

*With the Compliments of the
Archbishop of Adelaide*

2 February, 2005

Sue Cain

Please find attached a draft response to the Family 2, and a copy of the questions that were sent to Tony Fuller.

Could you please "do what is necessary to finish the letter".

With thanks

Family 2

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St Anne's



DRAFT

February 3, 2005

Ms Karen Richards
Johnston Withers
Barristers and Solicitors
17 Sturt Street
ADELAIDE SA 5000

Dear Ms Richards,

1. Clause 36 of Towards Healing is predicated on the basis that the Complainant is able to provide either a written or an oral complaint to the Contact Person, even if the Complainant suffers from an intellectual or psychiatric disability as contemplated by clause 40.3.5.

Apart from the three cases in which Perkins admitted abusing the students (where Perkins' admissions provided the particulars of the complaint required by clause 36), the rest of the students have been unable to comply with clause 36 of Towards Healing.

The unfortunate consequence of that was that the rest of the students were unable to make out even a prima facie case for consideration under Towards Healing.

The programme of gifts was the compassionate and most suitable alternative in the eyes of the Archbishop.

2. Towards Healing does not expressly precludes proceedings under Towards Healing where civil proceedings are instituted against the Church in respect of the same subject matter.

However, it is necessarily implicit, and it is only fair and equitable, that if a Complainant or someone on behalf of a Complainant institutes civil proceedings which constrain the Church to adopt the role of the Defendant in respect of that same subject matter the Church should be entitled to the benefit of privilege attaching to its defence and to deal with the Complainant's claim in those civil proceedings.

Consequently Towards Healing cannot proceed concurrently with civil proceedings and it is effectively a matter of election for the Complainant as to which cause the Complainant will pursue.

3. The answers to questions 1 and 2 respond to this question.

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5. *(I am not aware of any letter from the Attorney General or from the police advising the Church that the investigations were terminated in 1993 or that the file was closed in 1998. The Church office and CEO files should be inspected to see if any such letter exists)*

6. The answer to question 1 response to this question.

7. The St Ann's community was made aware of the Towards Healing procedure and, in particular, the Archbishop attended a meeting of the affected families at which a broad range of issues, including Towards Healing, was discussed.

8. The answer to question 1 response to this question.

9. The appointment of the Director of Professional Standards as the Contact Person in that instance was not necessarily inconsistent with clause 35.4. Given the inability of the Complainants to articulate their complaints either in written form or orally the reference directly to the Director was appropriate in a practical sense.

10. In consequence of the answer to question 1, this question does not call for answer.

11. In consequence of the answer to question 1, this question does not call for answer.

12. *(I do not have particulars of the members of the consultative panel or of any discussions the Archbishop had with the panel in relation to Perkins' prosecution)*

13. Personal information about the members of the Task force is not relevant and will not be released.

Because the money paid to various former students was expressly by way of gifts, the Church is not obliged to disclose, and will not disclose, any information relating to that process.

14. The answer to question 1 response to this question.

15. Clause 37.4 is quite clear in its effect on Towards Healing where there are criminal proceedings on foot. That is the position whether or not the police make any specific request in that regard.

16. Whatever protocols might be in place between the Church and the police are matters for them and not for public dissemination.

17. The answer to question 1 responds to this question.

18. The answer to question 1 responds to this question and the gifting programme was a tangible response.

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19. As far as practicable the gifting programme has responded to the perceived needs of the former students.
20. The answer to question 1 responds to this question.
21. The answer to question 1 responds to this question.
22. The answer to question 1 responds to this question.
23. The answer to question 1 responds to this question.
24. The answer to question 13 responds to this question.
25. The documents issued in connection with the gifting programme make it quite clear as to the basis on which the gifts were made.
26. The answer to question 1 responds to this question.
27. The answer to question 1 responds to this question.
28. The answer to question 1 responds to this question.
29. The answer to question 1 responds to this question.
30. *(I need more information in respect of the Alternative Dispute Resolution Process to be able to address this question)*

Yours sincerely,

Most Reverend Philip Wilson DD JCL
Archbishop of Adelaide