

Witness Statement

Name	Timothy Costelloe SDB
Address	249 Adelaide Terrace, Perth
Occupation	Archbishop of Perth
Date	10 November 2016

- 1 I refer to my statement to the Royal Commission dated 29 September 2016 and to the letter from Mr Tony Giugni to Mr Francis Sullivan dated 20 September 2016 requesting that I provide a further statement addressing certain matters relating to the operation of the Catholic education system.
- 2 I have prepared this statement in response to Mr Giugni’s request and in compliance with a Summons or Notice issued by the Royal Commission in connection with a hearing in February 2017 regarding the institutional response of the Catholic Church in Australia to child sexual abuse.
- 3 The statement is produced to the Royal Commission on the basis that it will be tendered and treated as evidence pursuant to the Commonwealth or State legislation applicable to that hearing.
- 4 In preparing this statement I have drawn upon documents, information and assistance given to me by those within the Diocese with responsibilities in the area of Catholic education, particularly those in the Catholic Education Office.
- 5 In this statement I refer to a number of documents by document identification numbers. Those documents are produced to the Royal Commission with this statement.

QUESTION 1

Please describe the role and responsibilities of the following individuals for the governance of Catholic schools, specifically:

- a. the role of the Bishop
- b. the role of the relevant Catholic Education Commission
- c. the role of the relevant Catholic Education Office or Catholic Schools Office
- d. the role of the Director of the Catholic Education Office or Catholic Schools Office
- e. whether the Director of the Catholic Education Office or Catholic Schools Office has any delegated authority from the Bishop and if so, describe:
 - i. which responsibilities are delegated
 - ii. whether the delegation is set out in a document (if so, please provide a copy).
- 6 Under Canon Law, the diocesan bishop is to establish Catholic schools to allow Catholic parents to fulfil their obligation to give their children a Catholic education. Religious institutes may also establish schools with the consent of the bishop. The bishop has the right to ‘watch over’ and visit the Catholic schools in his diocese, including those run by religious institutes. He can also issue prescripts which pertain to the general regulation of Catholic schools; these prescripts are valid for

- religious institute schools, however always with due regard for their legitimate autonomy regarding the 'internal direction' (e.g. hiring of staff) of their schools. The Canon authorises the diocesan bishop to issue 'regulations' (ie policies) governing the education policies of Catholic schools, including those operated by religious institutes.
- 7 The diocesan bishop promulgates the religious education programme taught in schools.
 - 8 Each bishop has delegated these responsibilities to the Catholic Education Commission of Western Australia, as detailed below.
 - 9 The Bishops of Western Australia established the Catholic Education Commission (CECWA) to assist them in exercising their Canon Law responsibility for the Catholic schools in their dioceses. Its purpose is to carry out the bishops' Mandate for Catholic Education throughout Western Australia. CECWA remains responsible to the four diocesan bishops of Western Australia. It acts on behalf of the bishops collectively or individually.
 - 10 A copy of the Bishops Mandate, as well as the letter extending it, are at CTJH.293.90001.0155 and CTJH.293.90001.0219.
 - 11 Under the School Education Act 1999 (WA) the Minister for Education made the Non-Government Schools System Order 2009 declaring CECWA to be the governing body of all schools that form Catholic Education in Western Australia (CEWA).
 - 12 The Minister agreed that CECWA will be responsible for the proper oversight and management of schools in the system via policies that define school accountability requirements across all areas of school operation.
 - 13 The Catholic Education Office (CEO) is an ecclesial organisation that is the secretariat of CECWA. The responsibilities of CECWA are exercised through its office in Perth and its regional offices in Broome, Bunbury and Geraldton.
 - 14 The Executive Director of Catholic Education is appointed by the Bishops of WA to support them in the development and improvement of Catholic schools in WA in accordance with the Terms of Reference given by the Bishops to CECWA. Under delegation from CECWA, the Executive Director ensures that each Catholic school meets the standards determined by the Minister under the Act. A copy of the CEO child protection policy issued pursuant to those standards is at CTJH.293.90001.0130.
 - 15 The Executive Director is the spokesperson for CECWA.
 - 16 The Executive Director supports the bishops in the development and improvement of Catholic schools in WA in accordance with the Mandate.

QUESTION 2

Describe the approach to the employment of both principals and teachers, specifically:

- a. who, or what body, is responsible for employing principals
- b. who, or what body, is responsible for employing deputy principals
- c. who, or what body, employs staff, including teachers, in Catholic schools

d. the role of working with children checks in employing staff and in their ongoing employment.

- 17 Principals are employed either by the Bishop of the diocese where their school is located or by the governing body of the religious institute in the case of religious institute schools. Principals are normally appointed upon the recommendation of the Executive Director or the relevant authorities of the Religious Institution.
- 18 Each principal is responsible for employing their deputy principal.
- 19 In the case of diocesan schools, the relevant bishop employs school staff under an enterprise bargaining agreement. In the case of those run by religious institutes, the governing body of the institute is the employer under the enterprise agreement.
- 20 All school staff are required to have Working With Children Checks prior to employment and these must be kept up to date while they remain employed.

QUESTION 3

Describe the requirements of the Director of the Catholic Education Office or Catholic Schools Office to report complaints of child sexual abuse to diocesan authorities, including the Bishop, including whether:

- a. such reports are made in writing
- b. the requirements are set out in a document (if so, please provide a copy).
- 21 The Executive Director of Catholic Education does not report complaints of child sexual abuse to the respective bishop or bishops, or diocesan authorities, unless they involve clergy or members of religious institutes in which case they are reported to the Director of Professional Standards. The Bishops Mandate requires the Executive Director to respond to complaints according to CECWA policies.

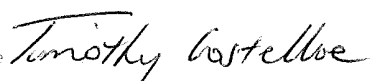

QUESTION 4

Describe the requirements of principals of Catholic schools to report complaints of child sexual abuse to the relevant Catholic Education Office or Catholic Schools Office, including whether:

- a. such reports are made in writing
- b. the requirements are set out in a document (if so, please provide a copy).
- 22 The CECWA Child Protection Procedures (CTJH.293.90001.0133) require principals to report complaints of child sexual abuse to the CEO. There is no express requirement for the information to be in writing, but the reality is that the contact is usually in the form of an email.

QUESTION 5

Outline which body has responsibility for the investigation of complaints of child sexual abuse. Specifically:

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- a. whether complaints are investigated by the relevant Catholic education authority
- b. whether complaints are investigated by another body, for example the diocesan professional standards office.



- 23 CECWA, through the Executive Director, has primary responsibility under the System Agreement to investigate all complaints involving schools, including allegations of child sexual abuse involving students.
- 24 Teachers are mandatory reporters under the Children and Community Services Act 2004 (WA) and must independently report a belief that a child has been or is the subject of sexual abuse.
- 25 CECWA is also under an obligation to forward such complaints involving staff members or students or other persons to the Department of Education Services as a 'critical incident' and any involving teaching staff to the Teacher Registration Board that may also conduct its own investigation.
- 26 Complaints involving clergy or members of religious institutes are forwarded to the Director of Professional Standards for investigation and resolution.

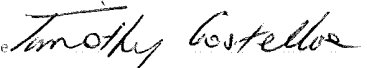
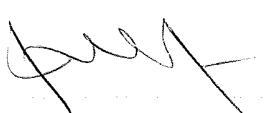
QUESTION 6

Provide information about the operation of the relevant investigation body, including:

- a. the number, qualifications, skills and training of staff employed in this body and
- b. any policies or procedures that govern the conduct of an investigation.

- 27 CECWA does not have a dedicated 'investigation body' per se. Investigations into allegations of child sexual abuse involving students are initiated by principals according to the CECWA Child Protection Procedures. The principal may involve appropriate support staff including but not limited to, a psychologist, social worker, counsellor, Team Leader from the Employment and Community Relations Team or the Coordinator, Psychology Team based at the CEO.
- 28 The CEO support to principals is provided on a cross-disciplinary team basis, using in-house experts as required. The Employment and Community Relations Team has four consultants, three of which have qualified as legal practitioners. They work closely with the Psychology Team Leader and Legal Counsel.
- 29 The CECWA Child Protection Procedures govern the conduct of an investigation.

Signature		Witness	
Name	Timothy Costelloe SDB	Name	JENNIFER LABERGE
Date	10 November 2016	Date	10 NOVEMBER 2016

Signature		Witness	
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