

CORRS

CHAMBERS

WESTGARTH

S O L I C I T O R S

**MAJOR POINTS OF DIFFERENCE BETWEEN
FOUR PART PLAN AND NATIONAL CONFERENCE
DRAFT WORKING PAPER OF 26 OCTOBER 1996**

	National Document	Archdiocese Four Part Plan
1	<p>“Church Body”</p> <p>Defined to include a Diocese, religious institute and any other juridical person, body corporate, organisation or association, including autonomous lay organisations, that are generally perceived to part of the Catholic Church.</p>	Limited to Archdiocese. Expressly disagrees with the concept of embracing entities “generally perceived” to be part of the Church.
2	<p>“Church Personnel”</p> <p>Includes any cleric, member of a religious institute, employee or volunteer who is connected with the Church Body.</p>	“Church person” is a priest of the Archdiocese and lay persons and religious working within the Archdiocese.
3	Paragraph 3.2 contemplates a Professional Standards Resource Group (Resource Group) to act as adviser to all Church bodies and to be proactive.	Archdiocese has independent commissioner, Carelink and compensation panel. There is no overall controlling body and no Convenor.
4	3.4 defines Contact Persons to receive complaints, which are then assessed by Assessors.	To ensure the independence of the Commissioner, the initial complaint is received by his office. Assessment is performed by him.
5	3.5 contemplates Facilitators to facilitate meetings between victims and Church authorities.	No equivalent.
6	3.5 contemplates Reviewers to “conduct a review of process”. The meaning of this is unclear.	No equivalent.
7	4.1 requires “any member of the Church” who becomes aware of a complaint of sexual abuse to refer the matter to a Contact Person.	The independent Commissioner receives complaints.
8	At 5.1, the Contact Person in receipt of a complaint recommends to the responsible Church authority as to whether there needs to be a formal assessment of any aspect of the matter.	The independent Commissioner receives and assesses the complaint.
9	At 6.1, if the Contact Person advises that assessment is needed, the Church authority appoints two assessors by those named by the	This is part of the independent Commissioner’s function.

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	Resource Group.	
10	At 6.3, the assessors may not interview the victim without first discussing the matter with the Contact Person.	To preserve his independence, the independent Commissioner can interview whom ever he wishes.
11	At 7.2, if an offender admits guilt, is found guilty by a civil court or by a Church assessment, the Church authority and the victim agree on a Facilitator from the approved panel. The Facilitator moderates a meeting between the Church Authority and the victim, seeking to know the ongoing needs of the victim, the victim's family and of the community, and the response of the Church authority to these needs.	If guilt is established, the independent Commissioner makes recommendations to the Archbishop. The needs of the victim are addressed by Carelink and by the Compensation Panel.
12	7.2.2 refers to an enquiry by the Facilitator as to the needs of the victim and others. However there is no structure proposed for the provision of professional support services or compensation.	The functions of each of the independent Commissioner, Carelink and the Compensation Panel are clearly defined.
13	8.1 contemplates a review of process being available to complainants who are not satisfied with decisions taken by the relevant Church Authority. A Reviewer can be appointed and, (it appears from 8.5.1), repeat the entire assessment and facilitation processes.	The findings of the independent Commissioner cannot be reviewed. A victim who is dissatisfied with what is offered by Carelink or the Compensation Panel is free to pursue legal remedies.
14	9.2.1 contemplates that a clerical or religious who admits to or has been convicted of sexual abuse will be met by the Church authority to discuss future options.	This is a matter for the Archbishop.
15	9.2.2 obliges the Church authority to require the offender to address restitution to the victim and the Church community.	This is a matter for the Archbishop.
16	9.3 requires the Church authority to take whatever steps are necessary to vindicate the reputation of an accused person who is cleared by a police investigation or Church assessment.	This is a matter for the Archbishop.
17	Section 10 deals with preventative strategies.	These are dealt with elsewhere.