

Professional Standards Office

Established by the Bishops and Leaders of Religious Institutes
Of the Catholic Church
in South Australia

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26th July 2005

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Mr LS and Mrs LR
REDACTED

Dear LS and LR,

I refer again to your email dated 25th April 2005.

I have already responded to the first part of your email concerning the suggestion that my office was responsible for disclosure of confidential information. However, I now take the opportunity to respond to the latter part of that email and your requests in relation to Towards Healing.

I am very conscious of the time which has passed since I received correspondence from Johnston Withers (who were then your lawyers) on October 20, 2004. They provided a number of questions to which they requested answers. I apologise for this delay, however these are very complex issues and I wish to respond in the best way possible.

I acknowledge your advice that Johnston Withers are no longer acting for you and that you have requested that any future communications be made directly with you.

I have considered your requests in depth. Rather than respond individually to each question, I want to respond to the main issue with underpins all of your questions. That issue is the application or otherwise of Towards Healing to your son LG's situation.

Towards Healing is a process designed to accommodate grievances and to respond to them appropriately. It is not a strict code like an Act of Parliament. Some aspects of it are very precise, whereas other aspects are less specific in their terms and more general in their application. Some flexibility is therefore allowed with the application of the process.

Even considering this flexibility, the circumstances of the former students of St Ann's Special School posed a challenge to the requirements of the Towards Healing process. To demonstrate the point, clause 36 of Towards Healing assumes that the person who has the complaint is able to provide either a written or an oral complaint even if that person suffers from an intellectual or psychiatric disability (as noted in clause 40.3.5). Apart from the three cases in which Brian Perkins admitted abusing the students, the remainder of the students (including your son LG) have been unable to comply with clause 36.

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Clause 40.3.1 allows for a complaint to be lodged by a person who is not the victim. Theoretically therefore, parents or guardians may have been in a position to lodge a complaint on behalf of their children. However, that clause also provides where the facts are disputed and it is not possible to interview the victim, it may not be possible to proceed with the complaint in the absence of any other direct evidence. Unfortunately, in every case other than those admitted to by Brian Perkins, while there were various opinions expressed as to what may have happened, there were no facts.

Rather than follow the path outlined above, in accordance with the philosophy and principles of Towards Healing and with my responsibility as Director, I oversaw the development of a solution that was created out of the ambit of Towards Healing. Thus a decision was made not to impose the rigor and requirements but instead to distribute gifts of money to many of the former students and their parents, guardians or carers.

Your son LG has received a gift of money and on a number of occasions the Archbishop has offered you pastoral care and support. I understand that the Archbishop is writing to you separately in relation to that area.

Yours sincerely,



Sue Cain
Director