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The Most Reverend Kevin Manning  
Bishop of Armidale  
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My Lord,

Have had difficulty reaching you by telephone. Hope that this finds you in good health.

The way in which the pederasty matter is being handled by Fr Brian Lucas greatly concerns me and I am aware that you are in a position in the Conference to influence this matter.

The particular concern I have is this. In this morning's press Fr Lucas is reported as referring favourably to the 1988 policy paper of the Bishops' Conference. That was the policy that I reviewed for you unfavourably in 1990. The concern I expressed then was that the policy did exactly what the Church is now being accused of doing in the Wollongong case. That is, it puts the short term interests of the Church ahead of the care for the alleged victim. I was particularly concerned that the exemption in NSW law for ministers of religion in regard to mandatory reporting and being required to give evidence in criminal matters (which Fr Lucas successfully lobbied to achieve in NSW) was being exploited by having these matters handled by priests alone seemingly in order to escape the problem of the Church's own investigators into such claims being charged with failing to report a crime which they were mandated to report or later being called to give evidence. I recall writing then that the exemption was intended to protect the sacred seal of the confessional and ought not be used in this very broad way.

I was also concerned about how damaging it would be when, as would be inevitable, this apparent legerdemain were exposed. I remember writing that the policy at that stage, if made public, would greatly damage the Church. Using the exemption in this way ultimately endangers the legal protection of the seal of the confessional for revelations of this use would lead to public reaction and calls for the protection to be removed.

To see a report of Fr Lucas now referring favourably to that policy is a matter of great concern. He has put his own head in the noose and that of the Church as well. His present course would seem ultimately to endanger priests bound by the seal of confession because his admitted practice has failed to distinguish between the grave issue of the seal of confession, and the general kind of confidence invested in any professional

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counsellor which the Parliament has decided to overrule in the case of continued risk to children of sexual or violent abuse.

Sooner or later the matter will be exposed and the serious mistake of continuing to have these matters handled by clergy alone will cause great damage to the Church, especially the allegations of subterfuge for so doing, in regard to the exemptions, which would follow. I would strongly urge that the mistakes of the past be acknowledged, including the 1988 policy and the practice of restricting the handling of this matter to clergy alone.

I again put the view that I have put consistently since 1990, that the Bishops should turn this matter over to an entirely lay group chaired by someone such as a retired judge, and have both the past and present circumstances investigated and policy drafted. With the exception of your own appearance that I saw on the television news last week, every time a bishop or a priest speaks on this matter he seems to dig the hole deeper because he is made to appear self-defensive rather than open. It is not appropriate that the clergy should handle either the investigation or public comment on this matter.

More particularly, for the sake of the Church in Australia, I ask the question whether Fr Lucas should be withdrawn from making public comment on behalf of the Church altogether. From hereon he can only create a larger problem as he seeks to defend past mistakes as they become more and more exposed. His dual role of apparently having made some mistakes and now speaking defensively for the Church on the matter is very damaging.

Yours sincerely,



Nicholas Tonti-Filippini