

Professional Standards Office

Established by the Bishops and Leaders of Religious Institutes
of the Catholic Church
in NSW and the ACT

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4 December 2003

Comment re Point 4.2.1 on page 37 of the Provisional Ombudsman's Report –
The Point is titled
"Bishop Malone failed to follow the *Towards Healing* Protocol".

It is postulated that this criticism of Bishop Malone in this context is harsh and indeed unreasonable.

For it is noted that Mr Davoren's testimony (Mr Davoren was the former Director of the PSO of NSW) on page 19 of the Report highlights the fact that the allegations of abuse against **AM** were never converted into an actual formal complaint made pursuant to the *Towards Healing* protocol.

Rather, the evidence is that the Bishop was faced with incremental information concerning the **AM** issue spread over some number of years, with the status of the complaint unclear (including any police response), and the consequent applicability of the *Towards Healing* protocol uncertain.

What is certain about that difficult situation is that in confronting Fr Fletcher on the 4th June 2002 Bishop Malone demonstrably asked in good faith, attempting to as he saw it borrow the best of the *Towards Healing* principles by at the one line according the accused person natural justice by informing him of the allegation, whilst simultaneously seeking to once and for all clarify the truth. For as it is reported on page 17 of the report Bishop Malone is quoted as responding "*I thought that revealing the name of the complainant might trigger in Jim Fletcher a possible admission of inappropriate behaviour*".