

**REPORT OF MEETING**  
**THE BISHOPS COMMITTEE**  
**FOR**  
**PROFESSIONAL STANDARDS**

**Held at St Paul's National Seminary, Kensington NSW**

**Wednesday 26th April 1995**

**PRESENT:**

Most Reverend Kevin Manning	-	Chairman
Most Reverend Peter Connors	-	Secretary
Most Reverend Geoffrey Robinson		
Reverend Brian Lucas		
Reverend John Usher		
Reverend Brian Gallagher MSC		
Sister Angela Ryan CSV		
Sister Evelyn Woodward RSJ		
Sister Helen Clarke RSC		
Miss Myolene Carrick		

**IN ATTENDANCE:**

Mr Chris O'Malley  
Mr Paul Serong  
Mr Laurie Rolls

**APOLOGIES:**

There were no apologies.

**MINUTES OF PREVIOUS MEETINGS**

The report on matters discussed at the meeting held on 20th February 1995 was approved.

**MATTERS RAISED BY CCI**

**Advice to Bishops on the Need to Act in Professional and Responsible Manner when Receiving Disclosures Concerning Sexual Assault and Professional Misconduct.**

The meeting decided CCI should be asked to provide, on behalf of the Committee, a manual to guide Bishops and Superiors in the practical measures required to be taken to meet the obligations of the Protocol.

The question was posed: When the Bishop/ Superior is not listening what then must we do?

There appeared to be no satisfactory answer.

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In circumstances where the Bishop/ Superior is not responding because he does not know what to do, he must be directed to the resource group.

Where it is considered necessary to report to other authority (such as police), because no response has been obtained, the obligation to protect the good name of accused should be observed, as should the wishes of the victim.

The question is a practical one to be dealt with in each case on its merits.

The question of justice is paramount, that is, justice to both parties.

The complainant/ victim must be required to be specific. It must always be remembered that the offender has rights.

On the question of communicating with the police (particularly with regard to the suggestion that police are considering bringing action against the Bishop of Parramatta for obstructing Police Officers) it is suggested a procedure be adopted by which communication with the police might be established. Bishop Robinson referred to a discussion at the previous meeting of the Committee when it was suggested the Police Chaplain would endeavour to make contact, with a view to discussing with Police the difficulties the Bishops face and the practical problems involved in bringing to police notice matters which may have criminal implications but which, in many cases, are by no means capable of proper assessment in the early stages of knowledge.

The question was put as to whether all criminal matters should be placed in the hands of police. The response was a clear affirmative.

It was noted that, in some States, there is already a mandatory reporting rule in place for several classes of persons, including teachers and psychologists.

In cases where the Church has a report and the victim indicates he does not want the matter to go to the police, there appeared to be two alternatives. One, that at an early stage of interview with the victim, it be made clear to him that if he proceeds with particulars of his complaint, there is an obligation to report to the police, following which the victim would have the choice to withdraw his complaint. If this is not agreed the victim ought to be asked to provide written confirmation of agreement not to proceed with the matter.

Alternatively, where the victim provides full particulars of the matter but still is not willing to have the police involved and indicates he will refuse to give evidence, the option available to the Church is to report the matter in any event and allow the police to deal with the question of whether the victim will provide the support necessary for a prosecution.

The difficulty encountered with cases where the incident was over 20 years ago was raised. If the matter appears to have been an isolated case, there is clear need for a pastoral response but there is still the dilemma that a criminal act has occurred which strictly speaking should be reported to the police.

The Committee awaits the report of Father Jim Boland, the Police Chaplain, following his communications with the Police in the Parramatta District.

**Formation for Bishops and Religious Leaders to act in a uniform manner in dealing with a decision as to whether an offender should return to ministry.**

There was considerable general discussion on this difficult question. It was noted that the recovery rate in respect of true paedophiles is extremely low whilst there is a suggestion that in the case of ephrophiles there is an indication of some success rate. Each case therefore needs to be carefully assessed. It would only be after the most exhaustive assessment and carefully conducted medical review that a decision could be made.

The point was made that even though there is medical support for reinstating a priest in the ministry there is still the problem of the perception in the mind of the public about his return to office.

Father Lucas made the point that it must be remembered all those offenders who are serving gaol sentences are imprisoned in relation to a fraction of the offences which occurred. What then is the likely reaction of the public upon return to ministry of a convicted paedophile? Further what will the attitude be of those victims whose cases were not dealt with in the course of proceedings.

The question was raised as to whether the Committee should prepare a recommendation to the Bishops that in no cases should an offender be reinstated to the ministry.

It was suggested that consideration be given to a procedure whereby the offenders can be encouraged to enter into a voluntary agreement to laicisation to make amends for the damage their actions have caused the Church and further that they be offered some hope for a future life by providing them with training and proper preparation for release into society.

It was noted that each individual case is singularly different and must be treated as such.

It was agreed that the report of the Committee to the Conference should contain reference to these issues.

**The Distribution of Funds from Dioceses retained in the "Pool"**

Refer to recommendation of Bishop Manning regarding funding Therapy Centre (below).

**Discussion of Policy Matters Relating to out of Court Settlements**

Bishop Manning introduced the subject as being an agenda item raised by Father Lucas and posed the question as to whether out of court settlements might be seen as the method by which the Church "buys off" victims.

Father Lucas drew attention to the fact that a Diocese in the United States established a very firm policy that in no case would a settlement be made out of court, simply to avoid this implication.

Reference was made to the confidentiality agreements usually entered into which can be seen as an attempt to buy silence.

Father Lucas made it clear to the Committee that the principal reason for raising this matter had been his awareness that a number of Religious Institutes had proceeded to settlements without consultation with others and outside the frame work of the activities of CCI.

It was suggested that an attempt be made by CCI to obtain particulars of settlements in order to provide an exchange of information which will produce a body of advice on settlement levels being encountered.

Mr O'Malley spoke to the matter of the settlements achieved by CCI to date, pointing out that the average cost of settlement had been less than half the only known record of judgements in matters of this sort. He pointed out that it was a long accepted practice that alternative dispute settlement methods be adopted and the public at large was generally supportive of settlements achieved without incurring the substantial costs of court proceedings.

### **Report on the Establishment of a Therapy Centre**

The Committee reported upon their study of the proposed Therapy Centre and Father Usher commenced the submission by pointing out that all Religious Institutes approached had indicated they are not interested in accepting responsibility for management of a Therapy Centre.

This lead the Committee to reconsider the whole question of what sort of Centre should be established and questions which remain to be answered are:

- Would the Centre be on an inpatient or outpatient basis?
- From where will the fees and funding sources come from?
- Where should it be located?

It was recommended that a Research Officer needed to be appointed and a brief developed for him. The Research Officer should be someone of the type of Brother Tony Robinson or Sister Geraldine Taylor who have been working with US facilities on the matter.

It was suggested that the USA models are of questionable value having regard for Australian needs.

There was some general discussion which lead to the principal view being adopted that we might have a program to which people could come for treatment, which is not residential.

It was suggested the project should be put to tender.

On the question of the number clients for whom facilities might be required, CCI indicated that the estimates of the Sub-Committee might need to be adjusted in the light of the current statistics available. It was agreed the Sub-Committee would be given further detailed advice on this point.

Miss Myolene Carrick raised the question of the success rate of those who go through treatment in the generally accepted form adopted now in the United States, to which the reply was there is not a good record of success. This may be to some extent because the ongoing supervision after return to ministry may be inadequate.

Miss Carrick went on to suggest that we may therefore find it practicable to develop a resource through which clients could be referred to existing secular services as might appear appropriate in each case.

It was noted such a procedure would create the need for therapists to be brought into a form of partnership with the Dioceses and Religious Institutes, to which Sister Evelyn responded that such a concept might well be "pie in the sky".

Bishop Connors commented it would appear from all that had been said there was little hope of establishing a Centre.

Father John Usher responded by saying that the general attitude to the whole question of establishing Centres reflects the lack of success in rehabilitation programs in the United States but believed the whole difficulty is exacerbated by there being no mechanism in place to assist the offenders upon their return to Australia.

Bishop Robinson pointed out, in all our considerations so far, we appear to be overlooking the issue of some research and help for the victims.

Bishop Manning drew attention to the matter of funding the proposal for research and returned to the question of the use of the pool funds. He suggested that the Religious Institutes who had indicated they would wish to have the balances returned to them might reconsider doing so in the light of the need for funding for this purpose. It was agreed CCI be asked to hold back on the payment of the balances to the Religious Institutes and that a general recommendation on this question would be made in the report to the Bishops' Conference. Sister Helen Clarke will refer the matter to the Religious Institutes.

### **Report on the Preparation of the Draft Principles in Relation to Sexual Abuse and Professional Misconduct**

Bishop Robinson invited discussion on the drafts which had been prepared to date. It was agreed that the second draft statement on principle, as drawn up by Bishop Robinson, should be the basis for the final document.

Father Usher pointed out the statement was intended to be a statement of a pastoral nature issued by the Bishops and Religious Leaders, rather than a protocol of conduct.

Bishop Robinson said there was clearly an expectation that a pastoral statement be made and therefore it was virtually essential to proceed.

It was agreed the Committee would support the preparation of a statement based on Bishop Robinson's draft. The Committee turned to a study of the questions posed by Bishop Robinson in his supporting notes.

Father Usher made the point that it was difficult to suggest an apology should be included in the document as so much of what is reported is "hearsay and lacking proof".

The point was also made that the actions of the Bishops and Religious Leaders of past years were made very much on an individual basis with none of the collegiate responsibility which now stems from the organisations currently in place. In response to the question posed by Bishop Robinson it was agreed that the document should not publicly admit that offences took place and no action was taken. Certainly there should be no admission that the Church attempted to conceal an offence.

No admission should be made on the question of compensation.

In no circumstances is it legitimate to seek to conceal an offence by a Priest or Religious.

It was agreed that research should be undertaken into the causes of sexual abuse and that Priests should be given the names of persons competent to assist them if they are having difficulties in this area.

It was agreed action must be taken in all cases of sexual misconduct.

The need for a Protocol to cover sexual abuse by other persons employed by the Church or any of its agencies was agreed but on the question of developing a protocol of procedures relating to offences by lay employees it was agreed this would be a separate document, having regard for the impact on such procedures of current industrial law.

On the question of the return to ministry of a convicted offender it was agreed that the Bishop must take active steps to have the offender removed from the priesthood. Whilst it is agreed that, where the Priest does not consent to laicisation, there is considerable difficulty, but the principle was adopted that the Bishop must nevertheless enter into the canonical procedures available and be seen to have done so.

### **Preparation of a Job Description for the Appointment of Chief Executive Officer**

It was agreed that it would be appropriate to postpone such an appointment until the research to be undertaken had been completed.

It was noted that in the meantime CCI was providing much of the services which would be undertaken by the Executive Officer.

### **Meeting of Bishops and Staff of the English Speaking Episcopal Conferences on Sexual Abuse**

It was agreed that the Committee should recommend the appointment of four persons to attend the meeting proposed for mid October. The representatives to be one of the Bishops who is a member of the Committee, Reverend Brian Lucas, Sister Angela Ryan and Laurie Rolls. Recommendation on this matter will be included in the report to the Conference.

**Policy and Practice Regarding Sexual Misconduct of Clergy**

This agenda item had been proposed by Myolene Carrick and Miss Carrick confirmed she accepted that the matter was receiving attention in the course of the pastoral statement being prepared by Bishop Robinson.

**Request for Meeting with Friends of Susanna**

It was agreed that the response to the invitation of Mr Rodney Stinson be held over until the result of his application to the Supreme Court of New South Wales to be heard on 26th April 1995 was known.

**Date of the Next Meeting**

It was agreed that the next meeting of the Committee should be held on 6th June from 10.00 a.m. to 4.00 p.m. at the Cathedral, Sydney.

**LAURIE ROLLS**

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