

REPORT OF MATTERS DISCUSSED AT THE MEETING OF THE  
SPECIAL ISSUES COMMITTEE  
OF THE AUSTRALIAN CATHOLIC BISHOPS' CONFERENCE  
HELD ON FRIDAY, 24TH SEPTEMBER, 1993, AT 10.30 A.M.  
AT THE OFFICES OF CATHOLIC CHURCH INSURANCES,  
ST. KILDA ROAD, MELBOURNE.

PRESENT: Bishop Peter Connors (Chairman);  
 Father Brian Lucas;  
 Brother Paul Noonan, C.F.C.;  
 Sister Angela Ryan, C.S.B.;  
 Father Dan Torpy;  
 Father John Usher;  
 Mr. John Taylor (C.C.I.);  
 Mr. George Rippon (C.C.I.).

1. APOLOGIES: Bishop Kevin Manning apologised for being unable to attend the meeting.

2. The Report on matters discussed at the meeting of the Special Issues Committee held on Monday, 28th June, 1993, was accepted as being substantially in accord with the decisions made.

3. MATTERS ARISING FROM THE REPORT

3.1 Discussion with C.C.I. on the possibility of Priests taking out Insurance to cover Legal Expenses.

Mr. John Taylor reported that it would be possible for C.C.I. to provide cover for Priests who wish to take out insurance for costs incurred in obtaining legal assistance for criminal cases. However, it would require all Priests to take out this cover if the process were to be made feasible.

It was agreed that the matter should be put on hold for the present. Perhaps the Pool may be able to provide this kind of assistance at some time in the future.

3.2 The Question of Discovery of Documents and the Procedures for Record Keeping.

It seems that there is divergent legal advice on the retention of records concerning clergy and religious. However, on balance, experience indicates it would be better to retain the records rather than destroy them.

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## 3.2 (Cont.)

A discussion took place concerning the possible destruction of files concerning successful applications for reduction to the lay state, which have been forwarded to the Apostolic See. It seems that this matter calls for further consideration and discussion before a policy is presented for adoption by the Australian Catholic Bishops' Conference.

3.3 The Issue of Vicarious Liability.

Although no reports were made on the issue of vicarious liability this topic is to be retained on the agenda for meetings of the Special Issues Committee.

3.4 Guidelines to assist in the resolution of Difficulties which will occur when the C.C.I. wishes to protect its rights to conduct Litigation and the Diocese or Order wishes to instruct its own Solicitors.

Although there are no problems at the present time being experienced by C.C.I. and Dioceses or Religious Congregations, there is a potential for such problems to arise in the future. At the present time solicitors who have been engaged by Dioceses or Religious Congregations are being consulted by the solicitors for Catholic Church Insurances.

It was agreed that there is a need for a national strategy, particularly as there are some Religious Congregations which do not use C.C.I. as their insurance agency. The Special Issues Committee may be able to attend to the development of such a national strategy.

3.5 Protocol for Church Workers.

It was decided that further attention will be given to the development of a Protocol for Church workers when the draft Pastoral Statement has been approved by the A.C.B.C. and the A.C.L.R.I. Father John Usher has developed a Protocol for the staff of Centacare in the Archdiocese of Sydney.

The Protocol requires a pastoral as well as an industrial relations input.

3.6 Report on the Establishment of a Therapy Centre.

Arrangements will be made for a meeting of representatives of the Special Issues Committee with the representatives of the St John of God Brothers. Father Torpy and Father Usher stress the urgency of the matter as it is important that their clients be given on-going counselling and therapy, which they are unable to provide because of their heavy commitments.

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### 3.7 Appointment of a Risk Management Officer.

Mr. John Taylor reported that he will be resigning from Catholic Church Insurances at the end of 1993. His successor will be Mr. Laurie Rolls and it is anticipated that he will be able to take over some of the Risk Management activities.

It is anticipated that Mr. O'Malley will bring back further information from his visit to the United States of America.

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

### 4.1 Report on Contributions from Dioceses and Religious Congregations in 1993-1994 and on the Balance of Funds in the Pool.

Mr. Taylor tabled a Report on Contributions which have been received from Dioceses and Religious Congregations for 1993-1994. He also tabled a Report on the Funds which are presently retained in the Pool.

Since 30th June, 1993, the Diocese of Broome has taken out membership in the Pool. It is now anticipated that the Melkite Diocese will also join the Pool.

Sixteen additional Religious Congregations have indicated interest in joining the Pool, whereas thirty-three Religious Congregations are still undecided.

### 4.2 Guidelines for Access to the Pool.

Mr. Rippon asked for the adoption of procedures which would allow C.C.I. to have access to the Pool in a case which is presently being processed by the Marist Brothers of the Province of Sydney. It was therefore decided that the A.C.B.C. and the A.C.L.R.I. will be asked to give approval for the members of the Special Issues Committee to act as Managers of the Pool for a period of one year.

Meanwhile, the Special Issues Committee gave approval for an amount, no greater than \$25,000, to be withdrawn from the Pool to assist the Marist Brothers in Sydney.

Bishop Connors and Sister Angela Ryan will prepare a draft for consideration by the Special Issues Committee as to how the Pool may be operated.

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5. REPORT ON THE MEETING WITH THE "FRIENDS OF SUZANNA", HELD ON 21ST AUGUST, 1993.

Bishop Connors gave a brief report on the meeting which Father John Usher, Sister Angela Ryan and he attended with representatives of the "Friends of Suzanna" in Sydney on 21st August, 1993.

While it was agreed that the meeting had been of some pastoral assistance to the representatives of the "Friends of Suzanna", it now seems a distinct possibility that the organisation will disband. At the present time there is no need for further meetings to take place between the "Friends of Suzanna" and the Special Issues Committee.

6. CONFIDENTIAL DRAFT OF NEW STATEMENT, DATED 23RD AUGUST, 1993.

A confidential Draft, which had been prepared by Fathers Brian Lucas, John Usher and Sister Angela Ryan, had already been distributed to the members of the Special Issues Committee.

Sister Angela Ryan will now arrange for a further refinement of the Draft in the light of some comments which have been made by members of the Special Issues Committee. Approval is being sought from the Archdiocese of Chicago and the Canadian Catholic Bishops' Conference for the use of material which has been taken from their documentation.

Bishop Connors is to write to all Bishops and provide them with a copy of the Draft. He will then arrange for an insertion to be made in all Catholic publications, that copies of the Draft are now available for comment by individuals and interested groups. The media officer of the Australian Catholic Bishops' Conference, Miss Mary Newport, will be asked to assist in arranging the insertion of the notice concerning the Draft Statement.

The expiry date for the forwarding of comments to Bishop Connors will be 31st December, 1993.

7. VISIT OF FATHER CANICE CONNORS, O.F.M. CONV., IN FEBRUARY, 1994.

Bishop Connors reported that Father Canice Connors, the Director of St. Elizabeth's Hospital in Chicago, has been invited to conduct a two-day Seminar for the clergy of the Archdiocese of Melbourne on 8th and 9th February, 1994. Commencing 14th February, he will conduct a similar exercise in the Archdiocese of Brisbane.

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## 7. (Cont.)

Arrangements will be made for Father Canice Connors to meet with the Special Issues Committee and the Contact Persons of the State Special Issues Resource Groups in Melbourne at a meeting to be arranged on Thursday, 10th February. Arrangements may also be made for Father Connors to speak with interested persons in the Archdiocese of Sydney prior to his return to the U.S.A.

8. ACTIVITIES OF OTHER GROUPS AND ORGANISATIONS8.1 Procedures for the Diocese of Ballarat.

The members of the Special Issues Committee were given copies of the Procedures which have been adopted for use in the Diocese of Ballarat. The Procedures are substantially in accord with the Procedures which have been approved by the A.C.B.C. and the A.C.L.R.I.

8.2 Procedures to be adopted when allegations are made against Priests.

It was agreed that, as far as is possible, Special Issues Resource Groups should advise Major Superiors and Bishops before interviewing alleged victims of sexual assault by Priests.

8.3 Financial Assistance provided for the "Friends of Suzanna" by the Marist Fathers in the Archdiocese of Sydney.

The Marist Fathers in Sydney have made contact with the "Friends of Suzanna" and have provided some financial assistance for therapy for members of the Group. It seems that little on-going benefit comes from such group therapy. Copies of the correspondence with the Marist Fathers is to be made available to the members of the Special Issues Committee.

Father Lucas reported that he is also aware of requests from the "Friends of Suzanna" for financial assistance.

8.4 Christian Brothers of the Province of Melbourne.

Brother Paul Noonan reported that the Christian Brothers had decided to take some appropriate action in the light of continual allegations being made by telephone against members of the Congregation. It had been decided to establish a telephone "Help Line". Over four hundred telephone calls have been received, but only fifty percent of the allegations concern Christian Brothers. Appropriate counselling has been made available, so that the healing process may commence. However, it is expected that there will be some litigation.

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#### 8.5 Melbourne Procedures re Sexual Assault of Women.

Bishop Connors informed the Committee that the Vicar General of the Archdiocese of Melbourne, Monsignor Gerald Cudmore, who is the Contact Person for Victoria, has enlisted assistance from the Pastoral Care Staff of the Mercy Hospital for Women for receiving allegations of sexual assault of women by clergy. Monsignor Cudmore had been in contact with Project Anna and it was decided that this was an appropriate response to the concerns of Project Anna.

#### 8.6 Composition of Membership of State Special Issues Resource Groups.

Because of the considerable number of allegations which are now being made by women against clergy and religious, attention should be given to the composition of the membership of State Special Issues Resource Groups so that an appropriate response can be made to these women.

### 9. CORRESPONDENCE

#### 9.1 Mr. Geoff Cahill.

It was agreed that Mr. Geoff Cahill, a Sydney Solicitor, should be informed that it would be inappropriate for him to provide assistance to the Special Issues Committee, as he has acted for plaintiffs in taking out writs against Dioceses and Religious Congregations.

#### 9.2 Mr. Harry Wilcox of Coadys, Solicitors.

Mr. Harry Wilcox has offered the assistance of Coadys, Solicitors, to the Special Issues Committee. He is to be informed that the Committee is well represented by the Solicitors engaged by Catholic Church Insurances.

It was noted that lawyers are presently looking for business and it is not surprising that they are taking interest in special issues matters.

Discussion took place concerning the phenomenon of the defamation of clergy and religious as a class.

#### 9.3 Reverend W. Black, M.S.C., re Dr. Anne Gilroy.

Father Walter Black, being a member of the State Special Issues Resource Group in Western Australia, has recommended Dr. Anne Gilroy.

It was agreed that Dr. Anne Gilroy should be added to the list of therapists to be approved by the Special Issues Committee.

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9.4 Reverend D. Cappel.

Father David Cappel, the Executive Director of the Australian Catholic Social Welfare Commission, has offered assistance in the preparation of publications/pastoral statements that would help redress the current imbalance in the public perception of the role of the clergy in pastoral care.

Because of the current preparation of the Pastoral Statement, which will eventually be approved by the A.C.B.C. and the A.C.L.R.I., it was agreed that it was inappropriate to adopt this form of response at the present time. It was also noted that Church personnel are always engaged in the business of doing good things and this is not a news item.

10. CHOICE OF AN APPROPRIATE TITLE FOR THIS COMMITTEE.

Bishop Connors raised the possibility of reviewing the title for the Special Issues Committee. It was decided that no action should be taken.

11. GENERAL BUSINESS11.1 Review of Membership of the A.C.B.C.S.I.C.

Bishop Connors reported that there would be elections for membership of the Committees of the A.C.B.C. at the April 1994 Meeting of the Conference. It would be an appropriate time for a review of the membership of the Special Issues Committee.

11.2 Retirement of Mr. G. Rippon and Mr. J. Taylor.

Because Mr. Rippon and Mr. Taylor will be resigning from the staff of C.C.I. at the end of 1993, Bishop Connors expressed appreciation and sincere thanks of the Committee for the assistance provided by Mr. Rippon and Mr. Taylor. The successful operation of the Committee is due in no small measure to their participation, their support and their availability at all times.

12. DATE OF NEXT MEETING

Because of the possible availability of Father Canice Connors, O.F.M.Conv., it was decided that the next meeting of the Special Issues Committee should take place in Melbourne on Thursday, 10th February, 1994. This meeting is to be combined with a meeting with the Contact Persons of the State Special Issues Resource Groups.

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