

REPORT OF MATTERS DISCUSSED AT THE MEETING OF THE  
SPECIAL ISSUES COMMITTEE  
OF THE AUSTRALIAN CATHOLIC BISHOPS' CONFERENCE  
HELD ON THURSDAY, 10TH FEBRUARY, 1994, AT 10.30 A.M.  
AT THE OFFICES OF CATHOLIC CHURCH INSURANCES,  
ST KILDA ROAD, MELBOURNE.

PRESENT: Bishop Peter Connors (Chairman);  
 Bishop Kevin Manning;  
 Father Brian Lucas;  
 Brother Paul Noonan, C.F.C.;  
 Sister Angela Ryan, C.S.B.;  
 Father John Usher;  
 Father David Cappelletti (Adelaide);  
 Father James Spence (Brisbane);  
 Father Adrian Doyle (Hobart);  
 Monsignor Gerald Cudmore (Melbourne);  
 Father Walter Black, M.S.C., (Perth);  
 Father Tim Brennan, M.S.C., (Darwin);  
 Mr. Chris O'Malley (C.C.I.);  
 Mr. Laurie Rolls (C.C.I.);  
 Mr. George Rippon (C.C.I.).

1. APOLOGIES: Bishop Connors reported that Father Dan Torpy has taken leave from his appointment in the Diocese of Ballarat and has also resigned from membership of the Special Issues Committee of the Australian Catholic Bishops' Conference. The membership of the Committee will be reviewed when elections take place during the April 1994 Assembly of the A.C.B.C.
2. The Report on matters discussed at the meeting of the Special Issues Committee held on Friday, 24th September, 1993, were accepted as being substantially in accord with the decisions made.
3. MATTERS ARISING FROM THE REPORT
  - 3.1 Question of Discovery of Documents and the Procedures for Record Keeping.

It was agreed that prudence demands that no documents which may have relevance to a matter of special issues be destroyed. If necessary, an argument can be made in the civil courts against the discovery of documents.

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## 3.1 (Cont.)

C.C.I. have sought legal opinions concerning the discovery of documents and these opinions can be made available to interested persons.

It was also noted that some members of State Special Issues Resource Groups may wish to avoid publicity being given to their membership of the Resource Groups.

3.2. The Issue of Vicarious Liability

Discussions between the Archdiocese of Perth and the Christian Brothers are presently taking place concerning the issue of vicarious liability. Probably the matter will have to be tested in practice.

Victims are emphasising the "power" which is given to a Priest by his Bishop.

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 Order wishes to Instruct its own Solicitors.

C.C.I. reported that there are no problems at the present time concerning communications between the Solicitors acting on behalf of C.C.I. and Solicitors who act on behalf of Dioceses or Religious Congregations. Full discussion of issues is always encouraged concerning cases which may involve C.C.I.

When the procedures for dealing with allegations are revised attention should be given to the meaning of "administrative leave". It seems that some alleged perpetrators have been allowed to continue their pastoral ministry even if it is somewhat restricted.

There is also the problem of dealing with the distinction between offences which took place many years ago and offences which occurred in more recent times. Certainly, the document containing the procedures to be used by Bishops and Religious Superiors should now be reviewed in the light of developments which have taken place over the last two years.

In cases of professional misconduct it is the vulnerability of adults, particularly women, which is the point at issue. The alleged victims of professional misconduct are asking not only for protection but also for the punishment of the alleged perpetrator. However, cases of professional misconduct do not come under the cover provided by Catholic Church Insurances. Catholic Church Insurances deals only with matters of criminal sexual activity.

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### 3.3 (Cont.)

A Queen's Counsel has examined the procedures and is of the view that all allegations of sexual assault must be reported to the police. However, it is the intention of State Special Issues Resource Groups not to act contrary to the wishes of the alleged victims. Moreover, they have no intention whatsoever of perverting the course of justice.

### 3.4 Protocol for Church Workers

Bishop Connors reported that there are continual requests for a Protocol containing procedures to be used when allegations of sexual assault are made against church workers. Some of the Catholic Education Offices around Australia are producing their own procedures and these seem to be satisfactory.

C.C.I. is of the opinion that correct procedures are being observed.

The draft document produced by the Archdiocese of Brisbane can be made available and will be examined by the Special Issues Committee of the A.C.B.C.

It is also to be noted that school teachers are not the only personnel employed by the Catholic Church.

A query was made as to what should be done when it is known that a Cleric or Brother who has been accused of sexual assault has now moved to another Diocese and wishes to take up employment in Catholic service. It was agreed that written comments concerning the alleged perpetrator must be very carefully worded. Sister Angela Ryan has Guidelines which are presently in use in the United States of America and these can be made available.

### 3.5 Report on the Establishment of a Therapy Centre

Sister Angela Ryan and Father John Usher tabled a Report of the deliberations of the working party which had met on 21st January, 1994. The document contains a proposal which can now be refined for presentation to the Board of the St John of God Hospital at Burwood, N.S.W.

It was agreed that the establishment of a Therapy Centre is a matter of great urgency. The Therapy Centre would almost certainly be linked very closely to a hospital, but would be physically isolated.

The Saint John of God Brothers would seek a commitment from Bishops and Major Superiors before going ahead with the project.

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### 3.5 (Cont.)

There is no need for bricks and mortar to be involved in making the project a reality. It is also presumed that the spiritual aspects of the therapy will be highlighted at all times.

The project would commence with a pilot group and little if any publicity should be given to the establishment of the Centre.

### 3.6 Appointment of a Risk Management Officer

After his visit to the United States of America, Mr. O'Malley is now of the view that there is no need for the appointment of a Risk Management Officer, provided that all Bishops and Major Superiors adhere to the Protocol. The better screening of candidates for the priesthood and religious life would minimise the risk.

C.C.I. are preparing Guidelines for all Bishops, who wish to obtain cover from C.C.I.

It was noted that Legal Firms are soliciting business around Australia in connection with sexual assault and professional misconduct and will continue to apply tremendous pressure. Great care is to be taken in settling claims for civil damages. However, genuine pastoral care and concern for victims is most important.

### 3.7 Provision of Counselling Services for Victims

The meeting was of the view that there is no urgent need for the preparation of lists of Counselling Services for victims.

Father John Usher drew attention to the document which Father Dan Torpy and he had produced and made available at the last meeting when Contact Persons were present.

There is a need for a workshop experience to be made available to those experts who are involved in counselling perpetrators and victims concerning the precise nature of the problem.

It was also noted that Solicitors who seek out victims can be indulging in another form of sexual abuse.

Personnel who are involved in dealing with allegations in their role as members of State Special Issues Resource Groups need adequate support. The need for adequate Supervision should also be carefully considered by such personnel.

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

Mr. O'Malley reported that Mr. John Taylor has resigned from C.C.I. for reasons of health. Mr. Laurie Rolls and Mr. George Rippon will continue to deal with matters of Special Issues and are always available for consultation with State Special Issues Resource Groups, Bishops and Major Superiors.

C.C.I. is very aware of the importance of confidentiality and have appropriate security strategies in place.

Mr. Rippon informed the meeting that there are sixty-five claims presently being considered by C.C.I. and five of these claims have been settled.

It seems that the Court system will almost certainly give a favourable decision to plaintiffs who seek damages.

5. APPOINTMENT OF SINGLE NATIONAL SPOKESPERSON, INCLUDING PRO-ACTIVE MANAGEMENT OF MEDIA RELEASES

There appear to be at least nine groups which have been established to seek information from alleged victims and to encourage them to make allegations against clergy and religious.

It will be very difficult for a National Spokesperson to be able to be fully briefed concerning all cases which are on the public agenda around Australia.

Attention should also be given to a review of the title of the Special Issues Committee. A more appropriate title may be "Professional Standards Committee".

6. MATTERS CONCERNING THE POOL

The establishment and operation of the Pool is to be discussed at the next meeting of the Special Issues Committee of the A.C.B.C.

7. REPORT ON THE PREPARATION OF THE DRAFT DOCUMENT "THE CATHOLIC CHURCH'S PRINCIPLES IN RELATION TO SEXUAL ABUSE AND PROFESSIONAL MISCONDUCT".

Bishop Connors reported that, although the expiry date was the 31st January, 1994, for the presentation of comments and advice, replies are still coming in. Arrangements will now be made for the Special Issues Committee to refine the draft document in the light of the responses.

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8. STRATEGIES FOR DEALING WITH PAIN AND CONFUSION WHICH AFFECT CHRIST'S FAITHFUL IN THE WAKE OF SEXUAL OFFENCES INVOLVING CHURCH PERSONNEL.

Discussion took place concerning the right of the alleged perpetrator to his or her good reputation which may have been forfeited in the light of the allegations which have been made. The issues of compassion and forgiveness are very complex in the context of special issues.

The Archdiocese of Chicago has developed a strategy for assisting parishes when a case of sexual assault has involved some of its members. In Newfoundland, Canada, two social workers were employed by the Archdiocese to assist parishes and other communities when cases of sexual assault have been brought to the surface.

It was also agreed that the personal involvement of the Bishop in carrying out such strategies is to be encouraged.

Father Jim Spence has a paper which can be made available to the Committee.

Discussion took place as to whether a State Special Issues Resource Group should make available to the Bishop information which it has obtained concerning an alleged perpetrator. The general view was that such information should be made available to the Bishop or Major Superior.

9. LETTER OF MR. GEOFF CAHILL RE THE INTRODUCTION OF A "SAFE SYSTEM", DATED 12TH NOVEMBER, 1993.

It was agreed that no further acknowledgement need be made concerning the letter which Mr. Geoff Cahill had written to the Chairman of the Special Issues Committee.

10. GENERAL BUSINESS

At 2.00 p.m. Father Canice Connors, O.F.M.Conv., the President of the Saint Luke's Hospital in Maryland, U.S.A., attended the meeting, along with Sister Gerardine Taylor, R.S.M., and Mr. Tony Robinson, who are at the present time members of the staff of Saint Luke's Hospital.

Over a period of ninety minutes, the visitors dealt with a number of issues of interest to the meeting and provided much worthwhile information, particularly concerning the treatment of perpetrators of sexual assault.

11. DATE OF NEXT MEETING

The next meeting of the Special Issues Committee of the A.C.B.C. will be held at St Mary's Cathedral, Sydney, on Saturday, 12th March, 1994, commencing at 9.30 a.m.