIONAL BENEFITS PAID

The Trustees noted the following benefits paid to date:

<table>
<thead>
<tr>
<th>Description</th>
<th>Date</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Travel Expenses</td>
<td>22 November 1996</td>
<td>$2,500</td>
</tr>
</tbody>
</table>

Return airfare to Scotland to attend his brother's funeral and to meet his sisters for the first time.

Clifford Walsh - Emergency Relief

6 December 1996 $1,492
Payment made to John Plug Autos for repairs to truck to enable Mr Walsh to resume his occupation as a self-employed repairer of fire extinguishers.

ITEM 9 GENERAL BUSINESS

9.1 Hayden Stephens advised that has now signed a Deed of Release.

9.2 Hayden Stephens advised that was a test case in WA. He was granted legal aid but a $5,000 charge was put on his home. Should he be expected to pay the $5,000 from funds received from the Trust? Is there a possibility that the payment could be waived by the Legal Aid Commission of WA? agreed to look into the matter.

THE MEETING CLOSED AT 9.35am