

 Philip Brewin

From: Geoff M Webb [REDACTED]
Sent: Thursday, 26 June 2008 5:08 PM
To: Philip Brewin
Cc: Graham Sapwell
Subject: Steven Grant Matter 2/17763

Hi Phil,

Further to today's conversation, I think that it is important to review today's conversation in relation to this matter.

You have advised that:

DBH have argued that as a result of the Mulligan Enquiry findings TSA has been shown to be negligent in their duty and that all claims against us are now worth more.

They have argued that overseas abuse claims have been settled at significantly higher figures, than those made in Australia.

They argued that in this particular matter Grant was wrongfully detained when he went with Osborne to Victoria. They argued that the recent stolen generation matter that was recently settled at around \$750000 was a relevant matter to be considered in determining damages for being wrongfully detained.

Frankly I would have counter argued that The Mulligan Enquiry was undertaken to enquire about Government handling of Wards of The State, was untested by cross examination, and has no relation to the amount TSA is prepared to compromise claims against it.

Settlements overseas against Churches have no bearing in this country as settlements did not involve the Churches contracting to State Governments to run children homes for children that were State Wards.

Additionally all matters that TSA investigated are treated individually, taking into account the individual circumstances of each matter.

The notion that Grant accompanied the Osborne family to Victoria is totally different from the permanent removal of an aboriginal child from its family. According to Osborne, Grant pestered him to go with the Osborne family to Victoria and was disappointed to be returned to South Australia ..

There are many other counter arguments and issues to be put including, our legal structures and the difficulty of pursuing TSA legally.

What concerns me is the claim itself. Allegations made by Grant that are strongly denied by both Kop and Osborne. There are material facts wrongly made by Grant (e.g. Getting up at 3.00 in the morning to milk cows) The nature of the abuse in this matter is at the lower end of the scale of previous settlements being limited to physical punishment and inappropriate cuddling and alleged (but denied) fondling, Despite this claim you have now been told that this matter is now worth \$150000 plus \$20000 for DBH costs.

Philip I struggle to see after the 3 of you meeting with DBH, how I can consider increasing yesterday's recommended settlement from the low \$40000 's to anything like \$150000.

I have indicated to you that the long term effect of accepting the DBH arguments would have massive financial impact on our organisation. As I mentioned this is the first of the claims that writs have been issued. I believe that we need to be restrained with this settlement, because the flow on effect could be substantial. I am also interested see that DBH now want to process more files.

In light of these comments can you please provide a written response as to what settlement that you would now recommend, your reasons for that recommendation, and an explanation of what has changed today to recommend such a dramatic change. We would then need to meet to discuss the options.

Regards Geoff

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01/07/2008