

**QUEENSLAND CATHOLIC  
BISHOPS' CONFERENCE**

**AND**

**CONFERENCE OF LEADERS OF RELIGIOUS  
INSTITUTES, QUEENSLAND**

**PROTOCOL**

*Pastoral action in response to allegations  
of sexual abuse by people who work on  
behalf of the Church in Queensland*

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# **CONTENTS**

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Foreword -----	(i)
<b>1.0</b> Introduction -----	1
<b>2.0</b> Rationale and Values -----	2
<b>3.0</b> Responsibilities of Bishops, Major Superiors and Chief Executive Officers -----	4
<b>4.0</b> Requirements -----	6
<b>5.0</b> Procedures -----	7
<b>6.0</b> Guidelines -----	11
<b>7.0</b> Appendix One: Definition of Terms -----	14

## FOREWORD

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The trauma of sexual abuse affects everyone. It is a breach of trust and an abuse of power which is abhorrent to the total community. It demands a response which is open, prudent, sensitive, pastoral and centred on healing.

The Catholic Church in Queensland is challenged by the revelations and occurrences of sexual abuse on children and vulnerable adults. This is particularly the case when instances are alleged against members of the faithful who work in the name of the Church. As a Christian community we are called to offer understanding and support to those who are emotionally scarred and disaffected through abuse. Our goal is to give recognition to their pain and in the spirit of the Gospel to extend Christ's saving love in ways that support their further development.

The Bishops of Queensland with the Conference of Leaders of Religious Institutes, Queensland, endorse the responses already being extended to those who are victims of sexual abuse. We also welcome this Protocol which seeks to document the Church's pastoral action and authorise its use for an initial twelve month period. May those who suffer from sexual exploitation be supported by the ministry outlined in this document: service which is centred on Christ's love and processes which are just, compassionate, professional and comprehensive.

**Prepared by:**

The members of the Special Issues Resource Group, Queensland (SIRGQ) in consultation with a forum of legal, clerical, police and employer representatives.

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(Chairperson, Queensland Catholic  
Bishops' Conference)



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(Chairperson, Conference of Leaders  
of Religious Institutes, Queensland)

## 1.0 INTRODUCTION

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The Australian Catholic Bishops' Conference in 1988 considered the implications of allegations of criminal behaviour, especially relating to sexual abuse of children, made against clerics and religious. It established a Special Issues Committee to provide advice on National Principles to be observed by Bishops and Major Superiors.

The Conference of Queensland Bishops has also monitored actions in relation to allegations of sexual abuse made against people who work in the name of the Catholic Church. The Conference established an Inter-Diocesan Special Issues Resource Group in Queensland (SIRG Q) to facilitate pastoral action and generate policy in response to allegations made within Queensland, bearing in mind the developments nationally and internationally.

This Queensland Protocol is in accordance with the National Principles and identifies pastoral action following an allegation of sexual abuse on children and vulnerable adults by any person who works in the name of the Catholic Church. It has the approval of the Queensland Bishops' Conference and the Conference of Leaders of Religious Institutes, Queensland, but is understood to not affect any rights and obligations, arising from canon law either universal or particular, of Bishops or Major Superiors.

The primary audience for the document will be people who hold positions of authority in the Catholic Church in Queensland. It will however offer guidance to all who would wish to pursue its content. The goals of the Protocol are to:

- give witness and practical support to Christ's care for the distressed and vulnerable members of our community;
- underline the seriousness of sexual abuse allegations and the associated need for pastoral action;
- communicate the process of pastoral implementation agreed upon by the Bishops of Queensland and the Conference of Leaders of Religious Institutes, Queensland;
- explore and facilitate pastoral action for all affected by allegations of sexual abuse; and
- document regulations, procedures and guidelines for pastoral action.

## 2.0 RATIONALE AND VALUES

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The central theme of Christ's ministry was to herald a kingdom in which God's reign was supreme and where peace, justice and compassion prevail. The special message of Jesus was to reach out to those who were particularly burdened and marginalised, to give them life, renew their spirit and provide a community based on love, security, dignity and the belief that all people are fashioned in the image of God.

Sexual abuse against children and vulnerable adults is contrary to Christian values and cannot be tolerated or condoned in any circumstances. The Catholic Church recognizes that allegations of sexual abuse by people who work on behalf of the church may occur, and that such actions create considerable suffering for individuals and communities. Allegations of sexual abuse of children and vulnerable adults therefore require pastoral action which is compassionate, professional, socially just and reflective of God's love for all.

The Church recognizes the complexity, sensitivity and significance of sexual abuse allegations and the necessity for careful and pastoral management of these. The clarification of appropriate procedures and structures is therefore critical to effective pastoral action.

In implementing pastoral action relative to allegations of sexual abuse, the competent ecclesial authority will value:

- 2.1 that every person is a sacred gift to be nurtured, protected and loved;
- 2.2 that parents are the primary care-givers of their children;
- 2.3 that all individuals possess rights and privileges under natural justice, canon and civil law;
- 2.4 that effective pastoral practices require immediacy of response, confidentiality, prudence and attention to the needs of the child or vulnerable adult and the accused;

- 2.5 that the Church must cooperate with the community and its social structures in creating an environment which is protective, loving and nurturing of all, especially those who are defenseless, such as children and vulnerable adults;
- 2.6 that pastoral solicitude must be shown for the well-being of any complainant, victim, accused and their respective families;
- 2.7 that the good reputation of any person, whether complainant, victim or accused must be protected and their right to privacy respected subject to the processes outlined in this Protocol.

To support a consistent appreciation of terms used in this Protocol a glossary is provided as Appendix One. As needed, this should be used to give meaning to the full significance of particular technical terms.

### **3.0 RESPONSIBILITIES OF BISHOPS, MAJOR SUPERIORS AND CHIEF EXECUTIVE OFFICERS**

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- 3.1** Bishops have a special concern for the victims of injustice and those who are vulnerable. They have duties and responsibilities to their priests, religious, and all of Christ's faithful according to natural justice and canon law. They have a responsibility to protect the good reputation of individuals and the Church as a whole;
- 3.2** Major Superiors have a similar duty and responsibility when the actions of members of the Institute are challenged. They must also take into account, as well, the rights of all Christ's faithful;
- 3.3** Chief Executive Officers have a similar duty and responsibility when the actions of members of staff are challenged. They must also take into account, as well, the rights of all Christ's faithful;
- 3.4** The pastoral action in the resolution of allegations of criminal behaviour against the accused shall be the responsibility of the competent ecclesial authority whose responsibility is personal. Whilst this Protocol requires that others may assist with the process and make recommendations, it is the competent ecclesial authority personally, who bears the responsibility for decisions;
- 3.5** Bishops, Major Superiors and Chief Executive Officers must take into account the critical importance of adopting uniform approaches and working in close co-operation with each other, so that justice may be done not only for the good of the individuals involved but for the good of the whole Church;

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- 3.6** The competent ecclesial authority must be and appear to be impartial during any pastoral process, lest the victim or complainant should perceive that the competent ecclesial authority is acting defensively, with disbelief, or as advocate for the accused.

## 4.0 REQUIREMENTS

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The following requirements are mandatory in pastoral action provided by the competent ecclesial authority:

- 4.1 priority will be given to ensuring the protection and support of the child or vulnerable adult;
- 4.2 the Bishop of each Diocese in Queensland will appoint a Delegate to receive and evaluate every allegation of sexual abuse of a child or vulnerable adult. A Bishop may decide to appoint a Deputy-Delegate to act when the Delegate is unable to act. The Delegate and any Deputy-Delegate shall be persons appropriately qualified to discharge the duties outlined in this Protocol;
- 4.3 the provincial Bishops' Conference of Queensland will appoint persons who will join with delegates to form the SIRGQ. The Bishops will review membership bi-ennially with advice from the Chairperson of SIRGQ. Persons skilled in the relevant professional disciplines will be appointed as members;
- 4.4 the primary functions of the SIRGQ will be to receive reports from the Delegate, provide advice as required, facilitate support for all parties, seek legal advice and consult with Departmental Officers as appropriate;
- 4.5 civil, criminal, industrial and canon law must be respected and pastoral processes will not obstruct the lawful course of justice.

## 5.0 PROCEDURES

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The procedures which follow identify the practical and necessary pastoral action provided by the competent ecclesial authority. Particular care must be given to the gathering of information about the sexual abuse allegation.

- 5.1 The Bishop of each Diocese will publish the names of Delegates or Deputy Delegates who will act as recipients of formal allegations on behalf of the Bishop.
- 5.2 A complainant may make a complaint directly to a Delegate or Deputy Delegate appointed by the Bishop for that purpose.
- 5.3 Where the alleged victim is currently a child or vulnerable adult and an allegation is made to a third party then the following is to occur:
  - (a) the person who first receives the allegation (hereafter known as the notifier) will record the free and spontaneous account given by the alleged victim or complainant in relation to the allegation;
  - (b) the notifier must not elicit information other than parties involved, nature of complaint;
  - (c) if a parent makes a complaint it is important that further information is **not** sought by the notifier from the alleged victim once the initial report is made;
  - (d) the notifier is **not** to contact the accused.
- 5.4 If disclosure of a sexual abuse allegation is made to an employee or volunteer in a school, parish or other Church institution, that person will immediately refer the allegation to either his/her Chief Executive Officer or the Delegate or Deputy Delegate.
- 5.5 The Chief Executive Officer will inform immediately:
  - (a) the Delegate or Deputy Delegate who in turn will advise the parents or guardians of the alleged victim/s, the chairperson of the SIRGQ and, where appropriate;

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- (b) the Director of Catholic Education; **and/or**
  - (c) the Major Superior;
  - (d) the Parish Priest.

Where the Delegate or the Deputy Delegate is the first informed of an allegation by a notifier, that Delegate or Deputy Delegate shall immediately notify the relevant Chief Executive Officer.

The primary function of the Delegate is to act as soon as possible in a discreet and pastoral manner to determine whether there are reasonable grounds to believe that there has been an abuse. The Delegate will advise and consult immediately the Chairperson of SIRGQ and thereafter help with the facilitation of support for all parties.

As communication is so fundamental to the pastoral response to all parties involved with the allegation it is essential that the SIRGQ **coordinate and manage** this. In particular, any necessary discussion with the accused will be initiated by the SIRGQ.

The chairperson of SIRGQ will seek legal advice where necessary, confer with the Delegate, and where appropriate will consult in respect of discussion with Departmental Officers.

**5.6** Pastoral action in response to the allegation will be collaborative. This action may, according to the circumstances of each case and the need to be involved, initiate dialogue with and among:

- (a) Diocesan Bishop;
- (b) Parish Priest;
- (c) SIRGQ members;
- (d) Parents or guardians of the alleged victim;
- (e) Other family members of the victim;
- (f) Notifier;

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- (g) Major Superior;
  - (h) Chief Executive Officer;
  - (i) The accused;
  - (j) Family members of the accused;
  - (k) The Principal;
  - (l) Departmental Officers.

**5.7** It will be standard procedure for the accused to be given special leave while action in response to an allegation is being pursued.

**5.8** Every attempt should be made to offer appropriate professional support services to the alleged victim/s, complainant and accused and their respective families by way of confidential counselling or other pastoral support as soon as appropriate. It is critical that healing processes be commenced early and that continuity of support occur.

**5.9** The freedom of people, and in some instances, an obligation in law, to make a complaint to Departmental Officers will always be explained and respected. The telephone numbers of relevant Departmental Officers and/or any other helpful information which may be required will be supplied. Under no circumstances should any attempt be made to dissuade a victim or family from approaching Departmental Officers.

**5.10** As part of seeking pastoral solicitude for all, the SIRGQ will ensure that the accused:

- (a) is given the opportunity to seek advice from professional advisors, consultation with Union representatives or other like assistance;
- (b) is advised that statements could be used in evidence;
- (c) is made aware of the right in law to remain silent.

## 6.0 GUIDELINES

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- 5.11 When the Delegate meets the accused, before inviting the accused to respond, the Delegate will offer to review the Protocol with the accused.
  - 5.12 The Delegate will prepare a written summary of the interview with the accused person, and invite the accused person to confirm its accuracy by signing an acknowledgement of the accuracy of its contents on each page of the written summary.
  - 5.13 The competent ecclesial authority will be kept advised of the overall pastoral actions by the SIRGQ.

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- 6.1 Sexual abuse occurs when a person uses his/her power and/or authority over a child or vulnerable adult and takes advantage of the child or vulnerable adult's trust and respect to involve them in any sexual activity. Sexual abuse does not refer only to sexual intercourse, although sexual intercourse is sometimes involved.

In all cases the 'abuser' exercises power over the child or vulnerable adult and misuses that power to take sexual advantage.

- 6.2 All allegations of sexual abuse must be taken seriously.
- 6.3 Complaints of sexual abuse may come in various ways. All should be taken seriously. Anonymous complaints should not be ignored but referred immediately for action.
- 6.4 SIRGQ will engage appropriate professional personnel to facilitate support, and offer counsel and as appropriate liaise with Departmental Officers and will refer as appropriate. Such personnel will normally possess expertise in the area of child sexual abuse and have relevant qualifications in areas such as social work, counselling and psychology.
- 6.5 When pursuing avenues of support for the victim or alleged offender, members of the SIRGQ will give consideration to specialist personnel who may, because of expertise, availability, experience or knowledge, be capable of providing on-going assistance. Under no circumstances will a child or vulnerable adult be interviewed except by a person appropriately qualified to do so both as to the protection of the well-being of the child or vulnerable adult and as to the careful preservation of relevant evidence.
- 6.6 Allegations of sexual abuse by a complainant should be responded to in a manner that manifests care and openness. In particular, the response should confirm:

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- (a) that the Church is concerned for the well-being of the victim and that the competent ecclesial authority shall make appropriate arrangements for the victim, and the victim's family, to be given advice regarding counselling or therapy;
  - (b) that the competent ecclesial authority is acting in accordance with the law and not in a way that will prejudice the process of law;
  - (c) that the Church takes allegations of this kind seriously;
  - (d) that the accused be given the opportunity to enter into dialogue with the SIRGQ, in regard to the allegation.

Moreover, no concession should be made to the complainant or victim or any other person as to matters of a legal nature such as:

- (e) that the accused is guilty of any offence;
- (f) that there is any liability in damages;
- (g) that any particular course of action will follow.

- 6.7** In each Diocese the Bishop may wish to establish an Advisory Committee to assist the Bishop's Delegate; such committee should include those skilled in care and in treatment of sexual abuse.
- 6.8** The Protocol should be freely available to all who seek it, so that those affected can readily receive assistance.
- 6.9** Each Diocese should encourage the formation of group/s which can provide on-going support and assistance to victims.
- 6.10** One spokesperson for each Diocese should be designated to answer all questions relating to sexual abuse allegations.

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- 6.11** Consideration should be given to calling on an offender to contribute towards the expenses incurred because of the offender's conduct.
  - 6.12** The Diocesan Protocol for exercising pastoral action in response to allegations of sexual abuse by those who work in the name of the Church will be reviewed on a regular basis by the SIRGQ acting to advise the Queensland Conference of Bishops and the Conference of Leaders of Religious Institutes, Queensland.

## **7.0 APPENDIX ONE: DEFINITIONS OF TERMS**

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- 7.1** 'Accused' means the cleric, religious, Church employee or appointed volunteer against whom a complaint of criminal behaviour is made.
- 7.2** 'Bishop' means the Diocesan Bishop or the Diocesan administrator or whoever is called to the governance of a diocese in Queensland or their authorized representatives.
- 7.3** 'Chief Executive Officer' means the delegate of the competent ecclesial authority with overall responsibility for the employment and management of the accused.
- 7.4** 'Child' is a person under the age of seventeen years.
- 7.5** 'Cleric' is a person ordained as a deacon, priest, or Bishop in accordance with canon law.
- 7.6** 'Competent ecclesial authority' means the Bishop or the Major Superior, as herein defined for the purposes of this Protocol.
- 7.7** 'Complainant' means the person who lodges a complaint alleging criminal behaviour against the accused.
- 7.8** 'Criminal behaviour' shall refer to criminal offences in civil law and shall be confined to sexual abuse relating to children and vulnerable adults.
- 7.9** 'Delegate' is a person nominated by the Diocesan Bishop to be the formal representative of the Diocese on the Special Issues Resource Group, Queensland. The Delegate is also the person to receive and evaluate every allegation of sexual abuse of a child or vulnerable adult.
- 7.10** 'Departmental Officers' shall include Police and those officers of the relevant State Government Department responsible for child welfare.

- 7.11** 'Institute' means a clerical or lay Institute of Consecrated Life or Society of Apostolic Life recognized by the Catholic Church.
- 7.12** 'Major Superior' means the competent Major Superior, in accordance with the Institute's own law, resident in Queensland, of the accused or if the Institute has no Major Superior resident in Queensland that Institute's highest authority resident in Australia, or their authorized representative.
- 7.13** 'Notifier' means person who first receives an allegation.
- 7.14** 'Religious' means a member of an Institute, and any person formally admitted into an Institute's programme of formation by the competent superior, in accordance with an Institute's own law.
- 7.15** 'Sexual abuse' involves a person taking advantage of a child or vulnerable adult in order to involve them in any sexual activity.
- 7.16** 'Special Issues Resource Group, Queensland' (SIRGQ) means a group established in accordance with paragraph 4.3. Any reference to 'Special Issues Resource Group, Queensland' includes a reference to one or a number of the members thereof.
- 7.17** 'Victim' refers to the person who is alleged to be the victim of sexual abuse involving the accused.
- 7.18** 'Vulnerable adult' is one who by virtue of a physical, emotional linguistic, and/or intellectual impairment cannot reasonably represent their needs to an objective authority.