

DRAFT MINUTES NOVEMBER 2003 PLENARY
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AUSTRALIAN CATHOLIC BISHOPS CONFERENCE

MINUTES OF THE MEETING HELD AT THE CHEVALIER RESOURCE CENTRE, 1 ROMA AVENUE, KENSINGTON, NSW FROM Wednesday 26th November to Friday 28th November 2003

- 1 ATTENDANCE** The following were present:
- + Francis Carroll, Archbishop of Canberra and Goulburn, *President*
 - + John Bathersby, Archbishop of Brisbane, *Vice President*
 - + George Cardinal Pell, Archbishop of Sydney
 - + Barry Hickey, Archbishop of Perth
 - + Adrian Doyle, Archbishop of Hobart
 - + Philip Wilson, Archbishop of Adelaide
 - + Denis Hart, Archbishop of Melbourne
 - + Patrick Dougherty, Bishop of Bathurst
 - + David Cremin, Auxiliary for Sydney
 - + Geoffrey Robinson, Auxiliary for Sydney
 - + Patrick Power, Auxiliary for Canberra and Goulburn
 - + Edmund Collins, MSC. Bishop of Darwin
 - + Peter Connors, Bishop of Ballarat
 - + Jeremiah Coffey, Bishop of Sale
 - + Kevin Manning, Bishop of Parramatta
 - + Brian Heenan, Bishop of Rockhampton
 - + Justin Bianchini, Bishop of Geraldton
 - + James Foley, Bishop of Cairns
 - + William Morris, Bishop of Toowoomba
 - + Peter Ingham, Bishop of Wollongong
 - + Michael Malone, Bishop of Maitland-Newcastle
 - + Michael Putney, Bishop of Townsville
 - + Christopher Saunders, Bishop of Broome
 - + Issam Darwish, Eparchy of St Michaels of Sydney
 - + David Walker, Bishop of Broken Bay
 - + Eugene Hurley, Bishop of Port Pirie
 - + Joseph Grech, Bishop of Sandhurst
 - + Luc Matthys, Bishop of Armidale
 - + Geoffrey Jarrett, Bishop of Lismore
 - + Gerard Holohan, Bishop of Bunbury
 - + Christopher Toohey, Bishop of Wilcannia-Forbes
 - + Ad Abikaram, Maronite Bishop of Sydney
 - + Donald Sproxton, Auxiliary Bishop for Perth
 - + Brian Finnigan, Auxiliary Bishop for Brisbane
 - + Gerard Hanna, Bishop of Wagga Wagga

- + Mark Coleridge, Auxiliary Bishop for Melbourne
- + Joseph Oudeman, OFM Cap Auxiliary Bishop for Brisbane
- + Christopher Prowse, Auxiliary Bishop for Melbourne
- + Max Davis, Military Ordinary, Australia
- + Julian Porteous, Auxiliary Bishop for Sydney
- + Anthony Fisher, OP, Auxiliary Bishop for Sydney

2 APOLOGIES

The following apologies were noted:

- + Archbishop John Bathersby (part) (overseas)
- + Peter Stasiuk, Eparch for Ukrainian Catholics (overseas)
- + Joseph O'Connell, Auxiliary for Melbourne (ill health))
- + Hilton Deakin, Auxiliary Bishop for Melbourne

3 OPENING MASS

The Mass of the Holy Spirit was concelebrated on Wednesday, 26th Nov 2003 in the chapel of the Monastery of the Sacred Heart, Kensington, at 7 am. The President of Conference, Archbishop Francis P. Carroll, was the principal celebrant and preached the homily.

4 OPENING OF THE MEETING

The President welcomed the Apostolic Nuncio, Archbishop Francesco Canalini.

5 VISIT OF THE APOSTOLIC NUNCIO

His Excellency, Archbishop Francesco Canalini, Apostolic Nuncio, addressed the meeting and this was followed by questions and discussion.

His address is attached as Appendix I.

APPENDIX I

The Bishops held a brief session in camera

6 WELCOME

*The President welcomed the **observers** from the Australian Conference of Leaders of Religious Institutes.*

Sr Bernadette Keating PBVM,
Sr Margaret Robinson RSJ
Father Denis Travis CP

The President welcomed and extended congratulations to those Bishops attending their first meeting:

Bishop Max Davis (Military Ordinary, Australia)
 Bishop Julian Porteous (Auxiliary Sydney)
 Bishop Anthony Fisher (Auxiliary Sydney)

7 MESSAGE TO THE HOLY FATHER FROM THE AUSTRALIAN CATHOLIC BISHOPS CONFERENCE

The Conference sent the following message:

As we gather in Sydney for a plenary meeting of the Australian Catholic Bishops Conference, we renew our pledge of loyalty and send cordial fraternal greetings to you, Holy Father.

We begin this meeting imbued with a renewed sense of hope and encouragement, drawn from your Post-Synodal Apostolic Exhortation *Pastores Gregis*. We acknowledge with humility and gratitude your message, that bishops must lead by example to “re-establish the primacy of ‘being’ over ‘doing’”. We will also be guided in this meeting and in our wider pastoral duties by your call for bishops to be both “obedient to the Gospel and the Church’s Tradition” and able to “read the signs of the times”, always with concern for the good of the whole Church and the needs of the world. In particular, we gratefully affirm the emphasis in your Exhortation on the communion of bishops with you Holy Father and with each other.

It is in this spirit of communion that we anticipate with much joy our Ad Limina visit next March to you as the successor of St Peter. We have taken steps to include the entire Catholic community in reflection and prayer as we prepare for this spiritually significant event. In reporting on our dioceses we look forward to sharing with you the various aspects of the life of the Church in Australia.

We send our warmest congratulations to you on the recent celebrations marking the 25th year of your Pontificate. A number of us were honoured to be able to celebrate with you in person and to attend the ceremonies marking the creation of a new Australian cardinal. Your courageous and generous leadership of the Universal Church continues to be an inspiration to all.

In response to your plea for prayers for strength to continue in your office as Vicar of Christ, we pledge our prayerful support of your ministry and seek your prayers for the Church in Australia and your Apostolic blessing on our current meeting.

His Eminence, Cardinal Sodano, Secretary of State replied:

THE HOLY FATHER WAS PLEASED TO RECEIVE THE MESSAGE SENT TO HIM ON BEHALF OF THE BISHOPS OF AUSTRALIA GATHERED FOR THEIR PLENARY MEETING. HE VERY MUCH APPRECIATES THE SENTIMENTS OF ECCLESIAL COMMUNION EXPRESSED. A BISHOP CAN BE CONSIDERED ‘A GENUINE MINISTER OF COMMUNION AND HOPE FOR GOD’S HOLY PEOPLE ONLY WHEN HE WALKS IN THE PRESENCE OF THE LORD’. IN OUR WORLD OF UNCERTAINTY HIS HOLINESS IS CONFIDENT THAT ALONG THIS PATH YOU WILL BE EFFECTIVE WITNESSES AND MODELS AND A SOURCE OF ENCOURAGEMENT AND HELP

(Pastores Gregis, 13) FOR THOSE WHOM YOU SERVE IN THE CHURCH AND IN CIVIC SOCIETY. ENTRUSTING YOUR DELIBERATIONS TO THE GUIDANCE OF THE HOLY SPIRIT WHO LEADS US INTO ALL TRUTH (cf. Jn. 16:13), IN THIS TWENTY-FIFTH YEAR OF HIS PONTIFICATE HIS HOLINESS CORDIALLY IMPARTS TO EACH OF YOU HIS APOSTOLIC BLESSING AS A PLEDGE OF STRENGTH AND PEACE IN OUR LORD JESUS CHRIST.

8 MESSAGE TO RETIRED BISHOPS AND THOSE UNABLE TO ATTEND

Conference agreed to send greetings to retired bishops:

- + Edward Cardinal Clancy, Emeritus Archbishop of Sydney
- + Cardinal Edward Idris Cassidy, Emeritus Archbishop
- + M McKeon, Emeritus Bishop of Bunbury
- + J A Morgan, Former Military Vicar
- + J Heaps, Former Auxiliary, Sydney
- + D Warren, Emeritus Bishop of Wilcannia-Forbes
- + J Jobst, Emeritus Bishop of Broome
- + L Clarke, Emeritus Bishop of Maitland-Newcastle
- + W Murray, Emeritus Bishop of Wollongong
- + T F Little, Emeritus Archbishop of Melbourne
- + P L Murphy, Emeritus Bishop of Broken Bay
- + R A Mulkearns, Emeritus Bishop of Ballarat
- + B V Heather, Emeritus Bishop of Parramatta
- + J E D'Arcy, Emeritus Archbishop of Hobart
- + N D Daly, Emeritus Bishop of Sandhurst
- + R C Benjamin, Emeritus Bishop of Townsville
- + P Quinn, Emeritus Bishop of Bunbury
- + J Hitti, Emeritus Maronite Bishop of Sydney
- + L A Faulkner, Emeritus Archbishop of Adelaide
- + J Satterthwaite, Emeritus Bishop of Lismore
- + W J Brennan, Emeritus Bishop of Wagga Wagga
- + J J Gerry, Former Auxiliary of Brisbane

9 BISHOPS WHO HAVE DIED SINCE THE LAST PLENARY

- + H Kennedy, Emeritus Bishop of Armidale
- + Geoffrey Mayne, Military Ordinary, Australia

10 ELECTIONS

(a) ELECTION FOR THE DRAFTING COMMITTEE

Bishop Mark Coleridge
 Bishop Christopher Toohey
 Bishop Michael Putney

were elected.

(b) BISHOPS COMMITTEES

See the item under MEMBERSHIP COMMITTEE below

11 CONFIRMATION OF MINUTES

The Minutes of the Meeting in May 2003 had been sent in draft form to all bishops inviting corrections or amendments.

Amendments to Draft Minutes May 2003

page 35 article 63 second paragraph:

Attention needs to be given to **an appropriate canonical structure** for Aged Care.....

page 36 article 66 second paragraph:

There was **a** discussion.....

Page 29 article 51

Omit 'carried' insert 'deferred'

Page 4 article 8

+ J Satterthwaite, Emeritus Bishop of Lismore

No other significant corrections or amendments were requested.

MOTION

Bishop Walker moved and Bishop Malone seconded the motion that the Minutes be approved as amended.

CARRIED**12**

REDACTED
Relevance

13

132

REDACTED
Relevance

133

Professional Standards

Bishop Foley presented the report which was received

134 TOWARDS HEALING – CONCERN FOR VICTIMS AND ACCUSED

This year the number of people coming forward to *Towards Healing* has declined from the peak which occurred in the middle of 2002. While each case is different and some are very complex, many of the victims are very fragile people. In most of the cases there would seem to be some movement towards healing but as David Landa and Patrick Parkinson warn us there are some cases where it does not seem possible to really assist the person in any significant way. The willingness of Bishops and Congregational Leaders to meet the person in a pastoral way does indicate a readiness to reach out in compassion.

Concern for the accused is also part of the *Towards Healing* process and Bishops and Congregational Leaders are to be commended on their pastoral approach in this area. Some of the issues related to care for the accused are being addressed through a series of 'Think Tanks' to consider suitable ministries and possible living arrangements for offenders.

The draft Memorandum of Understanding distributed at the time of the last meeting of the Bishops' Conference provides a template for reaching an agreement with a person who remains a member of a Diocese regarding arrangements for on-going support and expectations of the accused. The Executive Officers, Br. Julian McDonald and Sr. Angela Ryan are available on request to assist Bishops and Congregational Leaders when a memorandum is being implemented.

135 CONSULTATIVE PANELS FOR BISHOPS AND RELIGIOUS LEADERS

The aim in appointing Consultative Panels is to advise and assist the Bishop or Congregational Leader during the *Towards Healing* process. Where such groups were not previously in place appointments are proceeding in one of the following ways: -

- i) The Bishop or Congregational Leader appoints a panel for the Diocese or Congregation
- ii) In some smaller Dioceses, Bishops and local Congregational Leaders work together on the appointment of a panel,
- iii) In some States Conferences of Congregational Leaders approach 10 – 12 people with different expertise and experience with the request that they be available from time to time to form a panel for Congregations with very few cases.

136 INTEGRITY IN MINISTRY

The Review Committee for *Integrity in Ministry* has processed the encouragingly large number of responses and is hopeful of having a final draft available to the Bishops and Congregational Leaders in time for consideration at the May and June 2004 meetings of ACBC and ACLRI.

137 LAY CHAIRPERSON

At the ACBC meeting in May 2003 a motion was proposed that: -
The NCPS prepare a proposal to present to ACLRI and ACBC canvassing the restructuring of the NCPS to provide for a lay independent chairperson to be presented to ACBC Plenary in November 2003 and to ACLRI Council at that time.

The paper prepared by NCPS was included in the report. It was noted that the recommendation was that the existing arrangements with a Bishop and Religious as co-chairs be maintained.

138 UPDATE ON THE OPERATION OF ENCOMPASS AUSTRALASIA

Encompass is experiencing a significant decrease in sex-offender clients seeking treatment. Moreover other clients are reluctant to be included in the same program as sex-offenders. Currently the Board and staff of Encompass are working to adopt a strategy to develop separately identified programs for non-sex offender clients, to be conducted independently of the current sex-offender program.

The NCPD discussed future possibilities for the expertise developed by the Encompass program. These services could be made available to religious bodies beyond the Catholic Church. The scope for serving other professional bodies (and the armed services) is limited as the obligations on these organizations is to “help out” = disengage offenders rather than to “help” = rehabilitate. Some discussion has also taken place with the judicial Sentencing Board in N.S.W.

A concern presented to the NCPS was that only 1/3 of clergy and religious recommended to undertake the full Encompass course, after undergoing the initial assessment, had actually entered the program.

It was also advised the representatives of the U.S. St Luke’s Program will visit Australia and N.Z. next year (2004).

139 NATIONAL REVIEW PANEL

Under the current *Towards Healing* procedures a Review of Process is granted by the Directors of Professional Standards in the State where the process was conducted. It is proposed that it would be more appropriate if the request for a Review were made to an external body. To this end it is proposed that *Towards Healing* be amended as advised by Mr. David Landa (the former New South Wales ombudsman) and Professor Patrick Parkinson. Also Mr David Landa is willing to assist in the establishment of the initial National Review Panel. It is noted that, since 1996, there have been no more than 12 requests for Review of Process.

MOTION

That the proposed amendments to *Towards Healing* (35.9 and 43.3 to 43.9) entitled National Review Panel be accepted as set out below

CARRIED

Section 35 – add the following:

- 35.9 The Australian Catholic Bishops Conference and the Australian Conference of Leaders of Religious Institutes shall jointly be responsible for appointing a National Review Panel drawn from the wider Australian community to decide upon requests concerning a review of process

and to fulfil such other functions as are assigned to it by the National Committee for Professional Standards.

35.9.1 The National Review Panel shall consist of three members, with a quorum of two members.

35.9.2 The National Review Panel may deliberate in person, by exchange of letters, electronic mail or telephone, or by any other means.

Section 43 – replace 43.3 to the end with the following:

- 43.3 The Director of Professional Standards shall refer the request to the National Review Panel.
- 43.4 If the request is accepted, the National Review Panel shall appoint a Reviewer on the list of reviewers kept by the National Review Panel. Reasons will be provided if a request is rejected.
- 43.4.1 If any party objects to the Reviewer named, the matter shall be considered further by the National Review Panel which shall decide whether to appoint a different Reviewer.
- 43.4.2 The National Review Panel shall inform the Director of Professional Standards of the appointment of a Reviewer.
- 43.4.3 The Director shall inform the Church authority that a review of process has been requested and approved. He or she shall also ensure that the complainant or accused person as the case may be, is informed that a review has been requested and approved. This only applies to accused persons who have cooperated with the process.
- 43.5 The review of process is an independent evaluation, not only of whether the procedures set out in this document have been properly observed, but also of whether principles established in the first part of the document have been adhered to. A review of process is not a review of outcomes unless the National Review Panel requests the reviewer to consider the appropriateness of the Church authority's response to the complaint.
- 43.6 The Reviewer shall determine the procedures for the conduct of the review.
- 43.6.1 The Reviewer shall have authority to interview all Church personnel concerned and will have access to all relevant documentation.
- 43.6.2 The Reviewer shall conduct the review expeditiously and certainly within three calendar months, unless the National Review Panel provides for a further extension of time.
- 43.7 At the end of the review, the Reviewer shall provide a written report with recommendations to the National Review Panel. If the Reviewer considers that there has been a failure to observe the required processes, he or she shall indicate whether the decided outcomes ought to be called into question.
- 43.8 The National Review Panel shall consider the Reviewer's report and make such recommendations as it sees fit to the Church authority in relation to the complaint. A copy of a Report prepared by the National Review Panel and the Panel's recommendations shall be given to each party and to the Director of Professional Standards in the relevant State or Territory.
- 43.9 The Church authority shall bear all ordinary and reasonable expenses of the review of process.

The following pages have been
intentionally excluded:

3250-3288, 3293-3297 inclusive