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Professional Standards Risk Management Service

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19th April 1999

Most Rev J Gerry
Archdiocese of Brisbane
GPO Box 282
Brisbane
QLD 4001

Dear Bishop,

Joan Isaacs and Francis Derriman

Thank you for sending the papers regarding the allegations made against Francis Derriman by Joan Isaacs.

The events of which she speaks are said to have occurred during the years 1967 through to 1969. This being so the claimant will, quite apart from the difficulty of proving negligence on the part of the Archdiocese, have some difficulty obtaining the right to proceed with an action at law. Previous decisions in Queensland indicate the courts in your state are disinclined to accept applications for relief from the provisions of the Statute of Limitations. Ms Isaacs may be able to advance argument as to why she learned of her rights to claim in respect of these events more recently than six years from the time they occurred or from when she reached age 18 years. However, the practice of making legal claims in respect of just events, involving clergy and religious, became very public knowledge somewhat more than six years ago.

You will, of course, be considering the claims from a pastoral viewpoint. It has been the custom of the Archdiocese in such cases to give sympathetic hearing to applications for assistance with counselling and other like expenses in recognition of the suffering experienced by the applicant, although it is clearly understood the responsibility lies with the alleged offender rather than the Archdiocese.

Further, there may be commercial reasons for offering to pay some compensation on an ex gratia basis. Notwithstanding the claimant's difficulty in commencing legal process, she may nevertheless attempt to do so and legal expenses will be incurred in responding.

I understand Father Adrian Farrelly is meeting with Ms Isaacs and her support person, Mr Peter Speed on Tuesday, 20th April. I am concerned that Mr Speed happens also to be a lawyer. I have suggested to Father, he should bring the meeting to close, if Mr Speed engages in legal argument and agree to continue only with a lawyer representing the Archdiocese present. It should also be remembered, if Ms Isaacs resorts to legal representation, she forfeits the right to your continuing to offer pastoral communication.

Father Farrelly agrees he will engage in a form of apology which expresses sorrow that such events could take place, that a priest of the Archdiocese could act in such a manner but will avoid any suggestion the Archdiocese is itself responsible for the actions of the priest.

He will agree to consider the cost of counselling, preferably with our own service, Centacare. It may not be possible to insist on this. If not, no open ended arrangement is to be considered. Rather, a set number of sessions over a specific period will be agreed. Depending on how much counselling has already taken place, it is not uncommon to agree to ten sessions over a six month period, followed by review.

On the question of compensation, Father will suggest he is not in a position to negotiate but will need to refer to the financial advisers of the Archdiocese on the question of whether a payment is required to be made, as well the appropriateness of any amount proposed. It is difficult sometimes for lay persons to understand why a Bishop or an Episcopal Vicar suggests he cannot decide such matters. It is useful then to refer to the principle that the monies held by the Archdiocese are the property of the Catholic community held in trust and formal procedures are in place governing the process of making disbursements for particular purposes.

Whatever the outcome of the meeting of 20th April, it would seem likely the Archdiocese will be seeking recovery under any policy of insurance, which might offer indemnity in respect of claims for payments arising from these events, for which the Archdiocese can be said to be legally liable. At the times recorded here, the Church Insurer, CCI, had not yet issued liability insurance cover. We have been able, however, to identify a policy in force with the Queensland Insurance Company Limited, the forerunner of the QBE.

The claimant has not given precise dates of events, however, we are able to say that at the beginning of 1967 there was already in force a policy which was renewed each year until 31st March 1969 and was replaced at that date by a further policy issued for twelve months. These arrangements therefore covered the whole of the three calendar years mentioned. The details are as follows:

Renewal Certificate Number 62110
Sum Insured \$100,000
Period 31st March 1966 to 31st March 1967

Renewal Certificate Number 65719
Policy and Sum Insured as above
Period 31st March 1967 to 31st March 1968

Renewal Certificate Number 68990
Policy and Sum Insured as above
Period 31st March 1968 to 31st March 1969

This policy itself was issued on 12th April 1960, effective from 31st March that year. The named insured is "The Corporation Of The Trustees Of The Roman Catholic Archdiocese Of Brisbane" and the business is described as "Roman Catholic Archdiocese"

The policy was replaced at 31st March 1969 with a similar policy, numbered 1*052279 issued to the same Insured Person, for the same sum insured but with a slightly different form of schedule. The schedule now describes the business as "Catholic Parishes". The new form of schedule includes a section headed "Places to which this policy applies", to which the response given is "Archdiocese of Brisbane". The policy was issued for twelve months to expire on 31st March 1970.

I understand, Bishop John, you will be asking Pat Corby to arrange that notice be given to the QBE of claims which might need to be made under those policies. I am therefore, sending him copy of this letter

If I can be of any further help to you or Father Farrelly, to whom copy of this letter is also being sent, please do not hesitate to call me.

Yours sincerely,



Laurie Rolls