

NATIONAL COMMITTEE FOR PROFESSIONAL STANDARDS

A Committee of the Australian Catholic Bishops & the
Australian Leaders of Religious Institutes

MINUTES OF THE MEETING OF THE NATIONAL PROFESSIONAL STANDARDS COMMITTEE

HELD AT THE CONGREGATIONAL OFFICES OF THE SISTERS OF CHARITY,
49 GORDON ST. PADDINGTON NSW.

6 AUGUST 1996.

1. PRESENT: Bishops Kevin Manning (Chair), Geoff Robinson, Peter Connors, Michael Malone, Bede Heather; Archbishop Frank Carroll; Srs Evelyn Woodward RSJ, Helen Clarke RSC, Angela Ryan CSB; Ms Myolene Carrick; Mr Paul Serong, Mr Laurie Rolls; Fr's Brian Lucas, John Usher, Kevin Dance CP, David Cappo (Executive Officer)

2. APOLOGIES: Br. Michael Hill FMS and Fr. Brian Gallagher MSC

3. The Chairman, Bishop Manning opened the meeting at 10.00am with prayer.

4. The agenda was confirmed with additional items.

5. The minutes of the previous meeting of 4 June were confirmed.

6. BUSINESS ARISING FROM THE MINUTES.

6.1 The procedures document.

The procedures document was discussed in the context of Issues Papers No. 1 and 2 of the agenda papers. Issues paper No 1 referred to the need for the principle 'that responsibility must only be held where legitimate action can be taken', in the context of the Church's response to complaints of sexual abuse by Church personnel.

Discussion of Issues Paper No 1 responded to the following issues; the gender and role of the suggested delegate; the need for the response of the Church to always be pastorally based; the complex role of the contact person which leads to some contact persons becoming the advocate for victims; the perception that in responding to allegations of sexual abuse the Church can be perceived to be investigating itself; that too much is being expected from the suggested delegate; that too much power is concentrated in the person of the suggested delegate; the need for some appeal mechanism for the victim; the need for the delegate to be suitably skilled; the need for the Church to be assisting complainants in telling their story instead of complainants having to contact a number of Church personnel on their own initiative and to repeat their story; the need

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for discussions and dialogue to occur with local police and family services departmental personnel; the need for further clarification of what is meant by criminal sexual behaviour referring to both children and adults.

6.2 Following the discussion about these issues a number of matters regarding the procedures document were listed for decisions of the Committee.

6.2.1 A Fundamental Principle underpinning the procedures document.

It was AGREED that the principle should now read THAT PERSONS GIVEN RESPONSIBILITY IN THIS AREA ARE ALSO GIVEN AUTHORITY TO CARRY OUT THIS RESPONSIBILITY

6.2.2 The drafting of the procedures document and the publishing of the principles and procedures document.

6.2.2.1 It was AGREED to publish the principles and procedures as the one document. It can be stated in the preface that the document is open for consultation and comment and will be reviewed on a regular basis; that the publication will be a public document and distributed widely; and that dioceses and religious institutes are to be encouraged to use the national publication as a blueprint and foundation to develop their own local procedures consistent with the national guidelines.

6.2.2.2 It was AGREED that the procedures document will be finalised at the next Committee meeting in October; and that before the document is put out for consultation it should be shown to selected survivors of sexual abuse and to survivors groups such as the Friends of Susanna.

6.2.2.3 It was AGREED that the drafting committee of the procedures document be Bishop Robinson, Sr Helen Clarke and Father's Brian Lucas and David Cappo and that a final draft be presented to the October meeting of the Committee.

6.2.3 The role of professional standards resource groups.

The discussion considered the evolving role of regional resource groups since their inception when they were considered more as a group of expert individuals who could be called upon to act individually, not corporately. There was a sense that many groups are moving more towards a group process and committee structure in carrying out their mandate.

The discussion reflected on a number of possible roles including, evaluation; consultation; providing challenge; giving feedback; monitoring; supervision; prevention; assessment; making recommendations.

The meeting AGREED that the resource groups are primarily advisory, that they may be given different mandates depending on the position taken by particular Church authorities, and that in the procedures document it should be stated that they have a variety of roles and functions, and that such roles and functions should be listed.

6.2.4 The investigation of criminal allegations.

The core issue of discussion centred around criminal allegations being automatically referred to the police or other civil authority and the issue of internal investigation and the problem of inadvertently corrupting evidence.

A number of points were made; that the original protocol was written with the expectation that the Church would be responding to mostly present day cases while practice has indicated that most complaints of child sexual abuse go back many years; that this aspect of the Church's response is more accurately described as assessment not investigation; that the general principle should be stated and asserted that victims always be encouraged to go to the police or other civil authority; that the perception of the complainant as to whether the behaviour is criminal or not is very important; whether and/or at what stage does the Church personnel involved have a responsibility to inform the police regarding criminal allegations.

6.2.5 Meetings with police.

It was AGREED that the executive officer write to metropolitan Archbishops requesting them to meet with their respective Commissioner of Police regarding the establishment of dialogue and agreements between Police Departments and dioceses/religious institutes regarding the Church's response to complaints of sexual abuse and the role of the police in these matters.

6.2.6 The issue of the definition of criminal sexual assault.

Discussion highlighted that the principles document and the procedures document must be consistent in this issue and that a definition of criminal sexual assault should take into account both adult victims as well as children.

6.2.7 The perception of the Church investigating itself.

Following a discussion about the desirability of having some independent person outside the resource group to respond to the needs of victims;

It was AGREED that 1) independent persons should also be appointed to regional resource groups. The role of such independent persons would be to advocate for the right procedures to always be in place and that they be used, 2) that some continuing independent study of the way in which complainants and offenders have been handled should be put in place, and 3) that a trial of a mediation process should take place and a report of its success or otherwise be made at a future meeting.

The executive officer to follow up these matters.

6.2.8 A forum of appeal for victims.

The discussion centred around the need for some appeal mechanism to be put in place; that the Church's credibility suffers greatly because no mechanism currently exists except an appeal to the Pope; and that agreement on this issue by Bishops and Leaders would be difficult to obtain.

It was AGREED that an appeals process for victims be formulated and presented to the ACBC and the ACLRI as a recommendation.

6.2.9 The NSW Royal Commission on police corruption.

The discussion included matters such as; the Church has been invited to make a submission; a response from the Church is expected; it would be important for some of the dilemmas facing the Church in this area to be mentioned; we are committed to making a submission as per the pastoral letter; that the Commission would expect to receive the procedures and not just the principles document.

It was AGREED that Brother Julian McDonald be asked to follow this matter up with the Royal Commission and inquire as to a specific question to put to the Committee; Brother Julian was asked to inform the executive officer of the result of discussions with the Royal Commission.

6.2.10 Skills Training of professional standards resource group personnel.

It was AGREED that formation and skills training for regional professional standards resource group personnel be organised and that such inservice occur when the new principles/procedures document is published. The executive officer to follow this up.

6.2.11 Payment of legal expenses for offenders.

The discussion mentioned that while religious institute personnel have a claim on the institute to be supported and for legal costs to be paid by the institute following an accusation, diocesan clergy are not in the same position. One option that has been used by some bishops for diocesan clergy who are unable to meet their own legal costs is for a loan to be taken out for them to repay at a future date. It was also mentioned that it would be most inappropriate if the person concerned was not expected to pay back the loan. This matter would need to be handled prudently as a perception of many victims would be that they are powerless against a powerful and well resourced Church.

7. Name of the Committee.

In light of the unique circumstances of the Committee that has a combined membership of representatives of the ACLRI and the ACBC the title "National Professional Standards Committee" A Committee of the ACLRI and the ACBC; is seen to be more appropriate.

It was AGREED that Bishop Manning write to the Central Commission of the ACBC about this matter.

8. The Statement of Duties of the Executive Officer.

The statement of duties was AGREED to with the following changes.

1.3 The nominated representative will be the Chairman and others with whom the executive officer will need to collaborate.

1.5 delete 'supervise'

1.7 delete

1.8 delete

1.9 change 'executively supervise' to 'cause the establishment'

9. Code of Conduct.

Following discussion it was AGREED that the Code of Conduct; 1) should be fairly specific (do's and don't's); 2) needs to include the issue of breaches of the code and consequences of such breaches; 3) it needs to be linked with reference to the principles/procedures document; 4) it must not be limited to only sexual abuse.

10. Letter from Brother Shanahan regarding the independent professional review of cases.

The meeting AGREED that Brother Shanahan made some good points and that the various provinces of the Christian Brothers might like to consider his approach of a team of independent professionals conducting the review. Considering the pressure of time to complete this project and that the process is already underway it was AGREED that no change to the process should occur. The executive officer is to write to Brother Shanahan about this matter.

11. National Treatment Program.

It was AGREED by the meeting to appoint the following personnel to an interim board of 12 months duration. Mr. Neil Harrigan (Chair), Sr. Angela Ryan, Ms Suzanne Jenkins, Professor Alex Blaszczyński, Professor Gary Embelton, a representative from Catholic Church Insurances.

The executive officer to write to members of the interim board and to arrange meetings as soon as possible.

12. Dr. Neil Omerod's paper.

It was AGREED to pay \$150 to Dr. Omerod for the circulation of his paper on the moral and theological issues regarding sexual abuse.

13. Mandate of the Committee.

It was AGREED that the executive officer be asked to draft a proposed mandate for the consideration of the Committee at the next meeting.

14. Project by Centacare Sydney and the ACSWC regarding specific issues in the Catholic Church that might contribute to sexual abuse.

Correspondence from Father John Usher, Director of Centacare Sydney and Chairman of the ACSWC was received agreeing to accept the project and setting out terms of reference and a proposed budget.

The meeting AGREED with the terms of reference and the proposed budget. The executive officer is to send the budget to the ACBC secretariat for action.

15. Budget of the Executive Officer.

Following discussion of the level of income for the Committee's executive officer and secretariat and the budget as set out in the agenda papers was AGREED to.

Correspondence from Father Michael McKenna, Secretary General of the ACBC was tabled in which it appeared that the ACBC's contribution to the work of the executive officer will be reduced considering the \$50,000 received by the ACBC for the executive officer's work and the \$55,000 promised from the ACLRI as a matching payment to the ACBC.

It was also mentioned that the ACSWC, Centacare Sydney, the Hectorville Catholic Parish and the executive officer have all incurred considerable debts so far without any funds being

forwarded from the ACBC at this stage.

It was AGREED that further discussions occur with Fr. Mc Kenna to resolve this matter as quickly as possible. It was AGREED that the Finance Committee of the ACBC be contacted to ensure that the ACBC contribution to the work of the executive officer be put at \$55,000.

The issue of other costs incurred by the Committee such as air fares and Dr. Grant's consultancy fees need to be incorporated into a budget for the Committee.

16. Report from the ACLRI

No report.

It was AGREED that Sr. Helen Clarke remain a member of the Committee for the remainder of 1996.

17. Report from CCI

No report.

18. Media Issues.

The executive officer expressed his thanks for the material on press reports sent to him on a regular basis by CCI.

It was AGREED that at future meetings the executive officer highlight the issues and themes appearing in the media regarding the Church and sexual abuse in order to stimulate some discussion on a pro active stance towards the media.

19. Invitation to write a paper in the Social Justice Council's Occasional Paper Series.

It was AGREED that it is not the right time to publish such a document. DEFERRED to a later date.

20. Dr. Ray Wyre.

A fax from Helen Last to Myolene Carrick was tabled in which details were provided regarding Dr. Ray Wyre's visit to Australia in October, November 96. Dr Wyre is an expert in treatment

and therapy for offenders.

It was AGREED that Father John Usher be asked to see what could be organised in Sydney regarding contact between Dr. Wyre and Committee members. Father Usher will provide information to the executive officer for distribution to committee members.

21. Next meeting of the Committee will be at 10.00am to 4.00pm on the 22nd October 1996 at the CONGREGATIONAL OFFICES OF THE SISTERS OF CHARITY,
49 GORDON ST. PADDINGTON, N.S.W.