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Our Ref: PJR:REB 06-0030
Your Ref: SJH:KAL:HM:526432

10 October 2006

Messrs. Nicol Robinson Halletts,
Lawyers,
Box 380 GPO,
BRISBANE QLD 4001

BY FAX 07 3853 8800

Dear Sirs,

RE: NORTH COAST CHILDRENS' HOME

We acknowledge receipt of your fax dated 9 October 2006, the contents of which are noted.

We have now had the opportunity of discussing this matter with Counsel. Following such conference, we are instructed to reply to your above letter as follows:-

- a. The North Coast Childrens' Home was originally established by a number of citizens of the Lismore area, including the then Rector of St. Andrews in 1919 or 1920. North Coast Childrens' Home was incorporated on 16 May 1989 under "North Coast Childrens' Home Inc".
- b. In response to your enquiry regarding the "further material" we enclose herewith a bundle of documents entitled North Coast Childrens' Home Response and Fact on "The Church Home". This document was prepared by The General Manager Rev'd Pat Comben.
- c. Our client does not consider that the protocols set up by the Anglican Church are an appropriate procedure in the present case given the large number of allegations made by some 42 claimants as well as the highly complex evidentiary and legal issues involved.
- d. Our client remains of the opinion that your clients face insurmountable obstacles in the prosecution of litigation in this matter. It remains our instructions that the North Coast Childrens' Home has since its inception been controlled and managed by a Management Committee which existed independently of and separately from the Anglican Church.

The Anglican Church has never been vested with care control and management of the Home.

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Messrs. Nicol Robinson Halletts,

10 October 2006

Our client remains prepared to participate in a "Without Prejudice" informal conference for the purpose of dealing with liability and time limits.

The threshold issues that need to be considered are:-

- a. The identity of the proposed defendant or defendants (other than the original tortfeasors).
- b. The basis of liability for assault claimed against our client.
- c. The basis of any duty of care or breach of duty of care alleged against our client.
- d. Limitation issues.

Preliminary enquiries by our client of a number of former residents, employees and supporters of the Childrens' Home support a contrary version of the facts alleged by your clients.

We await your further advices.

Yours faithfully,
FOOTT, LAW & CO.,

Per: 

Peter Roland