

REPORT OF MATTERS DISCUSSED AT THE MEETING OF THE
SPECIAL ISSUES COMMITTEE
OF THE AUSTRALIAN CATHOLIC BISHOPS' CONFERENCE
HELD ON MONDAY, 28TH JUNE, 1993, AT 10.30 A.M.
AT THE OFFICES OF CATHOLIC CHURCH INSURANCES,
ST. KILDA ROAD, MELBOURNE.

PRESENT: Bishop Peter Connors (Chairman);
 Bishop Kevin Manning;
 Father Brian Lucas;
 Father John Usher;
 Father Dan Torpy;
 Sister Angela Ryan, C.S.B.;
 Mr. Chris O'Malley (C.C.I.);
 Mr. John Taylor (C.C.I.);
 Mr. George Rippon (C.C.I.).

APOLOGY: Brother Paul Noonan, C.F.C., attended the meeting for the first forty-five minutes, at which time he presented an Apology for being unable to attend the rest of the meeting because of a prior engagement.
 Sister Angela Ryan was present at the meeting from 11.00 a.m.

1. The Report on matters discussed at the meeting of the Special Issues Committee held on 5th March, 1993, was accepted as being substantially in accord with the decisions made.

2. MATTERS ARISING FROM THE REPORT

2.1 Further Consideration of the Policy to Plead Guilty

Catholic Church Insurances would not wish to influence the criminal procedures. C.C.I. would not raise objections to a plea of guilty on behalf of the offender.

In a civil procedure C.C.I. will defend the Diocese or the Religious Congregation. C.C.I. may even take on the defence of the accused in a civil procedure.

Experience indicates that it is better for a Priest to plead guilty as such a plea receives less publicity.

Plea bargaining with Departmental Officers can often cause stronger anger in the victims and their families.

Attention must be given to the style of assistance which is offered to victims.

A suggestion was made that we might consider the appointment of a Church Ombudsman, as this would make the investigation appear to be more independent.

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As far as possible there should be a separation between the insurance and the pastoral approach when assistance is being offered to the victim.

There would appear to be a need for the Church to acknowledge faults, at least in the past, concerning these matters.

C.C.I. will deal only with matters which come under the description of criminal activity. However, it is likely that a clergy malpractice case will be brought before a civil jurisdiction in the not too distant future by one of the survivor groups.

The main concern of C.C.I. is child molestation.

(A statement prepared by the Business Manager of the Archdiocese of Melbourne, after consultation with C.C.I., is attached to this Report.)

Because of developments in recent weeks a new Protocol should be drafted and should be made available to the whole Church. The Protocol should contain basic principles and should express the concern of the Bishops for the problems which are now on the public agenda. To this Protocol there should be added a number of working documents for different types of offences, e.g. child molestation; allegations made by adults concerning child molestation when they were minors; sexual assault of women; homosexual acts; physical abuse; lay employees, etc.

This Protocol should be made available for the broadest possible consultation. Interested parties will be invited to study the draft and make comments on its contents.

It was agreed that the four non-Bishop members of the Special Issues Committee should form a Sub-committee to prepare the new Protocol.

Mr. Rodney Stinson, the Convenor of the Friends of Suzanna, is to be advised of the process. However, the meeting which has been arranged for Saturday, 21st August, is to proceed.

2.2 Recommendation to the A.C.B.C. that the Dioceses will only make a loan of funds for legal costs.

It was agreed that a recommendation should be made to the A.C.B.C. that Dioceses should not be responsible for legal costs incurred by Priests in criminal cases. Perhaps a loan may be made available to the Priest to cover such costs. Perhaps some consideration might be given to providing financial assistance to a Priest when he has incurred costs in a criminal investigation which does not proceed.

It seems that C.C.I. is unable to offer any insurance cover for costs incurred by Priests in criminal cases.

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2.3 Question of discovery of documents and the procedures for record keeping.

Discussion took place concerning the use of the questionnaires which have been completed by Bishops over the past two years.

It was noted that Bishops may often be involved in a damages claim against a member of a Religious Congregation, particularly when such a member is involved in pastoral activity under the supervision of the Bishop.

Completed questionnaires are to be held for the present and then destroyed after further advice is obtained by C.C.I.

2.4 The Issue of Vicarious Liability.

C.C.I. is seeking further opinions on the issue of vicarious liability.

2.5 Guidelines to assist in the resolution of difficulties which will occur when the C.C.I. wishes to protect its rights to conduct litigation and the Diocese or Order wishes to instruct its own solicitors.

At the present moment C.C.I. are involved in procedures which may well lead to the payment of damages in the civil jurisdiction. C.C.I. are using their own Solicitors for these investigations. However, Solicitors for Dioceses and Religious Congregations have been informed that they can interfere in the process at any time. The settlement of claims is the preferred approach rather than seeking a decision in the civil jurisdiction.

It was noted that the Criminal Injuries Compensation Act may be relevant.

2.6 Protocol for Church Workers

It was suggested that no further action be taken on drawing up a Protocol for Church Workers until the new Protocol is set in place.

3. REPORT ON THE ESTABLISHMENT OF A THERAPY CENTRE.

It was agreed that there is need to show greater concern for the victims of child molestation. Religious Congregations should be encouraged to work together with the whole Church in this matter.

Sister Angela Ryan will make contact with Brother Vianney Walsh, O.H., to obtain a report on the setting up of a Therapy Centre under the supervision of the St. John of God Brothers.

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Victims and survivors seem to prefer a non-Church agency when they seek therapy.

4. APPOINTMENT OF A RISK MANAGEMENT OFFICER.

No progress has been made since the last meeting for the appointment of a Risk Management Officer. It will not be a very easy appointment. However, there is need to explain the operations of and the necessity of the Pool to Religious Congregations.

5. PROVISION OF COUNSELLING SERVICES FOR VICTIMS

Bishop Connors is to make contact with the State Resource Groups to encourage the preparation of Lists of Counselling Services for victims. Such Lists are to be forwarded to the Special Issues Committee of the A.C.B.C. for co-ordination.

Sister Angela Ryan will ask Religious Congregations to do the same.

There is need for such personnel to be offered every assistance in understanding the complexity of the problem. Attention must also be given to the professional qualifications of such personnel.

6. MATTERS RAISED BY C.C.I.

6.1 Contributions from Dioceses and Religious Congregations in 1993-1994.

The letter of Mr. John Taylor of C.C.I. to Bishop Connors of 4th May, 1993, is to be made available to Bishops on their arrival at the forthcoming Assembly of the A.C.B.C. The officers of C.C.I. are to be invited to attend the meeting of the A.C.B.C. when Special Issues are discussed.

6.2 Relationship between the Bishop and the Alleged Offender.

It seems that there is nothing in the Protocol which prohibits a meeting between the Bishop and the alleged offender. However, a substantial breach of the Protocol would cause C.C.I. to investigate whether the cover has been jeopardised.

Bishops should be aware of problems which may occur if they discuss the details of the allegations with the alleged offender.

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6.3 Insurance/Reinsurance for 1993-1994.

It was reported that Reinsurance is becoming much more difficult to obtain.

6.4 Amended Insurance Proposal for Dioceses and Religious Congregations.

A draft is being prepared for Dioceses and Religious Congregations who wish to seek insurance cover from C.C.I. in 1993-1994. After it has been examined by Bishop Connors and Sister Angela Ryan, it will be made available to Bishops and Religious Congregations.

7. RESPONSE TO THE MEETING WITH THE "FRIENDS OF SUZANNA".

It was agreed that the Australian Catholic Bishops' Conference should be asked to publish another Pastoral Statement in light of the recent publicity given to the sexual assault of women by clergy.

Appropriate procedures are to be set in place to enable women to make disclosures concerning allegations of sexual assault by clergy. For this reason the membership of the State Resource Groups may need to be revised and suitably qualified persons added to the membership.

Similarly, the membership of the National Special Issues Committee should also be revised and additional members appointed.

Not only are the Bishops to be encouraged to make a Pastoral Statement, but they are also to be asked to express concern to the Apostolic See concerning the procedures which are in place for the laicization of Priests who have been convicted of child molestation.

Father Brian Lucas has kindly agreed to draft a Pastoral Statement for consideration by the Bishops at their forthcoming meeting.

8. LETTER OF BROTHER PATRICK WHITE CONCERNING MR. ROBERT GRANT DATED 10TH MAY, 1993.

Father John Usher will discuss with Brother Patrick White the letter received by Brother Patrick from Mr. Robert Grant who seeks an appointment in Australia as a Counsellor to a Therapy Centre which might be sponsored by the Catholic Church.

9. THE OPERATIONS OF CASA (CENTRE AGAINST SEXUAL ASSAULT) HOUSE IN MELBOURNE.

Sister Angela Ryan will visit CASA and discuss some of the issues which were publicised in the COMPASS programme on Sunday, 27th June, 1993.

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10. GENERAL BUSINESS.

10.1 Use of the Media.

A discussion took place concerning the importance of making adequate response to the media for statements on Special Issues. Advice from public relations experts indicates that it is very difficult to make Good News into news for the wider community. State Resource Groups should give careful attention to the appointment of media spokespersons who will be available to the local media.

10.2 Claims for Damages being processed by C.C.I.

Mr George Rippon gave a summary of investigations which are presently being carried out by C.C.I. on claims which are being made by victims of child molestation.

Bishops and Leaders of Religious Congregations are to be encouraged to inform C.C.I. as soon as possible after they become aware of an allegation which may eventually become a possible case for civil damages. Such information can be forwarded directly to Mr. George Rippon or Mr. John Taylor of C.C.I. There is no need to identify the alleged offender when providing C.C.I. with such information.

The revised proposal form will also carry with it forms which will facilitate the forwarding of such information to C.C.I. about possible claims.

11. DATE OF NEXT MEETING.

The next meeting will take place on Friday, 24th September, 1993, at 10.30 a.m.

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