

Professional Standards Office

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

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Memorandum

To: Archbishop Wilson

From: Sue Cain

Subject: St Ann's and a response to ^{LS} [] and ^{LR} []

Date: 14/04/04

Dear Archbishop Wilson,

In drafting a response to the ^{LS} [] ^{LR} [] I have been reflecting further on this matter and have discussed it with Angela Ryan, Carmel Kerin, Jane Swift and Tony Fuller.

In particular I have thought more about the issue of the extent to which Towards Healing was applied to the St Ann's matter. This, as we know, is a particular issue for the ^{Family 2} [] who have expressed some concern and are requesting clarification.

In the Towards Healing document, 40.3.1 in part reads as follows:

Where the complainant is not the victim...

...If the facts are disputed, and it is not possible to interview the person who has been said to be victimised, then it may not be possible to proceed any further in dealing with the complaint unless other relevant information, such as a police record of interview, is available.

We had a situation where there were 16 complaints made under Towards Healing. Of these:

Not one of the complaints was made by the victim

The majority of the victims could not be interviewed by anyone given their intellectual disabilities (the police were not able to interview most of the victims)

Donal Craig supplied a list of 16 families whom he was representing with a view to taking civil action against the Church- 10 of these families had made complaints under Towards Healing (which precludes Towards Healing from going forward in any case).

As Director, and in conjunction with the St Ann's Taskforce, careful consideration was taken of the above. The recommendation that I made, consistent with Clause 40.3.1, was that it was not possible to proceed further in relation to most of the cases (excluding the three former students that the accused pleaded guilty to abusing – two

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of whom had made complaints and, even then, subject to any civil action being disposed of).

This recommendation was supported by the Taskforce and has also been supported by the National Directors of Towards Healing, the Executive Officers and the Co Chair of the National Committee for Professional Standards.

With the realisation that this was the case, the Taskforce considered and provided advice to you as Archbishop. You developed another way that the Church could provide a pastoral response to the former students and their carers, namely, by making an unencumbered gift (not only to the 16 who had made a complaint under Towards Healing but rather to a greater number of former students who may have had contact with the accused).

Therefore, the offer of the gift was an outcome which had regard to the spirit of the Towards Healing process. It was a process that offered assistance to a number of former students who may have had contact with the accused (irrespective of whether they had made a complaint to Towards Healing or not). How the amount of the gift was determined is a matter for the Church.

In fairness to all, the gift was offered with no liability, did not preclude the families from taking civil action if they wished.

Specifically in relation to LS [] LR [], I have now spoken with LS [] per telephone on 24th March and more recently with LR [] on April 15th. I have undertaken to write to them confirming our discussion on the phone. LR [] advised me that upon receipt of my letter they will then consider their options.

I propose to write them a brief letter confirming what I said on the phone. Tony Fuller advises not to provide all the details from above in my Memo, but rather to confirm that we are clear that we followed the principles and philosophy of Towards Healing. LR [] stated that she feels very keenly that they have not been communicated with adequately and specifically asked if it were possible to meet with you. With your approval, I could advise them that if they wish, a meeting could be organised for both LS [] and LR [] to meet with you and me.

Could you please advise me of your thoughts in relation this and then I can send the letter to LS [] LR [] accordingly?

Sue Cain
Director.

J. Apper, Sue.

+PW . 14/04/04.