

**COMPENSATION PANEL
ARCHDIOCESE OF MELBOURNE**

Optus House
Level 25, Suite 36
367 Collins Street
MELBOURNE 3000

Tel: 9221 6190
Fax: 9221 6191

3 September 1997

Rev. Monsignor D.J. Hart,
Vicar General,
Catholic Diocesan Centre,
P.O. Box 146,
EAST MELBOURNE, VIC. 3002

Dear Monsignor,

SANDRA HIGGS

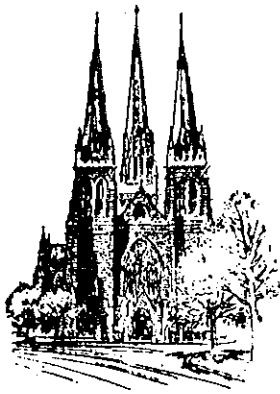
The Compensation Panel met on 19 August 1997 to consider Ms Higgs' application for compensation.

The Panel recommends that Ms Higgs be offered ex gratia compensation of \$25,000.

Yours sincerely,



DAVID HABERSBERGER
Chairman.



VICAR GENERAL

Catholic Diocesan Centre
383 Albert Street,
East Melbourne, Vic. 3002

Correspondence to:
P.O. Box 146, East Melbourne, 3002

Telephone: (03) 667 0377
Facsimile: (03) 667 0317

10th February, 1994

Mrs S Higgs



Dear Mrs. Higgs,

I apologise for my delay in writing to you but I have been away for some weeks holiday and there has been a delay in answering mail.

I want to inform you, as I have to your sister and to [REDACTED] that following the interview that you had with me and Father Fasciale, I have informed Father Fasciale that his faculties to practise as a priest have been withdrawn. Father has been removed from the parish of Yarraville and is now living privately.

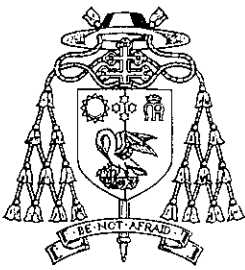
I fully appreciate how difficult it has been for you and I thank you for the courage that you have shown.

You will recall that, following your interview with me on 28th June last year, I asked you what you wanted to see happen and you responded by saying that you wanted to have Father Fasciale removed from his priestly duties and to receive some recognition that these incidents did happen and that you were not a little girl telling lies. I hope that the process, hard and all as it has been, of bringing your story to the Church through me, and by confronting Father Fasciale, have fulfilled these requests.

I wish to thank you for your support and for your openness and honesty. Please feel free to contact me again if I can be of further assistance.

I remain yours sincerely,

G. A. Cudmore
VICAR GENERAL



St. Patrick's Cathedral
Melbourne Vic 3002

12 September 1997

Ms Sandra Higgs
[REDACTED]

Dear Ms Higgs,

You will be aware that in October 1996 I announced a range of initiatives to respond to allegations of sexual abuse concerning the Archdiocese of Melbourne. At that time, I apologised sincerely and unreservedly, on behalf of the Catholic Church, to both the victims and more generally to the people of the Melbourne Archdiocese, for the betrayal of trust perpetrated upon them. I also expressed my regret that it had taken the Church a long time to come to grips successfully with these issues.

I understand that, based on findings made by the Independent Commissioner, your claims have been considered by the Compensation Panel. The Panel has provided me with a recommendation, which I accept, and this letter is accompanied by a formal offer made on my behalf.

The Archdiocese seeks to address the issues of sexual abuse of minors and adults in a professional, caring and appropriate manner. In addition, the Church has implemented procedures aimed at preventing any recurrence of sexual abuse, and is confident that these initiatives will go a long way towards addressing this issue, which has shocked all in our community.

Unfortunately we cannot change what has happened in the past. You may never be rid of the memories or the hurt. Services such as those provided through Carelink can assist you in your recovery. The payment of compensation raises difficult and complex issues. It is my hope that my offer, based on the Panel's recommendation, will be accepted by you as a preferable alternative to legal proceedings and that it too will assist you with your future.

On behalf of the Catholic Church and personally, I apologise to you and to those around you for the wrongs and hurt you have suffered at the hands of Father Fasciale. Whether or not you choose to accept the enclosed offer, I offer you my prayers.

Yours sincerely in Christ,

+ George Pell

ARCHBISHOP OF MELBOURNE

CONSENT TO INDEPENDENT COMMISSIONER FORM

Notes:

- 1 Before seeking ex gratia compensation from the Compensation Panel, you need to have made a complaint to the Independent Commissioner. If you have not yet made a complaint, please telephone the Commissioner's office on (03) 9221 6190 for further information.
- 2 To help assess your claim for such compensation, the Panel will obtain a report from the Commissioner containing his findings as to the facts relating to your complaint. If you have not already done so, you will need to give the Commissioner your consent to him disclosing information about you to the Panel. You may give him your consent by completing this form.

TO: Independent Commissioner
Mr P J O'Callaghan QC

I, Sandra Mary Higgs
(Full Name)

of [REDACTED]
(Address)

wish to make an application to the Compensation Panel. I authorise you to communicate to the Compensation Panel and its members all information about me that they may request or require to assist them in assessing my claim for compensation. This request includes, without limitation, both information that I have provided or disclosed to you and information about me that you have obtained from other sources. I authorise you to prepare a report for the Panel as to the circumstances of my claim and to communicate that report and the material on which it is based to the Panel.

I authorise you to conduct such further investigations into my claim as you may consider appropriate or as the Panel may request.

Tick box if required. I ask you to forward to me by ordinary mail at the address shown above a copy of the report that you prepare for the Panel.

S. M. Higgs
(Signed)

D. O'Connell
(Witness)

15/5/97
(Date)

DARIA O'DONNELL
[REDACTED]
(Full name and address of witness)

APPLICATION FOR COMPENSATION FORM

I, Sandra Mary Higgs
(Full Name)

of [Redacted]
(Address)

apply for ex gratia compensation from the Archbishop and Archdiocese of Melbourne in respect of sexual abuse committed against me as found by the Independent Commissioner appointed by the Archbishop, and I make this application upon the following basis:

- (a) the amount of compensation (if any) will be determined by the Compensation Panel that has been appointed by the Archbishop,
- (b) the Archbishop will offer to me such an amount as may be recommended to him by the Panel, provided I execute appropriate releases and discontinue any relevant legal proceedings,
- (c) if I reject the amount offered to me by the Archbishop, the Archbishop acknowledges that any rights that I may have to commence or continue legal proceedings against him are unaffected by my application for compensation,
- (d) neither I nor any person acting on my behalf, or any member of the Panel, or the Archbishop or any person acting on behalf of the Archbishop or the Archdiocese, will (save as required by law)
 - (i) disclose to any person,
 - (ii) rely or seek to rely in any arbitral or judicial proceeding (whether or not such proceeding relates to the subject matter of this application) on
 - any communication, statement or information, whether oral or documentary, made or provided in the course of or in relation to the Panel's deliberations,
- (e) I will not call any member of the Panel as a witness or subpoena or demand the production of any records, notes or the like made by or for the Panel in the course of or in relation to its deliberations,
- (f) I and each member of the Panel and the Archbishop and his advisers will, unless otherwise compelled by law, preserve total confidentiality in relation to all matters arising in the course of or in relation to the Panel's deliberations, whether documentary or oral, that may be provided to the Panel or to me,
- (g) I irrevocably waive any rights that but for this provision I may have had to seek judicial review of any act or omission of any member of the Panel.

S. M. Higgs
(Signed)

D. O'Donnell
(Witness)

15/5/97
(Date)

DARIA O'DONNELL
[Redacted]

(Full name and address of witness)

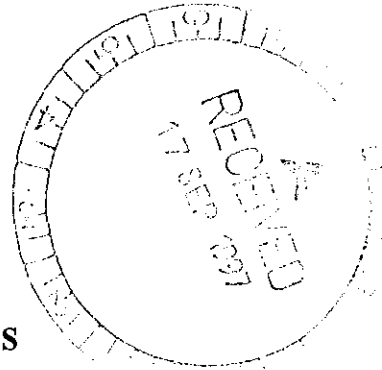
CORRS
CHAMBERS
WESTGARTH

L A W Y E R S

15 September 1997

Office: Melbourne
Contact: Richard Leder
Direct Line: [REDACTED]
Our Ref: ROMA5455-001/RAL

Lander & Rogers
DX 370
MELBOURNE



Dear Sirs

SANDRA HIGGS

As you know, we act for Archbishop Pell and for the Catholic Archdiocese of Melbourne. We understand that you act for Ms Higgs.

We are instructed that your client has made an application to the Compensation Panel established by Archbishop Pell for ex gratia compensation in relation to sexual abuse.

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 that basis that the amounts it can recommend are less than applicants such as your client believe they might obtain if they pursued legal proceedings to success. However, your client 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 your client 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 your client will in time be able to put the abuse she has suffered behind her and focus on the future. **Enclosed** is a personal letter from the Archbishop to your client.

The Compensation Panel has recommended to the Archbishop that your client be offered compensation in the sum of \$25,000. **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 procedure established by the Archbishop, we are instructed to offer this amount to your client. If she wishes to accept it, she will need to sign the **enclosed** document which releases the Archbishop from all further claims arising out of the sexual abuse, save that she will

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MELBOURNE

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PERTH

CANBERRA

GOLD COAST

LONDON

15 September 1997
Lander & Rogers
SANDRA HIGGS

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remain able to receive treatment and counselling through Carelink. We have **enclosed** two copies of the Release. Assuming that your client is happy to sign the Release, she should sign one copy for return to us and retain the second copy for her records.

If your client rejects the offer, she remains 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.

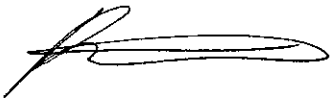
Would you please advise us in due course whether your client will accept the offer. Upon return of the signed Release we will forward to your client a cheque for the agreed amount.

We have been informed by the Panel Chairman that in the course of her meeting with the Panel members your client requested a meeting with the Archbishop. That request has been conveyed to the Archbishop's office and we are awaiting instructions.

If you have any queries, please contact the writer.

Yours faithfully

CORRS CHAMBERS WESTGARTH



Richard Leder
Partner

HOW TO SEEK COMPENSATION

- 1 To seek compensation an applicant will need to complete the "Application for Compensation" form attached to this brochure. Completion of the form will affect the applicant's legal rights, and applicants are encouraged to seek independent legal advice before completing the application.
- 2 The Panel will consider the application for compensation only after it has received a report from the Independent Commissioner following his investigation of the complaint. The Commissioner will not report to the Panel unless the applicant has consented to this. A "Consent to Independent Commissioner" form is attached to this brochure. The Commissioner will provide a copy of his report to the applicant on request.
- 3 After the Panel receives the application and the report from the Commissioner, it will invite the applicant to provide it with material relating to the consequences of the abuse on the applicant. Some notes about this material:
 - The Panel will rely exclusively on the report of the Independent Commissioner as to the facts surrounding the abuse. An applicant who wishes to supplement the Commissioner's report on such facts will need to raise this with the Commissioner.
 - The Commissioner's report will usually not deal with the impact of the assault on the applicant. Consequently, applicants will be asked to provide this material to the Panel. They may wish to place before it medical or other reports. Applicants who have sought assistance through Carelink may also authorise Carelink to provide information directly to the Panel. (Carelink cannot provide any information to the Panel without that authorisation. A "Consent to Carelink" form is attached to this brochure).
 - In some circumstances applicants may be asked to undergo medical or other examinations or to provide additional information.
 - Ordinarily all material for the Panel should be provided in writing, although in appropriate cases meetings will be arranged.
- 4 In considering the issue, the Panel will not be bound by the compensation principles that apply in court. It will make its decision on all material presented to it. Essentially it will have regard to the physical, mental and spiritual effects of the assault on the applicant.
- 5 The Panel will formulate its recommendation to the Archbishop as to the ex gratia payment to be made. The applicant will be advised of that recommendation.
- 6 If the recommended amount is acceptable to the applicant in full settlement of his or her claims against the Archbishop and the Archdiocese of Melbourne, this amount will be paid by the Archdiocese upon the applicant signing an adequate release and discontinuing any pending legal proceedings.
- 7 If the recommended amount is not acceptable to the applicant, the applicant may pursue other remedies, but in the course of so doing, may not rely on what has transpired before the Panel. All matters that have transpired before the Panel remain confidential.

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600 Bourke Street Melbourne
Victoria 3000 Australia
GPO Box 1842Q Melbourne
Victoria 3001 Australia
Telephone: 613) 9672 9111
Facsimile: 613) 9670 2723
Ausdoc: DX370
Email: lander@c031.aone.net.au
Launceston office and
affiliated offices in all states

17 September 1997

Lander & Rogers
Incorporating Alfred L. Abrahams & Co.

Solicitors

Mrs S Higgs
[REDACTED]

Dear Sandra,

Proposed claim against Catholic Church

I refer to the hearing before the Compensation Panel several weeks ago. I advise the Compensation Panel has recommended, and the Archbishop has agreed to offer \$25,000 in compensation.

I have attached with this letter copies of the following:

- 1 Corrs Chambers Westgarth letter 15 September;
- 2 personal letter from the Archbishop 12 September;
- 3 letter from David Habersberger 3 September; and
- 4 release in duplicate.

You will note the Church's solicitors are awaiting instructions as to the possibility of a private meeting with the Archbishop.

Perhaps you would be good enough to telephone me to discuss your response to this offer.

Yours sincerely,


David Fitch

Direct Dial: [REDACTED]

Encl

CORRS

CHAMBERS

WESTGARTH

LAWYERS

SANDRA HIGGS

**THE MOST REVEREND
DR GEORGE PELL, DD**

DEED OF RELEASE

THIS DEED OF RELEASE is made on

1997.

BETWEEN SANDRA HIGGS

of [REDACTED]

(the "Applicant")

AND THE MOST REVEREND DR GEORGE PELL, DD

of 228 Victoria Parade, East Melbourne, Vic, 3002

("Archbishop Pell")

RECITALS

- A Archbishop Pell is the Archbishop for the time being of the Catholic Archdiocese of Melbourne.
- B In October 1996, Archbishop Pell:
- (a) appointed Peter O'Callaghan QC (the "Commissioner") as an Independent Commissioner to enquire into allegations of sexual abuse by priests, religious and lay people who are or were under the control of the Archbishop of Melbourne;
 - (b) established Carelink, a counselling and professional support service for the victims of sexual abuse by priests, religious and lay people who are or were under the control of the Archbishop of Melbourne; and
 - (c) established a Compensation Panel (the "Panel") to provide recommendations, binding on Archbishop Pell, to make ex gratia compensation payments to persons who the Commissioner had found to be victims of sexual abuse.
- C The Commissioner has found that the Applicant was the victim of sexual abuse (the "Abuse");

- D The Applicant has made an application to the Panel for ex gratia compensation in respect of the Abuse.
- E The Panel has recommended to Archbishop Pell that he make an ex gratia payment to the Applicant in respect of the Abuse. Archbishop Pell has accepted that recommendation and has made an offer to the Applicant, which the Applicant proposes to accept.

IT IS AGREED

- 1 Archbishop Pell will cause a payment to be made to the Applicant in the sum of \$25,000.00 (the "**Payment**").
- 2 Subject to paragraph 6, the Payment is accepted in full and final settlement of the Applicant's claims in respect of the Abuse.
- 3 For the avoidance of doubt, the Applicant and Archbishop Pell agree to bear their own legal and other costs of and incidental to the application to the Panel.
- 4 In consideration of the matters aforesaid, and subject to paragraph 6, the Applicant hereby releases and forever discharges Archbishop Pell, any person who has in the past been the Archbishop of the Catholic Archdiocese of Melbourne and any person who may in the future be the Archbishop of the Catholic Archdiocese of Melbourne from all actions, claims, demands, causes of action and costs howsoever arising or of whatsoever nature arising out of, connected with or in relation to the Abuse.
- 5 In consideration of the matters aforesaid, the Applicant agrees and warrants that subject to paragraph 6 she will bring no action and make no claim for damages or compensation howsoever arising or of whatsoever nature arising out of or connected with the Abuse.
- 6 This deed does not affect any entitlement that the Applicant may have to the services of or to services supplied through Carelink, nor does it oblige Archbishop Pell or any person who may in the future be the Archbishop of the Catholic Archdiocese of Melbourne to cause any such services to be supplied.

7 This deed may be pleaded by Archbishop Pell and by any person who is or becomes the Archbishop of the Catholic Archdiocese of Melbourne in bar to any action, claim or demand now or hereafter commenced or made by any person arising out of or connected with the abuse.

THIS DOCUMENT IS EXECUTED AS A DEED

DATED:

SIGNED SEALED AND DELIVERED
by **SANDRA HIGGS** in the presence of:

)
) *Sandra Higgs*
)

..... *D. O'Donnell*

Witness

..... *DARIA O'DONNELL*

Name of Witness (print)