

NSW PROFESSIONAL STANDARDS REFERENCE GROUP

Minutes of Meeting held Wednesday 31st May, 1995

The meeting of the NSW Professional Standards Reference Group was held in the Conference Room of the Diocesan Centre at 10 Victoria Road, Parramatta, on the 31st May, 1995. The Meeting began at 10.30am.

1. PRESENT:

Father Brian Lucas, Ms Elaine Rickard, Father Bill Burston, Father Robert McGuckin, Professor Alex Blaszczyński, and later Father John Usher. There was an apology from Sister Carmel Curtin who was sick.

At 11.00am Brother Pat McCarthy and Mrs Julie Samuels (Centacare, Sydney) and Mr Jim Grainer (Centacare, Broken Bay) also joined the meeting.

Bishop Bede Heather attended the meeting for a short time in the afternoon.

2. CHAIRPERSON:

Father Bob McGuckin being the host was also nominated as the Chairperson for the meeting.

There was morning tea followed by an opening prayer. All were welcomed to the Diocese of Parramatta.

3. SPECIFIC PROBLEMS:

At the beginning there was an overview of specific problems in various dioceses and congregations around New South Wales. There were general descriptions of issues that are currently being dealt with. Father McGuckin spoke about the Brothers of St Gerard Majella.

There were other mentions of cases being handled.

4. REASSIGNMENT AFTER CONVICTIONS:

A discussion followed concerning the matter of re-employment of clerics or religious following a jail sentence for sexual assault. There was much debate on this question.

A wide range of views were expressed.

It was considered that each case would need individual attention and it was recommended that the Bishop or Provincial responsible for the person would call for assistance from the Professional Standards Reference Group in this regard.

A suggested method of operation would be that the cleric or religious seeking reassignment, themselves make application to the appropriate Bishop or Superior with suggestions as to how as to what they envisaged their future to be. The Bishop/Provincial would then refer to the Professional Standards Reference Group for its evaluation of the situation and await its recommendation.

It was proposed that this committee recommend to Bishops and Provincials that they adopt the above practice as policy for these matters.

5. CONFERENCE:

An Item was tabled concerning the first **Australian, New Zealand Conference on Sexual Exploitation by Health Professionals, Psychotherapists and Clergy** to be held on the 12- 14 April, 1996.

There had been an invitation for papers to be presented at such a conference. This conference is certainly not sponsored by the Bishops or Provincials however it was felt we should participate. Professor Alex Blaszczyński considered that he might, as a consultant to this body, might present an individual paper himself on the area of false allegations.

Ms Elaine Rickard was encouraged to present a workshop in the area of the clinical position of counsellors involved with victims/offenders.

6. LUNCH:

The meeting adjourned for lunch at 12.40pm to the balcony of the Tribunal Offices on the first floor, 10 Victoria Road.

7. ROLE CONFLICTS:

Brother Pat McCarthy, Father John Usher mentioned some Centacare issues concerning dilemmas/role conflicts that we face, wearing a number of hats, being involved sometimes as counsellor, sometimes advocates, delegates etc.

Role conflict was faced by all the counsellors in one way or another in dealing with many of these matters, moving from advocate to counsellor to being a member of Centacare to being a member of the Reference Group. There were times conflicts regarding information which we may have obtained from different sources, questions to what role we should take when someone comes to us. It was suggested that if structures were better differentiated that there may well be some less role confusion.

8. AUTHORITY OF THIS GROUP?

A question was asked as to what authority does the NSW Professional Standards Reference Group have. Was it just an advisory body?

It was perceived that it certainly was an advisory body but it was more than that. Advice is offered to Bishops and Provincials but if advice given by the Reference Group was not followed would insurance lapse? (refer Protocol).

9. CO-ORDINATION BETWEEN PROVINCIAL BISHOPS AND THIS COMMITTEE:

Bishop Bede Heather thanked the group on behalf of himself and the Provincial Bishops for the work the Group does. He indicated that if necessary a group from the Reference Group could meet with a group from the Provincial Bishops to discuss any matters of mutual concern. This will certainly be followed up.

10. RELATIONSHIP OF NATIONAL GROUP TO NSW GROUP:

Later there was a discussion about the relationship of the NSW group to the National group. Some members who were on the NSW Group were also part of the National Group. It was not perceived that the National Group actually investigated or interviewed or counselled an individual person but rather assisted with National Policy. Members of religious were also part of the National Group.

11. STRUCTURAL MODEL:

A sample structural model of Co-ordinator was presented by Brother Pat McCarthy.

It was discussed that perhaps people handling certain jobs could have better labels.

12. CO-ORDINATOR:

At times the system seems to break down. If there was a Co-ordinator, he/she could keep tabs on each particular case- eg. has treatment been followed - what's effective? The Co-ordinator would also overview the schedule of all cases to see that the process continued from beginning to end. Time lapses would be investigated to see that action had not been overlooked on any case.

13. MEETING WITH NSW BISHOPS:

It was recommended by this Committee that Father Brian Lucas together with Ms Elaine Rickard and Brother Pat McCarthy should work up an effective Structural Model to be used by Bishops/Provincials and this group.

14. ANONYMOUS ALLEGATIONS:

The Protocol states "*Anonymous complaints should not be simply ignored but shall be referred immediately to the relevant Special Resource Group for assessment and if necessary investigation*".

There was a particular case where the allegation did obtain some elements which seemed to isolate and indicate a definite event that took place at a particular time. Such being the case it was considered that the Reference Group should interview the person against whom the allegation was being made.

15. OBLIGATION TO REPORT:

The question of obligation to report to police was raised. It was considered that when dealing with adults we were not obliged to report matters to the police.

The question was raised concerning some recent events, especially concerning Section 316 of the NSW Crimes Act: "*If a person has committed a serious offence and another person who knows or believes that the offence has been committed and that he or she has information which might be of a material assistance in securing the apprehension of the offender or the prosecution or*

conviction of the offender for it fails with without reasonable excuse to bring the information to the attention of a member of the Police Force or other appropriate authority, that other person is liable to imprisonment for 2 years".

Father Brian Lucas considered that he thought where there was reasonable excuse/instances, that the person was an adult, they could indeed report themselves.

Father McGuckin pointed out there were different legal opinions on this. Priests were non counsellors who at times were investigating matters sometimes obtained admissions concerning offences. What happens here? There has been little jurisprudence on the abovementioned section of the Crimes Act.

If a person knows or believes that the offence has been committed then he or she shall be referred immediately to the relevant Professional Standards Reference Group.

16. AGENDA ITEM 7.3:

The meeting didn't have time to address the question the protocols of the various CEO's / CCD etc. Those protocols should not be contrary to the official Australian Protocol. This item was left over for the next meeting.

17: BISHOPS' MEETING:

The next NSW Bishops' Meeting is on Thursday 20th July, 1995. The Committee named in 13 above should keep this date in mind.

18. NEXT MEETING:

The next meeting was organised for 11.00 am, Wednesday 16th August, 1995, at the Centacare Offices at Polding House.

The meeting concluded at 4.15pm.

Parramatta, 31st May, 1995.