Introduction

In Australia, the Diocesan Bishops and Congregational Leaders take seriously their responsibilities in relation to the common good of the faithful, especially the protection of children and young people and of vulnerable adults.

These Guidelines document the commitment of the Bishops of Australia and the Leaders of Religious Institutes to respond with integrity and justice to issues of sexual abuse by clergy, religious and church personnel, and to educate the ecclesial community concerning the protection of minors and vulnerable adults.

These Guidelines are to be read and implemented in the context of and in conformity with the following documents:

- The Code of Canon Law (CIC)
- The Code of Canon Law for the Eastern Churches (CCEO)
- Apostolic Letter Motu Proprio, Sacramentum sanctitatis tutela
  and associated documents
- Apostolic Exhortation Pastores dabo vobis
- Towards Healing
- Guidelines for Church Authorities
- Integrity in Ministry
- Integrity in the Service of the Church
- Programme for Priestly Formation Australia (Ratio Nationalis Institutionis Sacerdotalis) 2007
- Constitution of the Australian Council for Clergy Life and Ministry

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1 John Paul II, Apostolic Letter Motu Proprio, Sacramentum sanctitatis tutela (SST), Rome, 2001, as revised by Benedict XVI, 21 May 2010.
6 Integrity in the Service of the Church: A Resource Document of Principles and Standards for Lay Workers in the Catholic Church in Australia (hereinafter referred to as Integrity in Service or IS), National Committee for Professional Standards, Sydney, 2011.
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Historical Context

In order to facilitate the correct application of the norms related to abuse of minors contained in the revised version of the *motu proprio* Sacramentorum sanctitatis tutela promulgated by Pope Benedict XVI in May 2010, the Congregation for the Doctrine of the Faith has requested that guidelines be prepared for Bishops of the Conference, with the involvement of Major Superiors of clerical religious institutes. The request is accompanied by a circular letter setting out the themes for consideration, all of which these Guidelines encapsulate.

As might be expected, these Guidelines are offered in the context of the history of the response of the Australian Catholic Church to the call for assistance to victims and the just treatment of accused clergy.

In 1988, an initial Special Issues Committee was established by the ACBC; it later became the Professional Standards Committee. In 1992 a *Special Issues Protocol* was developed to provide a set of standards which diocesan and religious authorities should observe when dealing with allegations of sexual abuse of minors by persons for whom they bore some responsibility. In the years following, the Special Issues Committee became increasingly more aware of the magnitude of the problem.

The Committee was largely responsible for the development of the *Nine-Point Plan*. This plan formed the basis of the Pastoral Letter to the Catholic People of Australia on Sexual Abuse issued by the Australian Catholic Bishops Conference in May 1996 (copy attached).

The Pastoral Letter expressed regret for sexual abuse by both priests and religious and did not limit this to abuse of minors. It included the following in the Plan of Action:

- The Professional Standards Committee would continue to review and update the principles and procedures for dealing with abuse
- The Catholic Church would make a presentation to the New South Wales Police Royal Commission, then in session
- Dioceses and Religious Institutes would engage professional and independent persons to review previous case handling
- Dioceses and Religious Institutes would engage independent persons to study the effect upon the Community
- Counselling Services of the Church would arrange opportunities for Bishops and Congregational Leaders to hear directly from victims: their stories, hurts, concerns and needs
- A Committee would be established to prepare Codes of Conduct for priests and religious
- Dioceses and Religious Institutes would engage an independent person to conduct a study of factors contributing to abuse by clergy and religious
- Bishops and Congregational Leaders would establish a program to treat clergy and religious who suffer from psycho-sexual disorders, and
- The Professional Standards Committee would employ a full-time Executive Officer to coordinate the plan.
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At that time it was made clear that serious offenders who have abused their power may not be given such power again (see can.1395, §2).

The Present Situation

As in the years since 1996, the Church makes a firm commitment to strive for seven things in particular: truth, humility, healing for the victims, assistance to other persons affected, a just response to those who are accused, an effective response to those who are guilty of abuse, and the prevention of abuse. (TH12).

The Guidelines for responding to victims of abuse for the Australian Catholic Bishops and Congregational Leaders are contained in Towards Healing Principles and Procedures in responding to complaints of abuse against personnel of the Catholic Church in Australia (Last revised January 2010).

Towards Healing makes provisions for the implementation of the appropriate canon law processes, (TH 36.4, 39.2, 40.4, 42.2 and 42.5), while requiring also that the requirements of civil law be respected (TH 37.1 - 37.7, 39.1 and 39.4).

The Australian Church has defined sexual abuse as 'sexual assault, sexual harassment or any other conduct of a sexual nature that is inconsistent with the integrity of the relationship between church personnel and those who are in their pastoral care'. (TH page 3).

Towards Healing applies to Dioceses and Religious Institutes and deals with:
- historic sexual abuse of minors by clerics, religious and church personnel
- adult boundary violations involving male and female victims and male and female perpetrators (TH 1).
- inappropriate care practices of institutions in the past
- adult pornography and a currently emerging understanding of pedopornography

Across Australia different jurisdictions have different legal requirements for the employment of persons working with children and young people and for mandatory reporting of abuse or suspicion of abuse. The Directors of Professional Standards monitor changes in the legislation relevant to their State or Territory and ensure people are informed. The National Executive Officers are working with the National Council of Churches to propose uniform laws across the country.

In cases of sexual abuse of minors by clerics, religious and church personnel, the information is reported to the police or appropriate civil authorities, as dictated by the law in the particular jurisdiction.

On completion of the assessment phase, the Church Authorities with advice from the Consultative Panel and the relevant Director of Professional Standards, take responsibility for providing assistance to the victims and the appropriate outcomes for the accused. (TH 39.4).
(a) **The victims of sexual abuse**

"The Church, in the person of the Bishop or his delegate, should be prepared to listen to the victims and their families, and to be committed to their spiritual and psychological assistance" (CDF Circular Letter, 3 May 2011).

The Australian Catholic Bishops and Congregational Leaders first published *Towards Healing Principles and Procedures* for responding to complaints of abuse against personnel of the Catholic Church in Australia in December 1996. The most recent revision of *Towards Healing* was completed in January 2010, following extensive consultation. (Latest revised edition January 2010.)

The main purpose of *Towards Healing* is to try to assist the victim to find healing and where possible, to experience some measure of reconciliation with the Church. Its purpose therefore, is primarily a pastoral one.

The strength of the *Towards Healing* process is that it provides a significant opportunity for personal contact with victims. All personnel engaged in the process are trained to respond pastorally and professionally to each person.

Bishops and Congregational Leaders should take the opportunity to engage in a facilitated meeting with the victim at the conclusion of the process. The purpose, process and content of this meeting, central to the success of *Towards Healing*, is detailed in Section 41, of *Towards Healing*. It provides the victim with the opportunity to speak of the abuse suffered, to ask questions about the present position of the perpetrator and/or the measures in place to prevent similar abuse in the future.

As a result of these meetings with individual victims and their support persons, the Bishops and Congregational Leaders find that they are deeply moved and become acutely aware of the serious and long term effects of abuse on the victims. Typical outcomes of facilitated meetings for victims include the provision of long term counselling, of basic or further education opportunities, and/or assistance with resumes and the interview process for a position. In some cases victims become reconciled with the Church and are given assistance to move forward and hopefully to reach a degree of peace, knowing what the Church has in place by way of prevention.

The insights gained from meeting with and listening to victims underpin the general apology in which the Bishops and Congregational Leaders of the Catholic Church in Australia acknowledge with deep sadness and regret that a number of clergy and

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7 In addition, many of the Bishops and Congregational Leaders in Australia have responded in profound and moving ways within their Dioceses and Congregations through Pastoral Letters, articles, homilies or talks, liturgical responses. As well as the individual response to victims and the general apology from all Bishops and Leaders, many in the Church have listened to victims and been moved to respond with acknowledgement and apology.
religious and other church personnel have abused children, adolescents and adults who have been in their pastoral care.

Victim responses vary enormously in their presentation and timing. Bishops and Congregational Leaders must continue to listen to the victims and to respond with sensitivity, conscious of the impact of abuse on victims and others affected by the abuse.

(b) The Protection of Minors

The protection of minors and prevention of abuse has been and must remain a very strong focus in the Australian Church. It is recognised that prevention needs a national focus, with Diocesan and Congregational advocates training practitioners at the local level. A National Protection and Prevention Officer is employed to spearhead this process and to build upon the arrangements already in place.

The basic document used by the Australian Bishops and Congregational Leaders to educate and direct the response of clergy and religious is *Integrity in Ministry* which provides a code of conduct for their living.

The document *Integrity in the Service of the Church* and the associated resource materials provide the process and details needed for church entities to prepare and constantly update documents of principles and standards for lay workers.

In Australia, the Bishops and Congregational Leaders have responsibility for a Catholic Education system which is highly organised at the National, State, Diocesan, Parish and Congregational level. There are 1695 Catholic schools with responsibility for the education of 387,944 primary students and 322,679 secondary students. As required by civil legislation, all schools have comprehensive policies and regular training sessions in all areas relating to the safety of children and young people and mandatory reporting. There is also an emphasis on raising the awareness of parents to the signs and effects of abuse. Training for students about risk and safety are placed within a positive and age-specific curriculum that focuses on human dignity and human development.

Other procedures that the Bishops and Congregational Leaders are required to follow for the protection of minors include:

- Proformas for transfers between Dioceses and Congregations (TH 45.6 and 45.7).
- Police checks, working with children and mandatory reporting legislation in different jurisdictions.
- Screening procedures for employees and volunteers.

Bishops and Congregational Leaders are to encourage vigilance in the area of Social Communication. Schools are required to have clear guidelines for staff about professional use of social media with students and parents. The National Youth Ministry leaders are also required to develop guidelines for appropriate use of social media.
Bishops and Congregational Leaders are asked to cooperate with the initiatives developed by the personnel at the National Committee for Professional Standards Office in response to new material and new insights in church and society in relation to protection of children and the vulnerable. These include:

- Celebration of Child Protection Sunday in Parishes and Schools at the conclusion of National Child Protection Week.
- Participation in Risk Management Workshops

(c) **The Formation of future priests and religious**

The Bishops and Congregational Leaders take active responsibility for the formation of future priests and religious.

The document *Programme for Priestly Formation Australia (Ratio Nationalis Institutionis Sacerdotalis)* 2007 forms the basis for training in Australian seminaries. A copy of this document is attached to these Guidelines. The document draws heavily on the Apostolic Exhortation *Pastores dabo vobis* of Pope John Paul II as well as *Ratio Fundamentalis Institutionis Sacerdotalis* (1985) of the Congregation for Catholic Education.

These Guidelines require each seminary to develop a holistic program including human, spiritual, intellectual, pastoral and missionary formation. An appreciation of chastity and celibacy is central to this formation.

Most candidates for Religious Life attend the Kairos Institute of Religious Formation, a project of the Catholic Religious Australia, and are required to undertake extensive formation in human sexuality, celibacy, chastity and the Principles and Standards of Integrity in Ministry.

The *Program for Priestly Formation, Australia* (pages 8, 9) and *Towards Healing* (45.6, 9 and 10) address the screening and selection of candidates, Bishops and Congregational Leaders are to observe the Code of Canon Law concerning the formation of clerics (Canons 232-263) and the admission and formation of members of Institutes of Consecrated Life and Societies of Apostolic Life (Canons 641-661; 731-736).

Particular attention is given to the necessary exchange of information in regard to those candidates for priesthood or religious life who transfer from one seminary to another, between different Dioceses, or between Religious Institutes and Dioceses. (see *Towards Healing*, 45.6, 7, 10 and canons 267-271, 684, § 5)

(d) **Support of priests**

Bishops and Congregational Leaders are to exercise pastoral care for the clerics and religious for whom they have responsibility and are to provide opportunities for their continuing formation.
The Guidelines for the Support of Priests are contained in the Constitution of the Australian Council for Clergy Life and Ministry.

The Australian Catholic Council for Clergy Life and Ministry is a national body established in December 1992, by the Australian Catholic Bishops Conference in response to the Apostolic Exhortation Pastores Dabo Vobis, for the lifelong formation and education of clergy. It is a Council of the Australian Catholic Bishops Commission for Church Ministry. The Council:

- Promotes nationally an integral continuing education and formation that is human, spiritual, intellectual and pastoral for Catholic clergy which includes bishops, priests and deacons.
- Supports and networks nationally the work of Diocesan Directors or representatives for the continuing education of clergy in the 28 dioceses of the Catholic Church in Australia, and also in the Military Ordinariate, the Ukrainian, Chaldean, Maronite, and Melkite Eparchies.
- Supports a national gathering of all Diocesan Directors or representatives each year as well as regional meetings in the different states.

The aim or vision of this ongoing formation is to promote "a general and integral process of constant growth, deepening each of the aspects of formation – human, spiritual, intellectual and pastoral – as well as ensuring their active and harmonious integration, based on pastoral charity and in reference to it." (Pastores Dabo Vobis, n 71).

The Bishops and Congregational Leaders are to recognise that, as chief pastors, they have a special responsibility for the ongoing formation of priests and deacons in their Dioceses and Congregations and to respond in a timely and effective manner.

The Bishops and Congregational Leaders have established the National and State Professional Standards Offices which inter alia assist in educating priests, religious and the ecclesial community about sexual abuse and its long term effects through programs, speakers and provision of material.

Integrity in Ministry and Integrity in the Service of the Church with their focus on behavioural standards to ensure appropriate conduct are central to these programs.

The Guidelines for the Support of Priests includes the establishment of an acculturation program to ‘welcome, enable and integrate Overseas Priests’. It is advised that any priests who enter Australia for ministry undertake this program. The program has two stages the first of which is to be undertaken when the overseas priests arrive in Australia and the second, when they have been in the country for at least six months. The content of each stage is detailed in:

**Stage I:** Acculturation of Overseas Priests – ACBC 2005

**Stage II:** Acculturation of Overseas Priests – ACBC 2008


Catholic Religious Australia provides support for ongoing formation programs for those in temporary profession and various continuing formation programs for clerical and lay religious.

(e) **Dealing with cases of abuse**

In dealing with allegations of abuse which have been denounced to them, Bishops and Congregational Leaders are to be guided by the Towards Healing principles and procedures in a way that respects both canon and civil law.

When the complaint is judged credible and a preliminary investigation is completed, the Bishop or Religious Leader is to forward the Acts of the Case to the Congregation for the Doctrine of the Faith and await the directions of the Congregation.

The accused cleric or religious is presumed innocent until the contrary is proven (TH 26). The accused is also to be advised and assisted to engage the services of a canon lawyer.

If the Bishop or Congregational Leader judges before God that the situation demands it, he can limit the exercise of the ministry of the cleric or religious until the accusations are clarified. This is permitted under canons 1341 and 1342, §1; the provision is also contained in Towards Healing, §38.10 which requires the Church Authority to seek the advice of the Consultative Panel.

Where it is found that a cleric or religious has been wrongly accused (see can. 1348 and TH §§42.2, 43.1), the Church Authority must take whatever steps are necessary to restore the good reputation of the accused, in consultation with the accused and his canon lawyer. The Bishop or Congregational Leader considers what needs to be done to assist persons and communities affected by the abuse. This may entail the provision of counselling and/or other pastoral support.

In all matters relating to an accusation of sexual abuse, the Church authority is advised to proceed carefully, with canonical advice, and mindful that any investigation should not call into question any person’s good name (can. 1717 §2).

It is important to note that an investigation by police or under the Towards Healing assessment process (TH 37.6) does not constitute the preliminary investigation required by canon 1717. However, the documentation and outcome of these investigations may be able to be incorporated into the Acts of the Case of the preliminary investigation. The Bishop or Congregational Leader is advised to engage the services of a canon lawyer to assist.
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(f) Co-operation with Civil Authorities

Bishops, Congregational Leaders and all Church personnel in Australia are required to comply with the appropriate State and Territory laws regarding:

(i) Mandatory reporting of Child Abuse
(ii) Working with Children and Police Checks
(iii) Background checks on prospective employees, volunteers and contractors
(iv) Employment contracts and conditions

Towards Healing requires that, when the complaint concerns an alleged crime, the matter is referred to the police. If, in a historical matter, the complainant does not want to take the matter to the police, the matter is to be referred to the Director of Professional Standards who is to provide information to the police other than giving those details that could lead to the identification of the complainant. (TH 37.4). No Church investigation is undertaken in such a manner as to interfere in any way with the proper processes of criminal or civil law. (TH 37.6). The Director of Professional Standards is to endeavour to establish a protocol with the police in the relevant State or Territory (TH 37.7) and each Professional Standards Resource Group is required to have personnel skilled in areas such as civil and Church law (TH 35.2.1).

Bishops and Congregational Leaders are to be mindful that Towards Healing applies to clergy and religious (TH 1) and also to other people who are employed by an official agency of the Catholic Church or appointed to voluntary positions in a pastoral role (TH 2). If the allegations concern a current employee, the complaint is also referred to the relevant body for employment relations (TH 39.1).

(g) Pornography

It is noted that the canonical delict of acquisition, possession or distribution of pedopornography is specifically named in the Apostolic Letter Motu Proprio Sacramentum sanctitatis tuleta as revised in 2010.

In Australia, criminal legislation is in force at the Federal, State and Territory levels targeting those involved in the production, dissemination and consumption of illegal internet pornography (including online child abuse pornography and online pornography featuring adults portrayed as children).

Criminal legislation is complemented by a further tier which provides a range of administrative remedies designed to deal with the availability of inappropriate content by removing it from the internet or blocking access to it.

In Australian Catholic schools, youth groups and Parishes protocols are being developed regarding the use of social media and highlight the criminality of child pornography and the deleterious effects of adult pornography.

See the Australian Government, Australian Institute of Family Studies, National Child Protection Clearing House and Towards Healing 37.5
(h) **Canonical Procedures.**

1. **DEFINITION OF SEXUAL ABUSE**

1.1 Sexual abuse of a minor is defined as

1.1.1 the delict against the sixth commandment of the Decalogue committed by a Cleric with a minor below the age of eighteen (18) years; in this case, a person who has an imperfect use of reason is to be considered equivalent to a minor;

1.1.2 the acquisition, possession or distribution by a cleric of pornographic images of minors under the age of fourteen (14), for purposes of sexual gratification, by whatever means or using whatever technology. (SST, as revised 2010)

1.2 The notion of “sexual abuse of minors” should also take into account

1.2.1 the interpretation and jurisprudence of the Congregation for the Doctrine of the Faith [CDF] and

1.2.2 the relevant civil law at the federal, state or territory level. (*TH 37.5*)

2. **RESPONSIBILITY FOR DEALING WITH CASES OF SEXUAL ABUSE OF MINORS**

2.1 Bishops, Hierarchs and Major Superiors⁹ recognise and accept that the responsibility for dealing with cases of sexual abuse of minors belongs, in the first place, to them. They may delegate the investigation of the case to another suitably qualified person(s).

Consultative bodies of review and discernment concerning individual cases cannot substitute for the discernment and *potestas regiminis* of the Church Authority. (*TH 41.1; 42.3; 42.5; 42.6*)

3. **PROCEDURE**

3.1 No Church investigation is to take place in such a manner as to interfere in any way with the proper processes of criminal or civil law, whether such processes are in progress or contemplated for the reasonably foreseeable future. (*TH 37.6*)

3.2 The Church Authority is to comply conscientiously with the federal and state/territory legislation in relation to notifying offences. (*TH 37.2-37.6*)

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⁹ Bishops, Hierarchs and Major Superiors are hereinafter referred to as “the Church Authority”.
3.3 The Church Authority should engage the services of a canon lawyer if it seems that the matter under investigation may have canonical implications.

3.4 Prescription in the case of the abuse of minors is twenty (20) years calculated from the completion of the eighteenth (18th) year of the victim. In individual cases, the CDF is able to derogate from prescription when requested to do so by the Church Authority or when it judges that it is warranted. (SST, art. 7)

It is recognised that prescription as determined above may differ from that determined in civil law.

3.5 If an accusation seems credible, the Church Authority (or delegate) is to carry out the preliminary investigation in accord with CIC can. 1717 or CCEO can. 1468. The prudence of the Church Authority will determine what information is communicated to the accused in the course of the preliminary investigation.

3.6 Unless there are serious contrary indications, before a case is referred to the CDF, the accused cleric is to be informed of the accusation which has been made and given the opportunity to respond to it. (CIC can. 1720, 1°; CCEO can. 1486, §1, 1°; TH 38.5)

3.7 The preliminary investigation, as well as the entire process, is to be carried out with due respect for the rights of all physical and juridical persons involved, including their right to participate in the process and be heard, their right to privacy and to due attention being given to their reputations. (CIC can. 1717, §2, 1720, 1°; 220; CCEO can. 1468, §2; TH 26; 40.13)

3.8 3.8.1 If the accusation is judged credible, the Church Authority must refer the case to the CDF which will:
   a. determine any further steps to be taken;
   b. offer direction regarding the appropriate measures to be taken to
      i. guarantee a just process for the accused cleric, respecting his fundamental right of defence; and
      ii. ensure care for the good of victims and the Church community.

3.8.2 It is important to note that under CIC can. 1342 and CCEO can. 1402, the Church Authority is not able to decree perpetual penalties by extrajudicial decree. The matter must be referred to the CDF which will make a definitive judgement on the guilt or otherwise of the cleric. If judged guilty, the CDF will make a definitive judgement on his unsuitability for ministry, as well as the consequent imposition of a perpetual penalty. (SST art. 17; 21, §2)

3.8.3 The canonical measures applied in dealing with a cleric found guilty of sexual abuse of a minor are generally of two kinds, namely
**Australian Catholic Church Guidelines**

a. withdrawal from public ministry or at least exclusion from contact with minors, measures which may be reinforced with a penal precept; and
b. ecclesiastical penalties, including dismissal from the clerical state.

In some cases, at the request of the cleric himself, a dispensation from the obligations of the clerical state, including celibacy, can be given *pro bono Ecclesiae*.

3.9 The Church Authority is to provide for the common good by determining what precautionary measure should be imposed in accord with *C/C* can. 1722 and *CCEO* can. 1473. It is noted that *SST* art. 19 allows for this to be done once the preliminary investigation has been initiated. (see also *TH* 42.3)

**4. CARE FOR THE ACCUSED CLERIC, VICTIM(S) AND COMMUNITY**

4.1.0 **THE ACCUSED CLERIC**

During the course of a disciplinary or penal process, the Church Authority is to ensure that

4.1.1 the accused cleric is presumed to be innocent until proven guilty (*C/C* can. 1321 §1; *CCEO* can. 1414 §1; *TH* 26; 40.4.1)

4.1.2 the accused cleric is afforded what is necessary for his accommodation and worthy support (*C/C* can. 1350 §1; *CCEO* can. 1410);

4.1.3 the right of the accused cleric to remain silent and not admit an offence or be put under oath is respected (*C/C* can. 1728 §2; *CCEO* can. 1471 §2);

4.1.4 the accused cleric is encouraged and assisted to avail himself of personal and spiritual support, and of canonical and/or civil advocacy, as required and/or judged wise. (*C/C* can. 384, 1481; *CCEO* can. 192, §§ 4-5; can. 1139)

At the conclusion of a disciplinary or penal process, the Church Authority is to ensure that

4.1.5 the cleric, if found guilty, does not to return to public ministry if such ministry is a danger for minors or a cause of scandal for the community. (*TH* 27-31; 42.3; 42.5-42.6)

4.1.6 the cleric, having been found guilty, does all that is within his power to address the issue of reparation to the victim and to the Church community. (*TH* 42.8)

4.1.7 if a police investigation, a civil process or a Church procedure makes it clear that the accused did not commit the alleged wrong, the Church Authority must take whatever steps
4.2.0 THE VICTIM(S)

The Church Authority is to ensure that

4.2.1 the victim(s) is treated with sensitivity and respect. (TH §§17-18)

4.2.2 the victim(s) is offered spiritual and psychological assistance (TH §16; 19; 36.8; 37.2; 41.1 - 41.5)

4.2.3 if the alleged sexual abuse is connected with a delict against the dignity of the sacrament of Penance (SST art 4), the one reporting has the right to request that his or her name is not made known to the priest denounced (CIC can. 983-984; CCEO can. 733-734; SST art. 24)\textsuperscript{10}

4.3.0 THE COMMUNITY

The Church Authority is to ensure that

4.3.1 the community is offered assistance towards the psychological and spiritual healing of those persons who, as well as the victim(s), have been seriously affected by the abuse. (TH §§ 20-25)

4.3.2 steps are taken to repair any scandal that has resulted from the abuse.

(i) Suggestions for Ordinaries on Procedures

The Guidelines prepared by the Australian Episcopal Conference to assist Diocesan Bishops and Congregational Leaders in responding to allegations of sexual abuse of minors by clerics and religious take account of the following.

<table>
<thead>
<tr>
<th>(a) include definition in article 6 in motu proprio SST, jurisprudence of CDF and civil law</th>
<th>References</th>
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<tr>
<td>(b) respect for person reporting – if (SST art. 4) re sacrament of Penance involved, name not revealed to accused (SST art. 24)</td>
<td>TH (Definition, 36-43)</td>
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<tr>
<td>(c) offering spiritual and psychological assistance to victims</td>
<td>TH (17, 18, 19, 36.5, 36.8, 37.2, 41.1-41.5)</td>
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<tr>
<td>(d) investigation to be done with due respect for privacy and good name</td>
<td>TH (26, 27, 28, 29, 40.1-40.13, 42.1-43.1)</td>
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<td>(e) the accused cleric should be informed of the accusation and given the opportunity to respond</td>
<td>TH (38.5, 38.6, 38.7, 38.8, 40.3-40.5)</td>
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<td>(f) consultative bodies of review and discernment cannot substitute for the discernment and potestas</td>
<td>TH (40.10, 40.12, 41.1, 42.3, 42.5, 42.6)</td>
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\textsuperscript{10} This applies also to the person who reports the delict, if he or she is not the victim.
### Conclusion

In *Towards Healing* the Australian Catholic Church makes a firm commitment to strive for seven things in particular: truth, humility, healing for the victims, assistance to other persons affected, a just response to those who are accused, an effective response to those who are guilty of abuse and prevention of abuse.

These Guidelines, developed by the Australian Episcopal Conference and Catholic Religious Australia, seek to protect minors and to help victims to find assistance and healing and, hopefully, a degree of reconciliation with the Church. It is clear that the ultimate responsibility for dealing with the delicts of sexual abuse of minors by clergy and religious belongs to the Church Authority, the Bishops and Congregational Leaders. (TH 42.3, 42.5, 42.6)

These Guidelines for Bishops and Congregational Leaders are to be used in Australia to deal with:

1. Sexual abuse of a minor
2. Sexual activity with an adult in a pastoral situation
3. Production, acquisition, possession or distribution of illegal pornography
4. Intentional acts by a person with responsibility for a child or young person causing significant injury or mental anguish by a cleric, religious, employee or volunteer in a pastoral situation.

Detailed assistance processes and procedures are contained in the attached documents:


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<th>regiminis of individual Bishops</th>
<th>TH (37.2-37.6)</th>
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<tr>
<td>(g) Guidelines include obligation of notifying civil authorities</td>
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<tr>
<td>(h) during disciplinary or penal process accused afforded a just and fit sustenance</td>
<td>TH (26, 42.5)</td>
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<td>Canon (1350§1)</td>
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<td>(i) return to ministry excluded if it is a danger to minors or a cause of scandal</td>
<td>TH (27, 28, 30, 31, 42.3, 42.5, 42.6)</td>
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8. **Pastoral Letter to the Catholic People of Australia on Sexual Abuse.** 24 April 1996.

9. **Document from National Catholic Education Commission.**
General Considerations

a) The victims of sexual abuse

In 1996, the Archdiocese of Melbourne implemented a series of initiatives to respond to abuse allegations. These have become known as the Melbourne Response.

The four components of the Melbourne Response are:

• the Independent Commissioner - who investigates allegations of abuse;
• Carelink - which co-ordinates the referral of victims to psychiatrists, psychologists and other specialists who have the expertise required to address the individual needs of victims arising from their abuse and related issues;
• the Compensation Panel - which recommends the payment of ex gratia compensation up to a limit of $75,000 after payment of which, victims continue to be entitled to support through Carelink; and
• the Parish Pastoral Response - which offers spiritual support and pastoral counselling and provides a forum for pastoral healing.

Information about the operation of the Melbourne Response is contained on the website of the Archdiocese at www.cam.org.au and includes a brochure and a Pastoral Letter which I issued in July 2010 (see attached).

b) The protection of minors

Working with Children Checks

The Archdiocese requires all active diocesan priests in the Archdiocese and religious order priests on appointment to parishes to undergo a Working With Children check unless they hold Victorian Institute of Teaching (VIT) registration whether they have a legal obligation to do so or not.

Integrity in Ministry

A range of compliance checks exist in order for Catholic schools to retain their registration – such compliance checking is undertaken by the Victorian Registration and Qualifications Authority. The compliance checks are the same as for government schools. These minimum standards include standards relating to:-

- student welfare (the care safety and welfare of students, student discipline policies and procedures, monitoring of attendance and the attendance register); and
- employment of staff (teachers' requirements and compliance with the Children, Youth and Families Act 2005

Compliance with these above stated minimum standards are supported by a monitoring and reporting mechanism whereby schools are obliged to report showing evidence that the school is compliant. The evidence guide includes the requirement to produce evidence of student welfare policies and procedures with respect to student welfare, bullying and harassment and managing complaints and grievances along with additional evidence of the school's mandatory reporting procedures. Other evidence required is an outline of how the school ensures that staff are made aware of their legal responsibilities for the care, safety and welfare of students.

The Catholic Education Offices of Melbourne, Ballarat and Sale have jointly set up an Office for Professional Conduct, Ethics and Investigations with links to the Victorian Institute of Teaching for investigation of complaints against teachers in Catholic schools. The CECV has developed a strategic working relationship with the VIT. Quarterly meetings are held between senior VIT personnel and senior CECV representatives on a range of significant issues including, but not exclusively related to professional conduct issues in Catholic schools, registration of teachers, and disciplinary matters. The establishment of a Memorandum of Understanding between the VIT and the Catholic Education Offices of Melbourne, Ballarat and Sale grew out of these regular meetings and is an indicator of the confidence in the protocols and policies already in place within the Catholic system.

Finally, the Catholic Education Office (CEOM) has a set of protocols for the management of allegations of misconduct against employees of Catholic schools and Catholic Education Offices.

Parishes & Diocesan Agencies

In November 2011, I issued the attached Code of Conduct for Caring for Children, May Our Children Flourish developed for agencies and parishes of the Archdiocese to complement the existing suite of policies in place in Catholic education for the protection of children.

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1 See the Children, Youth and Families Act 2005 (Vic)
2 VRQA – Guide for Registered Schools – Minimum Standards and Other Requirements for School Registration
While some of these measures have been in place for some time, the majority have been introduced in more recent times, and reflect a clear recognition that in times past, there have been failings within the Church.

d) Support of priests

The Ministry to Priests is an office of the Archdiocese that has operated for 23 years. Ministry to Priests began its life as a result of the contribution which Fr Vince Dwyer of St Luke’s Institute, USA, provided to the Archdiocese in the early 1980’s.

The framework for Ministry to Priests is largely provided by the Post-Synodal Apostolic Exhortation of John Paul II, I Will Give You Shepherds – Pastores Dabo Vobis. The four points of the framework are the Intellectual, the Pastoral, the Human and the Academic development of priests. Ongoing formation for priests as described in the document is a culture of the life of the priest that the Ministry to Priests office earnestly and systematically promotes.

Based on this framework the Ministry to Priests office offers personal development for the profession of priesthood. Retreats, Pastoral Supervision, Personal Counselling, Health and Well Being, Academic Workshops, Professional Standards, Integrity in Ministry, Staff and Managerial Guidelines, Problem Solving, Retirement Planning, Trans Cultural Support and Training are areas currently covered by the Ministry to Priests Office.

e) Co-operation with civil authorities

All complainants have a continuing and unfettered right to go to the police and the Independent Commissioner under the Melbourne Response encourages them to do so if the conduct complained of may constitute criminal conduct. The Independent Commissioner also explains that the police have greater powers of investigation than the Independent Commissioner.

The Independent Commissioner will assist any complainant wishing to go to the police and will take no further steps until the police investigation and any resulting proceedings are completed. Support from Carelink and the Pastoral Support Office will be available.

The Melbourne Response also recognises, however, that some complaints will not be dealt with by the police, based on the wishes of the complainant, or because the alleged offender is deceased or the complaint has been previously reported to the police and police action has been finalised.

Document:

May Our Children Flourish
Code of Conduct for Caring for Children – Catholic Archdiocese of Melbourne
Towards Healing

Principles and procedures in responding to complaints of abuse against personnel of the Catholic Church in Australia

January 2010
Guidelines for Church Authorities

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Integrity in Ministry

A Document of Principles and Standards for Catholic Clergy & Religious in Australia

June 2004
(Reprinted April 2010)
Integrity in the Service of the Church

A Resource Document of Principles and Standards for Lay Workers in the Catholic Church in Australia

September 2011

WE HAVE MOVED TO:
PO Box 7132
Alexandria NSW 2015
PH: 9669 6218
FAX: 9669 6216
Making use of

Integrity in the Service of the Church

A Resource Document of Principles and Standards for Lay Workers in the Catholic Church in Australia

Support Materials

As at October 2011

A Document of the National Committee for Professional Standards - 2011
Programme for Priestly Formation

Australia

RATIO NATIONALIS INSTITUTIONIS SACERDOTALIS

Australian Catholic Bishops Conference

January 2007
The Australian Catholic Council for Clergy Life and Ministry

Area(s) of Responsibility:
- To develop policies and propose projects for the continuing education, formation, pastoral care and support of clergy
- To develop a team of resource personnel with expertise in spirituality, theology, Scripture, pastoral formation, psychology, anthropology, and social analysis.
- To aid and promote the life-long education, formation, pastoral care and support of clergy
- To support gatherings of Diocesan Directors of Clergy Life and Ministry
- To promote liaison with seminaries and other organisations involved in education and formation of clergy
- To co-ordinate the sharing of resources and resource personnel

Number of Members:
Thirteen (13), which includes
1. Two bishops from Bishops Commission for Church Ministry
2. Five Diocesan Directors, one from each ecclesiastical province
3. Two religious (one a priest)
4. Three lay persons
5. A deacon

Ex Officio: National Director, Office for Clergy Life and Ministry, as Secretary; Coordinator of the Permanent Diaconate

Appointment of Members:
1. Two bishops nominated by the Bishops Commission for Church Ministry.
2. Five Diocesan Directors, one from each of the five Ecclesiastical Provinces nominated by the Diocesan Directors in the province and appointed (each with the approval of his Bishop) by the Bishops Commission for Church Ministry.
3. Two religious (one a priest) nominated by the Catholic Religious Australia (CRA) and/or by the Council for Clergy Life and Ministry, and appointed (with Superior’s approval) by the Bishops Commission for Church Ministry.
4. Three laypersons nominated by the Council for Clergy Life and Ministry and appointed (each with his or her Bishop’s approval) by the Bishops Commission for Church Ministry. Diocesan Directors may also nominate suitable laypersons.
5. A deacon nominated by the Council and appointed (with his Bishop’s approval) by the Bishops Commission for Church Ministry. Diocesan Directors may also nominate a suitable deacon. (Should the appointee be the Coordinator of the Permanent Diaconate, he shall be a non-voting member).

All appointments to the Council are for three years with each member being eligible for a second term. In exceptional circumstances a person may be elected for a third term. The Coordinator of the Permanent Diaconate may be invited to be present.

Appointment of Chairperson:
The Chairperson is elected by the Council for a three year term.

Frequency and Place of Meetings:
The Council will meet twice a year at a venue decided by the Council. In the past this has been mostly on the eastern seaboard.

A National Meeting for all Diocesan Directors is held once a year, usually mid-year in Sydney, and is convened by the Director of the Office for Clergy Life and Ministry. Each ecclesiastical province will meet once a year in a venue decided by them.

Administrative Support:
Administrative support will be provided by the Director of the Office for Clergy Life and Ministry and the Secretariat for the Bishops Commission for Church Ministry.
May our children flourish

CODE OF CONDUCT FOR CARING FOR CHILDREN

CATHOLIC ARCHDIOCESE OF MELBOURNE