

REPORT OF MEETING
THE BISHOPS COMMITTEE
FOR
PROFESSIONAL STANDARDS

St Mary's Cathedral Office

Tuesday, 15th August 1995

PRESENT:

Most Rev. Geoffrey Robinson
Most Rev. Peter Connors
Rev. Brian Lucas
Rev. John Usher
Sister Angela Ryan CBS
Sister Evelyn Woodward RSJ
Sister Helen Clarke RSC
Miss Myolene Carrick

IN ATTENDANCE:

Mr Chris O'Malley
Mr Laurie Rolls

APOLOGIES:

Most Rev. Kevin Manning
Rev. Brian Gallagher MSC

In the absence of Most Rev. Kevin Manning, Bishop Geoffrey Robinson assumed the Chair.

MINUTES OF PREVIOUS MEETINGS

The report on matters discussed at the meeting held on 6th June 1995 was approved.

MATTERS RAISED BY CCI

Mr O'Malley advised the Committee of the establishment of the Risk Management Service. A draft of the letterhead to be used for the purposed was tabled. The meeting was advised that the Board of CCI wished to establish a clear perception on the part of clients that the Risk Management Service as a separate function from the underwriting activities of CCI as a Church insurer. The draft form of the letterhead was approved,

In the course of his discussion about the service, Mr O'Malley touched on the question of the operation of the Statute of Limitations which lead to some lengthy discussion. Father Lucas pointed out that the case presently before the courts involving Rodney Stinson was an important test case. Present indications were that his application to the court for permission to bring his case against the Marist Brothers would not succeed.

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The question of the view taken by the public of Dioceses and Religious Institutes opposing application by claimants to have the limitation waived was discussed at some length. The question as to whether this Committee has a duty to provide advice on the subject was considered.

Father Lucas advised that, in the United States, the view was taken the Church cannot be seen to be taken a technical stand, but that judicious use of the principle might be made to control, to some extent, the level of settlements.

It was agreed that a sub-committee comprising Rev. Brian Lucas, Mr Chris O'Malley and Mr Laurie Rolls be formed to consult with lawyers and report back to the Committee on a uniform approach to be recommended by the Committee to the Dioceses and Religious Institutes.

Father Usher enquired whether we were to consider, in this regard, cases relating to other than child molestation; that is professional misconduct towards women. It was agreed that, so far as this question of the operation of the Statute of Limitations was concerned, consideration will be confined to criminal sexual activity relating to minors.

The Committee was advised of a number of risk management activities which had been undertaken, such as:

- The co-ordination of the response and advice to Dioceses and Institutes on the press releases issued by Broken Rites and Friends of Susanna, respectively.
- The preparation of a document containing legal advice to counsellors engaged by Centacare with regard to the procedures to be adopted in note taking at interviews of both victims and offenders.
- Co-ordination of a conference of lawyers acting for Dioceses and Religious Institutes, with a view to obtaining an exchange of information on settlements achieved and the adoption of a reasonably uniform approach to legal action.

On the matter of the preparation of a manual, the Committee was advised that a great number of Dioceses and Institutes had proceeded to the preparation of their own protocol documents and it appeared that the most that could be done at this stage was to collate all available documents issued throughout Australia.

It was stressed that it would appear more important to establish a document relating to a code of ethics to be adopted by religious and lay persons. Demand for assistance in this area had been quite strong, and the Committee was advised this was being undertaken as a priority.

Establishment of Therapy Centre

Bishop Robinson read the contents of a letter distributed to the Dioceses and most of the Religious Institutes.

Father John Usher tabled the research project document.

The Committee was advised that applications for the post of Research Officer had been considered and a joint team had been appointed comprising Father David Cappo, of the Australian Catholic Social Welfare Commission, Bill Johnstone, from Centacare Sydney and Dr Alex Blacynski.

It is proposed that consultations with the State Resource Groups would be conducted during September and October. It was proposed a presentation be made to the Conferences of Bishops and the Religious Leaders. A half day session would be sought at each of the Conferences.

Communication is to be issued to all Dioceses and Religious Institutes seeking funds for the establishment of the project and to draw attention to the appropriateness of using the pool contributions for this purpose.

Sister Helen Clarke drew attention to the fact that the opportunity to raise funds for the research project and for the establishment of an executive officer in the future, could be affected by the Dioceses and Institutes becoming reliant on the Risk Management Services provided by CCI. It was agreed, therefore, that in announcing those services it would be clearly stated that they are provided in support of the Professional Standards Committee as an interim measure to cover the period of time it will take to complete a research project and appoint an appropriate executive officer.

Bishop Connors tabled a report from a professor emeritus of Psychiatry Melbourne. It was agreed further advice should be sought from this source.

Report of the Preparation of the Draft Principles

The draft submitted by Bishop Robinson was considered in some detail. The response of Friends of Susanna was noted, and whilst concern was expressed about some of the points made therein, the positive nature of the response was considered welcome.

Father Brian Lucas drew particular attention to the need to avoid falling into the trap of following the line of apology adopted strongly by the Friends of Susanna, some further points made during discussion were as follows:-

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| Sister Angela - | beware of too much emphasis of the identified victims needs. There is an adverse affect on all associated with the Church. |
| Rev. Brian Lucas | the responsibility toward the victims is owned by the perpetrator rather than the Church. |
| Father John Usher | we must retain the principle that the perpetrators, themselves, are in many cases victims of the system. |
| Rev. Brian Lucas | legal and pastoral concepts are difficult to marry. |
| Sister Angela Ryan | the statement of principles should go hand in hand with the protocol. |

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Bishop Robinson advised of the service available from a Doctor Robert Grant, consultant psychologist, from the United States would be available for consultation in December. It was suggested that we proceed with a redraft of the document and arrange for a meeting of the Committee with Dr Grant, to examine in detail the redraft which, to some extent, will pick up the points made in Dr Grant's preliminary observations already made.

It was estimated that the fee required by Doctor Grant would likely be about \$800 for a meeting covering one day.

Following on upon the view expressed that the statement of principles must go hand in hand with the protocol document, the Committee considered the position which now arises where there are a number of protocols in circulation issued by various Dioceses and Religious Institutes.

It seemed necessary to establish some uniform approach under the guidance of this Committee. Accordingly it was agreed Laurie Rolls would collate all the existing protocols and report to Father Brian Lucas, who would then work upon the issue of a working document. The final draft would then be submitted to Father Roger Austin.

Before concluding the discussion of the statement of principles, considerable discussion ensued on matters of definition by way of guidance for Bishop Robinson.

Meeting of Bishops and Staff of English Speaking Conferences

The letter of Bishop Connors to Bishop Kinney of Washington was noted.

Mandate for Bishops' Committee for Professional Standards

Bishop Connors tabled a draft mandate for discussion.

It was noted that attention should be given to drafting a code of ethics covering all aspects, not just criminal sexual activity.

Proposed Amendments:

Article 2: Delete word "sexual"

Article 3: Amend to read:

"To provide guidance, advice and assistance"

Article 4: Requires qualification. Note collaboration with other Committees, particularly clergy and Religious.

It was noted regular meetings should be held with the State Resource Groups.

Policy in Practice Regarding Sexual Misconduct of Clergy

The letter of Bishop Connors to Rev. R Austin was noted.

It was agreed one set of procedures should cover all forms of misconduct. Fr Austin should await material from Fr Lucas before proceeding.

Report on Meeting with Friends of Susanna

Bishop Robinson reported upon the meeting with the Friends of Susanna on 24th June 1995.

Australian and New Zealand Conference of Sexual Exploitation by Health Professionals

The Committee reiterated the view that the opportunity should be taken for a pro-active participation in this conference. At the request of the Chairman, Bishop Robinson is preparing a five hundred word submission.

General Business

Legal Advice Regarding Distribution of a Summary of Minutes

The advice obtained from Purves Clarke Richards was tabled by Mr O'Malley. The Committee agreed the advice was sound and that there should be no distribution of information regarding matters dealt with by the Committee. The solicitor's advice regarding the need for discretion in the preparation of the minutes themselves, was noted.

Claims for Physical Abuse

A question was raised regarding the extent to which claims are now being filed relating to the injuries sustained as a result of mere excessive physical punishment. Mr Rolls confirms that CCI had received notification of a number of matters of this type.

It was agreed that legal advice be obtained as to the extent to which Diocese and Institutes might be found liable in damages for injuries sustained as a result of what was regarded as excessive physical punishment. The Committee confirmed that Mr Paul Gamble of Dunhill Madden Butler should be briefed to provide this advice.

Paper Written by Brother Alex McDonald S.J.

Sr Helen Clarke tabled copy of a paper entitled "The Discovery of Child Abuse".

Date of Next Meeting

The meeting of the Committee to be attended by Dr Grant is to be established hopefully as either the 11th December or 18th December.

The date of the next ordinary meeting of the Committee will be advised by Bishop Connors.

LAURIE ROLLS

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