

ACBC PLENARY MEETING 26 April - 5 May 1995
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BISHOPS' COMMITTEE FOR PROFESSIONAL STANDARDS

REPORT

1 ADVICE TO BISHOPS ON THE NEED TO ACT IN A PROFESSIONAL AND RESPONSIBLE MANNER WHEN RECEIVING DISCLOSURES CONCERNING SEXUAL ASSAULT AND PROFESSIONAL MISCONDUCT

At recent meetings of the Bishops' Committee for Professional Standards, considerable attention has been given as to the appropriate manner for Bishops and Religious Leaders to act when they are asked to receive disclosures concerning sexual assault and professional misconduct.

As is the case with Psychologists, Counsellors and other experts, Bishops need to be circumspect when writing Reports about individuals. Catholic Church Insurances Ltd. have provided legal advice to Bishops concerning this matter. Such written reports do not enjoy privilege in the civil courts.

There may well be the need for a "Pro Forma" to be used by Bishops to ensure that they act in an appropriate manner when dealing with allegations made against their personnel. Such written documentation should be made available to their successors in office.

There is a duty for the Church to provide pastoral care for both the victim and the perpetrator.

Catholic Church Insurances Ltd once again stress the importance of adhering to the approved procedures contained in the Protocol approved by the ACBC in

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April 1992, when dealing with allegations of sexual assault of minors. Otherwise the insurance cover provided by CCI will lapse. *not operate to provide indemnity*

It may be argued that a disclosure made to a Parish Priest or to a School Principal concerning sexual assault was made known to the Church, even though the Parish Priest or the Principal did not refer the disclosure to the State Professional Standards Resource Group or the Bishop.

Bishops should therefore draw attention of the clergy and School Principals to article 6.4.1 of the procedures contained in the Protocol. CCI will assist with this matter by providing material for the information of the clergy.

It is the recommendation of the Committee that contact be made with the Police Authorities in each State concerning the manner in which the Church deals with disclosures concerning sexual assault of minors. Such liaison may clear up any misunderstandings and avoid accusations of concealment of crimes. It may even be argued that all disclosures of sexual assault of minors be brought to the attention of the Police.

2 **FORMATION OF BISHOPS AND RELIGIOUS LEADERS TO ACT IN A UNIFORM MANNER IN DEALING WITH A DECISION AS TO WHETHER A OFFENDER SHOULD RETURN TO MINISTRY**

The decision as to whether a priest or a religious is to return to ministry rests with the Bishop and the Religious Leader. However, there is need for formation for Bishops and Religious Leaders to act in a uniform manner in dealing with the decision as to whether an offender who has been convicted or who has made admissions should return to ministry.

The Committee is of the view that convicted or admitted Paedophiles are never to be reappointed to pastoral ministry. The convictions or admissions are often only the tip of the ice-berg. The reappointment of such persons will lend credence to the accusation that the Church does not take this problem seriously.

3 **THE DISTRIBUTION OF THE FUNDS FROM DIOCESES RETAINED IN THE "POOL"**

Advice is sought from the Bishops as to whether they wish the funds owned by them and presently retained under the administration of CCI be returned to them. There may be further projects recommended by this Committee which will call for funding by the Bishops e.g. researcher.

4. THE ESTABLISHMENT OF A THERAPY CENTRE OR PROGRAMME

After due consideration, Religious Institutes have indicated that they are not able to assume responsibility for the establishment of a therapy centre or programme for the treatment of psycho-sexual disorders. However, some of them are willing to be involved in the operations of such a centre or programme.

There are also logistical problems with the establishment of a centre with this specific purpose. Moreover, at the present time, the move towards the deinstitutionalising of residential centres supports the view that the establishment of a therapy centre for psycho-sexual disorders will be most difficult to achieve.

MOTION

THE AUSTRALIAN CATHOLIC BISHOPS CONFERENCE AND THE AUSTRALIAN CONFERENCE OF LEADERS OF RELIGIOUS INSTITUTES ENGAGE A RESEARCHER TO ACT IN ACCORDANCE WITH THE ATTACHED RESEARCH BRIEF (attachment 1).

The ACLRI will probably provide 50% of the budget for the project. It is also intended that the project be put out to tender and that the more accurate cost of the project will \$60,000.

5 PRINCIPLES IN RELATION TO SEXUAL ASSAULT AND PROFESSIONAL MISCONDUCT.

For several years, ACBC and ACLRI have been involved in the drafting of principles in relation to sexual assault professional misconduct. Bishops are now asked to give approval to a draft which has been prepared by Bishop Geoffrey Robinson (attachment 2). Bishop Robinson has also prepared a list of questions which will assist the Bishops in their consideration of the draft (attachment 3).

6 MEETING OF BISHOPS AND STAFF OF ENGLISH-SPEAKING EPISCOPAL CONFERENCES ON SEXUAL ABUSE.

William Cardinal Keeler, the President of the National Conference of Catholic Bishops of the United States has written to the President of the ACBC suggesting that a meeting of Bishops and Staff of english-speaking Episcopal Conferences engaged in making a response to the phenomenon of sexual assault of minors take place in the United States later this year.

MOTION

A BISHOP WHO IS A MEMBER OF THE BISHOPS' COMMITTEE FOR PROFESSIONAL STANDARDS, AND FATHER BRIAN LUCAS ATTEND THE MEETING OF BISHOPS AND STAFF OF ENGLISH SPEAKING EPISCOPAL CONFERENCES IN THE UNITED STATES IN 1995.

It is anticipated that Sister Angela Ryan (ACLRI) and Mr Laurie Rolls (CCI) would also attend the meeting.

7 LEGAL OPINION FROM THE SEX DISCRIMINATION COMMISSIONER OF THE HUMAN RIGHTS AND EQUAL OPPORTUNITY COMMISSION.

The organisation known as "Friends of Susanna" has provided a copy of legal opinion from the Sex Discrimination Commissioner of the Human Rights and Equal Opportunity Commission. The material is attached (attachment 4) and may be brought to the attention of clergy by their Bishops.

Most Rev P J Connors
Secretary

28 April 1995