

Witness Statement

Name	Peter Clinch cfc
Address	131 Queens Road, Nudgee, Qld
Occupation	Province Leader, Congregation of the Christian Brothers
Date	14 th December 2016

- 1 I am the Province Leader of the Oceania Province of the Christian Brothers' Congregation. I have held this position since 25 July 2014.
- 2 I refer to the letter from Mr Tony Giugni to Mr Francis Sullivan dated 20 September 2016 requesting that I provide a further statement to the Royal Commission (second statement request).
- 3 I have prepared this statement in response to the second statement 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 (the final hearing).
- 4 I provided an earlier statement to the Royal Commission in connection with the final hearing, dated 20 October 2016 (my earlier statement) [CTJH.500.90001.0230]. I refer in this statement to parts of my earlier statement as relevant.
- 5 Responses given in this statement contain some repetition and cross referencing where material is relevant in responding to more than one question or part of a question.
- 6 This 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 the final hearing.

CATHOLIC SCHOOL GOVERNANCE

- 7 In paragraph 22 of my earlier statement I noted that since 2007 the ownership and management of former Christian Brothers schools transitioned from Trustees of the Christian Brothers to Edmund Rice Education Australia (EREA) [CTJH.500.90001.0230 at 0234].
- 8 For Christian Brothers schools in New South Wales however, the Christian Brothers retain formal legal and canonical ownership, which is delegated as described below.
- 9 For six other schools, two located in Victoria and four in Tasmania, the Christian Brothers, via the Oceania Leadership Team (OLT) retain a canonical governance role, which is described below.

New South Wales Schools

- 10 For Christian Brothers schools located in NSW, in the Archdiocese of Sydney and the Dioceses of Broken Bay and Parramatta (the NSW schools), canonical and legal responsibility remains with the Christian Brothers. However, a Memorandum of Understanding between Trustees of the Christian Brothers and Trustees of EREA outlines the delegated authority given to the latter to conduct, govern and manage the NSW schools in the name of and on behalf of Trustees of the Christian Brothers.

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- 11 The practical effect of this delegation is that EREA has governance responsibility for and operates the NSW schools. The OLT has no role in their operation or governance.
- 12 Steps to formally transfer legal ownership of the NSW schools from Trustees of the Christian Brothers to Trustees of EREA are underway and should be finalised during 2017, but are subject to BOSTES and ministerial approval processes.

Cosponsored schools

- 13 There are six schools, located in Warrnambool, Colac and Geelong in Victoria and Devonport, Launceston and Hobart in Tasmania, for which the OLT continues to share governance responsibilities with other Church authorities (Cosponsored schools).
- 14 For each of the Cosponsored schools OLT appoints 'Governors' who:
- (a) have joint canonical responsibility for the Cosponsored school, and
 - (b) are the members of the company or incorporated association that has civil legal and delegated operational responsibility for the Cosponsored school (Governing Authority).
- 15 Within its constitution, each Governing Authority has certain powers reserved to those exercising canonical authority (ie its members, the Governors). These powers cover:
- (a) ensuring the catholic identity of the school
 - (b) approval of the school's strategic plan
 - (c) amendment of the constitution
 - (d) appointment of board members and board chair
 - (e) approval of the appointment of the principal and deputy principal
 - (f) approval of certain property dealings
 - (g) to act beyond financial limits set from time to time, and
 - (h) approval of any merger or dissolution of the corporation entity.
- 16 Currently, under the direction of the Archbishop of Hobart, there is a review of the governance of Tasmanian Catholic schools. The results of the review will be known in early 2017. The OLT will wait for the review before determining its future role with the Cosponsored schools in Tasmania.
- 17 The balance of this statement relates to the current operation of the Cosponsored schools.

QUESTION 1

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

- a. the role of the Archbishop or Bishop of a diocese in which a school falls
- b. the role of your congregational leader

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25 Again, the appointment of deputy principals is subject to ratification by the governors.

Staff, including teachers, in Catholic schools

26 The appointment of school staff, including teachers, is undertaken by the school principal. The employer of staff for each Cosponsored school is its Governing Authority.

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

27 All teachers employed by Cosponsored schools are required to hold a current relevant State-based teacher registration qualification, which requires the holder to have successfully undergone a National Criminal Record Check (NCRC).

28 In Tasmania school employees including teachers also require Working With Vulnerable People (WWVP) registration.

29 In Victoria teachers holding a NCRC are deemed to have satisfied the necessary child safety checks to work in child-related employment and in Victoria are exempt from having to gain a Working With Children Card (WWCC). All other staff who are not teachers are required to obtain the state-based WWCC.

30 Further, the Catholic Education Commission Victoria *Guidelines on the Employment of Staff in Catholic Schools* (2016) referencing Ministerial Order 870, require that:

In accordance with any applicable legal requirement or school policy, the school must make reasonable efforts to gather, verify and record the following information about a person whom it proposes to engage to perform child-connected work:

- (i) Working with Children Check status, or similar check;*
- (ii) proof of personal identity and any professional or other qualifications;*
- (iii) the person's history of work involving children; and*
- (iv) references that address the person's suitability for the job and working with children.*

31 Cosponsored schools are required to monitor the currency of WWCC/WWVP, NCRC and Victorian Institute of Teaching Registration at least annually.

QUESTION 3

Describe the requirements of the leader of your congregational education authority to report complaints of child sexual abuse to Catholic Church authorities, including to your congregational leader, including whether:

- a. such reports are made in writing
- b. the requirements are set out in a document (if so, please provide a copy).

32 The Governing Authorities ensure that the Cosponsored schools adhere to the relevant child protection policy for the arch/diocese in which the school operates.

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- 33 Further, the Cosponsored schools in Victoria have been working with the arch/diocesan CEOs, other school sectors and the Victorian Registration and Quality Authority (VRQA) to meet Ministerial Order 870 *Education and Training Reform Act (2006): 'Child Safe Standards – Managing the Risk of Child Abuse in Schools.*
- 34 On receiving a complaint of child abuse, the Governing Authority is required to report to police, and comply with state mandatory reporting and the requirements of any state regulatory authorities.
- 35 If the reported complaint is against a priest or member of a religious institute, appropriate diocesan or procedures for the relevant religious institute are required to be followed in addition to mandatory reporting.
- 36 Both the mandatory reporting and applicable professional standards policies of the Christian Brothers are described in my earlier statement [CTJH.500.90001.0230 at 0240-5].

QUESTION 4

Describe the requirements of principals of Catholic schools that fall within your congregational education authority to report complaints of child sexual abuse to the leader of your congregational education authority, including whether:

- a. such reports are made in writing
 - b. the requirements are set out in a document (if so, please provide a copy).
- 37 As for the response to Question 3, it is required that the principal follow relevant state police and mandatory reporting requirements, in line with applicable child safety policy.
- 38 The principal would also inform the relevant CEO Professional Standards Officer. Simultaneously notice would be given to the Governing Authority and where appropriate also to the governors.

QUESTION 5

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

- a. whether complaints are investigated by the relevant congregational education authority
 - b. whether complaints are investigated by another body, for example the diocesan professional standards office.
- 39 If a complaint falls within the requirements of mandatory reporting then the role of investigating an allegation of child abuse rests solely with the relevant police and/or child protection department. The Governing Authority would cooperate fully and would not undertake any investigation of its own that could interfere with the police/child protection investigation.
- 40 If the matter did not come within state mandatory reporting requirements, the Governing Authority would determine how the matter would be dealt with. The OLT and Province PSO would have no role in any investigation process.

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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.

41 Following from the response to question 5 this is not applicable.

Signature P. B. Clinch
 Name Peter Clinch
 Date 14.12.2016

Witness Anne M. Pinzon
 Name Anne M. Pinzon
 Date 14.12.16