

**NOTES ON MPSO  
AND  
ESTABLISHMENT OF NEW ADVISORY COMMITTEE**

**1. LINK WITH NSW PSO**

**a. CASE MANAGEMENT**

The NSW Professional Standards Office has accepted responsibility for the case management of matters concerning the Marist Brothers. This will be done in consultation with the Marist Professional Standards Officer who is also the Church authority in abuse cases and mediations. Talking with victims in a Towards Healing process will be done by the NSW PSO. In those cases where a complainant insists on dealing directly with a Marist Brother the Marist Professional Standards Officer will begin the discussion.

The Director of the NSW PSO will appoint a contact person where the complainant is not able to complete details without the advice of such a person. The NSW PSO will also be responsible for the appointment of a mediator and, where needed, an assessor to investigate the validity of the claims. In cases where insurance is involved the lawyers for the insurance company will take a key role in the mediation and psych assessments that may be needed.

**b. NEW CASES**

When a new case arises, it will be immediately forwarded to the NSW PSO, including Queensland cases. Where this concerns a Brother still in active ministry, the NSW PSO will contact the relevant Head of Agency and the Provincial. These two people with the Marist PSO will work out a plan for contacting the Brother and necessary steps to be taken. If needed, Margaret Donnelly will be asked to provide support at this stage. The Provincial and Marist PSO will contact our legal advisors.

**c. CONSEQUENCES FOR ADVISORY COMMITTEE**

It is proposed that the Marist Professional Standards Advisory Committee be reconstituted to establish a membership which is more NSW based. Membership will include a representative of the NSW Professional Standards Office.

**2. ADVISORY COMMITTEE**

**a. TIMELINE**

The proposal is that a new Advisory Committee will be established by mid 2010, before the end of the first term of the Provincial Brother Jeff Crowe.

**b. NOMINATIONS**

A draft list of nominations will be drawn up by the Professional Standards Officer.

**c. POSSIBLE AREAS FOR NOMINATION FOR THE COMMITTEE**

These would be a representative of Marist legal representatives Carroll and O'Dea, a representative from the NSW Professional Standards Office and one or more Marist Brothers depending on the scope of the new Committee. There are possibilities that a Brother from a Melbourne Province could be on the Committee as currently the

MPSO Director is covering the Melbourne Province matters. Other possibilities would be a therapist representative, a public relations representative and a retired police person representative.

d. **CHAIRPERSON**

The advice of our legal advisors is that the Chairperson be a Brother.

e. **LOOKING TO THE FUTURE**

This proposal allows for a lay PSO to be appointed at any time. NSW PSO is prepared to take on the management of cases other than those that become court matters under the control of Greg Walsh, or those people who wish only to speak to a Marist Brother.

f. **PSO SECRETARY**

The PSO Secretary has a working knowledge of the office and understands the filing system (hard copy and electronic). She knows the relevant authorities to be contacted according to individual cases. She does all the secretarial work of the office, including being the receptionist. This has significantly eased the work pressure on the Marist PSO.

3. **PRESS RELEASES**

Normally press releases will be written by the Professional Standards Officer. This does not apply to the current special situation for Canberra cases.

4. **COURT HEARINGS**

a. **SUPPORT PERSON**

A Support Person or Brother will be appointed whenever a Brother has to go to court for whatever reason. The Support Person will be chosen on the basis of their experience and their relationship with the Brother who is to appear in court.

b. **MEDIA AND PR**

Apart from the special situation in Canberra at the moment PR and contact with the media will be organised by the PSO Officer. At the present moment Mike Watson is the professional PR person available for consultation.

5. **MEDIATIONS**

Where possible the NSW PSO will organise the meetings for mediation with the complainant. The Marist Professional Standards Officer will normally attend the mediations. This does not apply to the Canberra situation. Any verbal apology would be from a Brother.

6. **LIAISON WITH CCI**

The Marist PSO Director will continue to liaise with the Catholic Church Insurance and their lawyers Monahan and Rowell. During the current special Canberra situation that liaison will be carried out largely by the Marist lawyers Carroll and O'Dea in consultation with the Provincial and the Marist PSO Director.

**7. POLICE**

Calls to and from the police will normally be handled by the Director of the Marist Professional Standards Office. In many cases the matter will be handed on immediately to Howard Harrison or the appropriate lawyer at Carroll and O'Dea representing the Brothers. Where particular information or files from Marist records are required that will be negotiated with the police by Carroll and O'Dea.

**8. WHERE INDIVIDUAL BROTHERS ARE IN NEED OF PERSONAL LEGAL REPRESENTATION**

An approach will be made to Greg Walsh. Other than cases where Greg Walsh is not available or there is a conflict of interest this will always be the case. Mr Walsh has contacts in most cities and sometimes he will appoint a representative.

**9. MARIST ONLY COMPLAINANTS**

Not infrequently people have complaints who do not wish to go the police, speak to a legal representative or make contact with the Church's Professional Standards Office. These people sometimes are prepared to follow an outline of the Towards Healing process and sometimes only want to talk to a Marist Brother and receive an apology as well as be believed. The contact person for these people will be the Professional Standards Officer for the Marist Brothers when he/she is a Marist Brother or the Brother Chair of the Advisory Committee.

**10. BROTHERS IN CUSTODY**

A Support Person for Brothers in custody will be appointed. This person will be arranged through discussion of the Marist Professional Standards Officer with the Provincial on the basis of the relationship between the Support Person with the Brother and their understanding of the legal system.

**11. SUPPORT THERAPIST**

Margaret Donnelly is available for therapy for the Brothers who may be under investigation or formally accused and possibly in legal court action. This support will be on a confidential and where possible an anonymous basis.

**12. CANBERRA**

The various issues arising out of the current Canberra situation will be managed by the Provincial and our Marist Lawyers Carroll and O'Dea. The Marist Professional Standards Officer is available where he is able to provide information and files.