

Our ref: ABF: 12124  
Your ref:

Level 2, 99 Frome Street  
Adelaide SA 5000  
GPO Box 2410, Adelaide SA 5001  
DX 56606, Grenfell Street SA  
Telephone 08) 8111 4000  
Facsimile 08) 8111 4099  
admin@oloughlins.com.au  
www.oloughlins.com.au

9 July 2004

Mr Paul Slattery QC  
Divett Chambers  
24 Divett Place  
ADELAIDE SA 5000

**O** LAWYERS **Loughlins**

Dear Paul

**Catholic Church, St Ann's Special School and Related Matters**

Further to our recent telephone discussion I confirm that the Archbishop of Adelaide, the Most Rev Philip Wilson, has requested that I instruct you to advise him in relation to the present and future actions which should be taken by the Church as a consequence of the events of child sex abuse which occurred at St Ann's Special School between 1986 and 1991 and of the matters raised by Brian Hayes QC in his advice to the Archbishop.

As you may be aware from the numerous media reports recently, the Church has been criticised quite vehemently for not having had appropriate practices and procedures in place at the school to prevent the type of incidents which occurred, for the way in which it dealt (or, more pertinently, failed to deal) with the discovery of child sex abuse once it became known and for the way in which it has dealt with the victims and their families. That is not an exhaustive list of the range of criticism levelled at the Church, but it highlights the substantive matters.

Brian Hayes QC was briefed to provide his advice to the Archbishop on a number of matters relating to the child sex abuse at St Ann's. On 28 April 2004 he delivered his advice to the Archbishop. A copy of that advice is document 1 in the annexure.

The matters on which Brian Hayes QC was asked to advise are set out in paragraph 2 of his report.

In paragraph 3 of the report he refers to a draft set of Terms of Reference to which he was asked to have regard in a general way. A copy of those draft Terms of Reference is document 2 in the annexure.

Those Terms of Reference were drafted when it was contemplated that an inquiry would be conducted by an independent person. For a number of legal and practical difficulties, an independent inquiry could not be undertaken. Instead, the Archbishop elected to brief Brian Hayes QC to provide advice to him in the ordinary course.

Incorporating:  
MYHILL PARTNERS

9 July, 2004

Having received that advice, they Archbishop decided to waive legal privilege and to publish the report because he considered that that was the just and right thing to do.

The report has been considered in some depth by various people within the Church and its agencies.

Sue Cain, the Director of the Professional Standards Office of the Church prepared a memorandum dated 21 June 2004 for the Vicar General, Monsignor David Cappo, in which she summarised a number of the major issues arising out of the Hayes report. A copy of that memorandum is document 3 in the annexure.

The Catholic Education Office also prepared a paper entitled "Child Protection" summarising a number of initiatives taken by CESA since March 2002 with respect to child protection. A copy of that paper is document 4 in the annexure.

As, no doubt, you are aware, the Anglican Church commissioned its own inquiry into abuse within the Anglican Church and its agencies. Because the issues addressed in that inquiry are substantially the same as those confronting the Catholic Church, it will be useful to have regard to the findings of the Board of Inquiry set up by the Anglican Church. A copy of the Report of the Board of Inquiry into the handling of claims of sexual abuse and misconduct within the Anglican Diocese of Adelaide is document 5 in the annexure.

The Catholic Education Office prepared a short memorandum entitled "Anglican Report - Possible Implications Questions and Learnings" identifying a few of the issues arising from that Anglican report. A copy of that short memorandum is document 6 in the annexure.

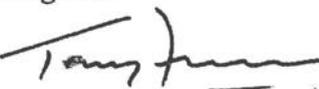
The primary purpose in seeking your advice is to ensure that, in light of the deficiencies identified in the Hayes report and with the benefit of the Anglican report, everything reasonably practicable is being done or will be done by the Catholic Church and all its agencies to ensure the safety of children entrusted to their care.

A collateral purpose is to ensure that there is transparency about the way in which the Church and its agencies are attending to those matters with a view (among others) to recovering and rebuilding the confidence and trust of the Catholic and wider community in the Church and its ministry.

When you have had an opportunity to consider the papers in the annexure I would like to arrange a conference with you to discuss the brief and how you may be able to respond to it. Monsignor David Cappo, Allan Dooley (the Director of Catholic Education) and Sue Cain will attend the conference with me.

I look forward to hearing from you at your earliest convenience.

Yours faithfully  
**O'Loughlins**

per: 

**Tony Fuller**  
Consultant

Enc