

## NSW PROFESSIONAL STANDARDS REFERENCE GROUP

### Minutes of Meeting held Friday 10 November 1995

The meeting of the NSW Professional Standards Reference Group was held in the Centacare Offices, Polding House, 276 Pitt Street, Sydney on Friday November 11, 1995.

1. The meeting opened at 11.00am.
2. Fr Bill Burston was elected Chairperson. Mr Jim Grainger was elected Secretary for the meeting.
3. The members of the reference group who were present: Fr Bill Burston, Fr Brian Lucas, Fr Bob McGuckin, Mrs Elaine Rickard. Fr John Usher had indicated prior to the meeting that he would be delayed until approximately midday.

Apologies were tendered for Sr Carmel Curtin and Professor Alex Blaszczynski.

The visitors/advisers present included Mr Jim Grainger from Centacare, Broken Bay, Brother Patrick McCarthy and Mrs Julie Samuel from Centacare Sydney and Mr Ray Reid from Centacare Parramatta. Fr Michael Mullins from the Marist Fathers House at Haberfield had apologised for his inability to attend.

#### 4. Minutes of Meeting held 16 August 1995

These Minutes were confirmed with the following amendments:

- . the name of the Broken Rites magazine is (note 7.1)
  - . a correction to the spelling of Grainger.
- Moved: Brian Lucas  
Seconded: Mrs Elaine Rickard

#### 5. Matters Arising from the Minutes of 16 August 1995.

##### 5.1 Reassignment after conviction

The meeting discussed 3 matters under this heading:

5.1.1 What do we mean when we use the word reassignment. Do we mean return to priestly ministry or do we mean a broader return to employment by a Church agency. There seemed to be agreement that we are using the word to mean return to priestly ministry.

5.1.2 Fr Brian Lucas suggested a possible set of criteria which could be used as a basis for deciding a convicted priest might be eligible for return to priestly ministry:

- the person acknowledged the offences and sought appropriate therapy of his own volition soon after committing the offences;
- the person demonstrated acceptable behaviour;
- the offences were not legally processed at the time;
- the legal processes were initiated at a later date;
- there is some form of public acceptance of the credibility of this person for reassignment into ministry; and
- the appropriate people have considerable confidence there are no other matters.

Fr Brian Lucas said there would need to be a high degree of knowledge of incidents and a well documented therapy. He does not believe we have any person who would fulfil these criteria. Fr Bill Burston commented that we could have someone able to fulfil these criteria in several years time.

**5.1.3** There was also discussion about the importance of offering convicted priests appropriate and realistic information about their chances of reassignment when they are convicted. The discussion indicated that priests currently in prison are perhaps receiving messages which could raise their expectations unrealistically. Under this heading there was also an emphasis on the fact that any therapy for these priests needs to be clear about its purpose. Is the purpose to help them adjust to a lay life or is there some aim of rehabilitation? Brother Pat McCarthy noted the inappropriateness of indefinite therapy without a focus.

Fr Brian Lucas repeated his view that decisions have to be made during the process leading up to conviction so that the person convicted does have some reality testing about his hopes for the future.

**5.1.4** There was some further discussion of the dilemma facing this Committee in its giving advice to the Bishops and through the meetings of Bishops to individual Bishops around the issue of who makes the decision about reassignment and who informs the person.

Fr Bob McGuckin reminded the Committee of the Canon Law difficulties of laicising a priest if the priest refuses to volunteer to participate in the process of laicisation. He noted this process does raise difficulties for Bishops. He said that some Bishops also do seek to emphasise forgiveness and rehabilitation and are reluctant to acknowledge the expert advice they receive about the possibilities for rehabilitation or the justice issues which must be faced in weighing up these matters.

Mrs Elaine Rickard noted the possibility that some priests may be reluctant to consider laicisation because of their fear about their ability to support themselves.

Mr Ray Reid noted the Church's responsibility to realise that these men may continue to be potential offenders even when they are laicised. Brother Pat McCarthy said the American Church does include incentives in exit packages to encourage men to continue counselling when they leave ministry. Fr Brian Lucas

noted some cases where potentially dangerous persons have been warehoused in an effort to protect communities.

Fr Brian Lucas noted the importance of Bishop Geoff Robinson's statements of principles.

During this discussion Fr Bob McGucken tabled a recent thesis which could be useful for assisting committee members and Mr Ray Reid offered some notes he has written in preparation for his study next year. Committee members indicated they would appreciate having access to these materials.

## 5.2 Australia/N.Z. Conference

Fr John Usher informed the meeting that Bishop Geoff Robinson has volunteered to present a paper on behalf of the National Bishops Committee. John Usher and Evelyn Woodward are working with Bishop Robinson on a panel presentation. Mr Ray Reid reported that the organising committee had ruled out his suggestion that he present a paper based on Centacare Parramatta's work with victims of a teacher. He had decided that he was not ready to offer a paper on 'consent'.

## 5.3 Bishops Research Project

Fr John Usher reported that the Research Project has made valuable progress. The literature review is complete. Consultations have been completed with therapists who are working with perpetrators. These consultations have been undertaken in each capital city by Fr John Usher or Fr David Cappo with Mr Bill Johnston. They have been very valuable and they are being written up for a half day joint meeting between the Bishops and the Major Superiors in late November. Fr John Usher believes the project will provide a basis for the setting up of a flexible program in Australia.

## 5.4 Structural Model for NSW

The following points were made during discussion of this proposal:

5.4.1 Fr Brian Lucas stated his difficulty with the assumption that we must always report criminal matters to the police. He offered a scenario where an adult who was a victim as a child wishes to seek help to resolve his own issues but does not want, because of his current circumstances in life, to submit himself to the process of investigation by police. In the scenario he presented there was no longer any danger that the perpetrator could do harm to other children. It seemed to be a case where police investigation might do more harm to the individual who was seeking help.

5.4.2 Mr Ray Reid suggested that there be a stage in the process where the person making a complaint is offered the opportunity to examine all the options available to him/her so that he/she can choose among options. Once the person is clear, then the process can be initiated.

There was some discussion about the notion of 'believing the complainant'. The role of 'being with' and 'supporting' the person is different from 'believing' and is also very different from the role of 'investigating'.

**5.4.3.** Fr John Usher reported that his recent discussion with the NSW Bishops had indicated that they value the constructive possibilities opened up by the proposed model but they also have some questions. The Bishops are seeking clarification of the proposal. The Cardinal was concerned that too many players might result in the person bringing the complaint feeling that he/she was being caught up in a bureaucratic maze.

**5.4.4** There was considerable discussion about the ways in which the roles of receiving a complaint, investigating a complaint, supporting the victim and supporting an offender can be implemented and coordinated by taking advantage of the differing skills available to this Committee.

There seemed to be some agreement, that there does need to be a 'case manager' or an 'executive officer' for this Committee. Brother Pat McCarthy put forward his view that the efficient coordination of the roles of different people does require someone who has established systems to ensure the person making the complaint receives a quality process. Mr Ray Reid suggested that the person who is asked to 'hear' the complaint is the best person to walk with the complainant through the process. Fr Brian Lucas noted that the counselling of the victim can be kept external to the group.

**5.4.5** There was some discussion by members of the Committee of the Melbourne model in which the 'Office of Referral' is independent of providing assistance. There was also the recognition that Centacare may not be the choice for people making a complaint and may not be appropriate. Mrs Elaine Rickard noted the importance of clarifying her employment relationship with Centacare and the Church when responding to persons seeking to articulate a complaint.

**5.4.6** The issue of who has the power to offer assistance to people. Only a Bishop or Congregational Leader can delegate the power to offer assistance if the person making the offer is relying on the Diocese or Order to provide the funding of the assistance.

The related issue of balancing personal discretion and prudence with the value of bringing together input from a broader based committee was raised. There was some discussion of the importance of credible support for individuals working within this structure, especially in cases where there may be serious conflict of opinion with a Bishop or Congregational Leader.

Fr Brian Lucas noted the importance of being clear in the protocol about these matters so that the investigating officer knows what he/she cannot offer. He noted the serious commercial issues of insurance.

Mr Ray Reid initiated a discussion about acknowledging the rights of a person accused. There was some discussion of the Canadian experience of trying to find

a balance between the rights of the persons bringing complaints and the rights of the accused.

The Committee acknowledged the difficulty of using the word advocate in this context because of legal connotations. There was some move to replace advocate with consultant.

Action: Brother Patrick McCarthy agreed to do another draft model to incorporate the points made during this discussion.

#### 5.5 CEO-CCD Protocols

Fr Brian Lucas reported that Catholic Church Insurances has undertaken a valuable exercise of bringing together the elements of existing protocols. Fr Brian sees this exercise as helpful in developing a National Protocol which in turn will be useful for the revision of individual protocols.

#### 5.6 Code of Conduct

This discussion acknowledged the recent moves towards setting up Codes of Ethics for professional behaviour by priests and other persons working within families and dioceses. There was some ambivalence within the Committee about the difficulties of finding a balance between the spirit and the law. There was agreement to keep this item on the agenda.

#### 5.7 Advocates for Victims

This item took up previous discussion during the previous meeting about offering victims the option of seeking support from a person from a different Church community. Points were again made about the importance of truthful dealings with victims and empowering victims to informed decisions.

One suggestion was to include some appropriate independent people on the panels for the investigating team and on this Committee.

### 6. Reports on Activities/Interventions by Members of the Committee

This item generated considerable discussion about the issues involved in keeping appropriate records of activities and interventions and in responding to subpoenas and search warrants. Fr Brian Lucas noted the value of having records to demonstrate a worker acted with due diligence. There are issues about the commitment we give to clients of confidentiality in our counselling work with them and of the ways in which we record factual information for our future use. There was a suggestion that these issues be referred to the NSW and ACT Branch of Centacare Australia.

Next Meeting

The Committee agreed to meet at Polding House on Friday 23 February 1996 between 11.00am and 3.00pm.