



Catholic Church Insurances Limited

(Incorporated in N.S.W. 1911)

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CONFIDENTIAL

To: Provincials of Religious Congregations and Secular Institutes
in New South Wales and the Australian Capital Territory

Re: Professional Indemnity and Sexual Molestation

Our Company is enquiring into the insurance available for the
abovementioned matter.

The position at present is as follows:

1. There is no insurance cover for the individual who assaults
(sexually molests) the child.
2. This is a complex and difficult legal area and the Company
is unable to give a definite yes or no as to whether religious
congregations and secular institutes would be indemnified
under a liability policy.
3. In most instances, if a religious congregation or secular
institute is sued arising out of criminal actions by a religious
or member of a secular institute, then we (the Company)
believe the religious congregation or secular institute would
be covered under the public liability policy.

However, if the provincial knows or suspects that a religious
has a problem and does nothing or very little about it (i.e.
no action is taken to prevent the religious from engaging in
further molestation), then there is no cover under the public
liability policy.

4. There is a worldwide trend to exclude sexual molestation
from liability policies and this is now common practice by
overseas ecclesiastical insurers.

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Branches—

VIC.: 387 St. Kilda Road, Melbourne, 3004. Phone 267 5900.
QLD.: 143 Edward Street, Brisbane, 4000. Phone 229 3894.

W.A.: 12 Victoria Avenue, Perth, 6000. Phone 325 4788.

S.A.: 33 Wakefield Street, Adelaide, 5000. Phone 223 5016.

TAS.: 20 Brisbane Street, Launceston, 7250. Phone 31 4773.

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I shall keep members of religious congregations and secular institutes informed of developments.

Regarding a religious who may be charged with an offence - child molestation - I sought the advice of Father Rodger Austin. Father Rodger advises that in such cases the provincial, especially in view of the fact that he/she could become liable for damages, must take responsible action. In order to safeguard himself/herself and the religious congregation and/or secular institute, a procedure should be drawn up - based on the principles contained in the Code of Canon Law - which could be used in such cases.

A religious may not be suspended solely on the fact that he/she has been charged with an offence. However, the procedure a provincial follows ought to ensure the religious is asked to leave his/her present situation and, if necessary, be asked not to exercise any public ministry. To transfer the religious or to re-appoint him/her to another ecclesiastical office, once the charge has been laid, leaves a provincial open to possible litigation for damages.

Kind regards

CAREY TOBIN

27th May 1988