

REPORT OF MATTERS DISCUSSED AT THE MEETING OF THE
SPECIAL ISSUES COMMITTEE OF THE
AUSTRALIAN CATHOLIC BISHOPS' CONFERENCE
HELD ON WEDNESDAY, 13TH APRIL, 1994, AT 9.15 A.M.,
AT ST. PAUL'S NATIONAL SEMINARY, KENSINGTON, N.S.W.

1. PRESENT: Most Reverend P. Connors,
 Most Reverend K. Manning,
 Reverend B. Lucas,
 Brother P. Noonan,
 Sister Angela Ryan,
 Reverend John Usher.

2. ACCEPTANCE OF THE REPORT ON THE MATTERS DISCUSSED
 AT THE MEETINGS OF THE SPECIAL ISSUES COMMITTEE,
 HELD ON 10TH FEBRUARY, 1994, AND 12TH MARCH, 1994.

The Report on matters discussed at the meetings held on 10th February, 1994, and 12th March, 1994, did not require any correction or addition.

3. MATTERS ARISING FROM THE REPORTS.

- 3.1 Question of Discovery of Documents and the
 Procedures for Record Keeping.

This matter is to be brought to the attention of the Bishops. Experience indicates that Bishops are unwise to accept admissions made by Priests to them.

Discussion then took place as to whether parents should be approached when perpetrators make admissions about incidents which had not been brought to the attention of the ecclesiastical authorities by the victims themselves. It would seem that an approach should be made to parents when the victims are still under the age of eighteen.

Although legal advice given to perpetrators is generally that they should make no admissions to anyone, the better strategy in the long run is for perpetrators to plead guilty.

When the Procedures are being revised it will be important to give attention to the process which is to take place when disclosures are made to ecclesiastical authorities. It should always be noted that privilege does not extend to notes or documentation which are kept by ecclesiastical authorities.

- 2 -

3.2 The Issue of Vicarious Liability.

No further information has been obtained concerning the issue of Vicarious Liability since the meeting held on 10th February, 1994.

3.3 Guidelines to Assist in the Resolution of Difficulties which will occur when C.C.I. wishes to Protect its Rights to Conduct Litigation and the Diocese or Religious Institute wishes to Instruct its own Solicitors.

Because of recent developments Catholic Church Insurances Limited has decided to draw up its own set of Guidelines, which will be brought to the attention of the Bishops at the April 1994 Assembly of the Australian Catholic Bishops' Conference.

3.4 Protocol for Church Workers.

It now seems that some Dioceses have drawn up their own set of Procedures. Such Procedures are in order provided that they do not contradict or omit any Procedures which have been approved by the A.C.B.C. and the A.C.L.R.I.

Fathers Brian Lucas and John Usher will now revise the National Procedures and attend to their application to allegations made against lay employees of the Church.

3.5 Report on the Establishment of a Therapy Centre.

Bishop Connors is now in receipt of a response from Mr. Graham Wright, the Chairman of the Saint John of God Hospitals' Board. It now seems that the Saint John of God Hospitals are reluctant to make their facilities available for the establishment of a Therapy Centre.

Sister Angela Ryan will now make contact with the appropriate Leaders of the Sisters of Charity, the Sisters of Mercy and the Little Company of Mary to ascertain whether they would be willing to make their facilities available for the establishment of a Therapy Centre.

Certainly, there is need for a better diagnostic procedure when alleged perpetrators present themselves for counselling and for therapy.

It should be brought to the attention of Bishops that alleged perpetrators who have been accused of criminal sexual assault will find it most difficult to enter the U.S.A.

- 3 -

Another pressing need is the establishment of a facility where alleged perpetrators can reside when they are waiting for charges to be laid or for the allegations to be heard in the Criminal Courts. It is possible that a residence might be available in the Diocese of Parramatta. The only staffing requirements would be the appointment of a house manager.

3.6 Report on the Preparation of the Draft Document "The Catholic Church's Principles in relation to Sexual Abuse and Professional Misconduct".

Sister Angela Ryan and Father John Usher had attended to a revision of the draft document after considering the submissions by those who had taken up the invitation to be consulted. Several suggestions were incorporated in the draft document which will now be made available for consideration by the Bishops at the April 1994 Assembly of the A.C.B.C. If the document receives the approval of the Bishops it is then to be submitted for approval at the June Assembly of the A.C.L.R.I.

Bishop Connors will arrange for an expression of gratitude to be forwarded to Mrs. Lorna Salt, who has attended to the typing of the draft document.

3.7 Strategies for Dealing with Pain and Confusion which affects Christ's Faithful in the wake of sexual offences involving Church Personnel.

In addition to the letter written by Father Michael McKenna, the Secretary of the A.C.B.C., dated 5th November, 1993, Bishop Mulkearns conveyed a similar communication from the Council of Priests of the Diocese of Ballarat. The Special Issues Committee is uncertain whether it would be advisable to employ a public relations firm to respond to the publicity which surrounds allegations of sexual assault against children by clergy. However, it is important that spokespersons for Dioceses do seek advice prior to issuing statements. The appointment of a National Project Officer for Child Protection may be one way of allowing Dioceses to respond more positively to the negative publicity in the media.

4. MATTERS TO BE RAISED BY C.C.I.

Mr. Chris O'Malley of Catholic Church Insurances Limited will be present at the Assembly of the A.C.B.C. on Monday, 18th April, 1994, when he will address several issues concerning the insurance cover which, up until now, has been made available to Dioceses and Religious Institutes by C.C.I.

- 4 -

5. ESTABLISHMENT OF A "SECULAR EMPLOYMENT POLICY".

The Committee did not have sufficient time to give attention to a suggestion of the Special Issues Committee of the Diocese of Ballarat that a set of Procedures be adopted to assist in finding suitable employment for those clergy who prematurely and permanently leave active ministry.

It was agreed that the issue is very complex and will not be easily resolved.

6. APPOINTMENT OF "NATIONAL PROJECT OFFICER FOR CHILD PROTECTION".

The Committee is more convinced than ever that there is need for the appointment of a National Project Officer for Child Protection, who will be able to co-ordinate the response of the Catholic Church to the issues of child sexual assault and professional misconduct.

C.C.I. Ltd may be able to provide some funding for the budget for this office. Sister Angela Ryan and Father John Usher are to attend to the drawing up of a job description. It is envisaged that the appointment would be for a three year term and that it would be advisable for the officer to work close to a Centacare agency.

7. CORRESPONDENCE BETWEEN BISHOP HOWARD TRIPP AND FATHER BRIAN LUCAS.

Bishop Connors is to make contact with Mr. Toby O'Connor of the Secretariat of the Australian Catholic Social Welfare Commission, who will be able to draft a suitable response to the letter from Bishop Howard Tripp.

8. REVIEW OF THE TITLE OF THE SPECIAL ISSUES COMMITTEE.

The Australian Catholic Bishops' Conference is to be asked to approve a change of title of the Special Issues Committee so that it will become known as the "Child Protection and Professional Standards Committee".

- 5 -

9. REVIEW OF MEMBERSHIP OF THE SPECIAL ISSUES COMMITTEE.

The A.C.B.C. is to be asked to establish a separate Committee to deal with child protection and professional standards. Three Bishops are to be appointed to the Committee. There will also be three representatives of the Australian Conference of Leaders of Religious Institutes. Father Brian Lucas and John Usher are willing to be re-appointed to the Committee. Approval is to be sought for the Central Commission to give approval for the appointment of additional members to the Committee.

* * * * *