

REPORT ON MATTERS DISCUSSED AT THE MEETING OF THE
BISHOPS' COMMITTEE FOR PROFESSIONAL STANDARDS
HELD AT SAINT PAUL'S NATIONAL SEMINARY, KENSINGTON, N.S.W.,
ON WEDNESDAY, 26TH APRIL, 1995, AT 9.30 A.M.

1. PRESENT: Most Reverend Kevin Manning, Chairman,
Most Reverend Peter Connors, Secretary,
Most Reverend Geoffrey Robinson,
Ms Myolene Carrick,
Sister Helen Clarke, R.S.C.,
Reverend Brian Lucas,
Father Brian Gallagher, M.S.C.,
Sister Angela Ryan, C.S.B.,
Reverend John Usher,
Sister Evelyn Woodward, R.S.J.

Messrs. Chris O'Malley, Laurie Rolls and Paul Sarong of Catholic Church Insurances Limited were also present at the meeting.

Bishop Kevin Manning welcomed Father Brian Gallagher, M.S.C., to the meeting. Father Gallagher will now take the place of Brother Paul Noonan, C.F.C., on the Committee.

2. ACCEPTANCE OF THE REPORT ON MATTERS DISCUSSED AT THE
MEETING OF THE BISHOPS' COMMITTEE FOR PROFESSIONAL
STANDARDS HELD ON 20TH FEBRUARY, 1995.

On the motion of Sister Angela Ryan, seconded Sister Evelyn Woodward, the Report prepared after the meeting of the Bishops' Committee for Professional Standards held at St Mary's Cathedral Presbytery, Sydney, N.S.W., on Monday, 20th February, 1995, was accepted as being an accurate record of the discussions.

3. MATTERS RAISED BY C.C.I.

- 3.1 Advice to Bishops on the need to act in a professional and responsible manner when receiving disclosures concerning sexual assault and professional misconduct.

Mr. Rolls stressed the need for Bishops and Religious Leaders to observe the requirements of the Protocol when dealing with disclosures of sexual assault. Not only is the observance of the Protocol required by the arrangements for insurance cover, but it will also assist the Bishops and Religious Leaders if and when they become involved in a legal process.

Mr. Rolls also drew attention to disclosures which might be made to a parish priest or a school principal who did not refer the matter on to the competent authorities within the Diocese. Such a disclosure might be deemed to be sufficient notification to the authorities within the Catholic Church.

It would also seem to be advisable that even rumours of sexual assault should be referred to the State Professional Standards Resource Group.

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Bishops are to be asked to publicise Article 6.4.1 of the Protocol. C.C.I. will provide background material which will stress the importance of disclosures being dealt with in an appropriate manner by all who happen to receive them.

It is also to be stressed that Bishops must act on any information which is made known to them concerning sexual assault.

It would therefore seem advisable that State Professional Standards Resource Groups discuss the procedures for dealing with disclosures of sexual assault with the State Police authorities. It might also be argued that all such matters should be referred to the Police for investigation.

3.2 Formation for Bishops and Religious Leaders to act in a uniform manner in dealing with the decision as to whether an offender should return to ministry.

Some Bishops and Religious Leaders do not understand the implications of re-appointment to pastoral ministry of their personnel who have either been convicted or have made admissions of sexual assault of minors. As a general rule it can be stated that convicted or admitted pedophiles are not to be re-appointed to pastoral ministry. Such convictions or admissions are often only the tip of the iceberg in that there are almost certainly other offences which may be of even a more serious nature. The public perception of the Church as not having taken the problem seriously is confirmed when such offenders are re-appointed.

3.3 The distribution of funds from Dioceses retained in the "Pool".

Bishops will be asked to make a decision at the April, 1995, General Assembly of the Australian Catholic Bishops' Conference concerning the distribution of funds from Dioceses which are retained in the "Pool" and which is administered by C.C.I.

3.4 Discussion of Policy Matters relating to out of court Settlements.

It was noted that some Religious Institutes are settling claims for damages against their personnel without reference to C.C.I. Such settlements made without proper advice can create an unfavourable impression.

The officers of C.C.I. have made a close examination of files containing writs for civil damages, but have yet to find a writ which they are prepared to defend in the civil courts. Fourteen claims for civil damages have already been settled. The average payment is

The terms of the settlement include the discharge of any further liability and confidentiality. C.C.I. always deals with the solicitors who act on behalf of the victims and make settlements only after criminal court procedures have been finalised.

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4. REPORT ON THE ESTABLISHMENT OF A THERAPY CENTRE

The Sub-committee which has been asked to investigate the establishment of a Therapy Centre or Programme tabled a brief for the engagement of a researcher to consider the needs of priests or religious with psychosexual disorders.

The Sub-committee reported that Religious Institutes do not wish to sponsor a Therapy Centre or a Therapy Programme, although they are more than willing to be involved with such an enterprise. Moreover, there are logistical difficulties with the establishment of a Therapy Centre.

Because of the move to de-institutionalise residential Therapy Centres there are very few, if any, Centres providing therapy for people with psychosexual disorders in Australia at the present time.

The financial implications of the engagement of a researcher will call for very careful scrutiny by the Bishops. It was therefore recommended that the research project be put out to tender. It was also noted that the Australian Conference of Leaders of Religious Institutes will almost certainly contribute fifty percent of the costs involved in carrying out the research project.

It was therefore decided to recommend the adoption of the research brief to the 1995 Assembly of the Australian Catholic Bishops' Conference.

It is also important that attention be given to the needs of the victims in the matter of therapy.

5. REPORT ON THE PREPARATION OF THE DRAFT PRINCIPLES IN RELATION TO SEXUAL ABUSE AND PROFESSIONAL MISCONDUCT

After some discussion it was agreed that the paper prepared by Bishop Robinson containing draft Principles in relation to sexual abuse and professional misconduct should now be the preferred option of the Committee.

Further discussion then took place concerning several questions which seemed to call for a response from the Committee before the paper could be brought to a conclusion.

It was agreed that Bishops and Religious Leaders cannot really be responsible for inappropriate responses made by Church authorities in the past.

The document should not make a public admission that failure to act by a Religious authority was a contributing cause to further offences.

A distinction is to be drawn between concealing an offence and not disclosing an offence of sexual abuse by a priest or a religious.

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A Bishop or a Religious Leader may inform the Police of an offence, but this information should normally be conveyed by a delegate of the Bishop or the Religious Leader.

Bishops and Religious Leaders are to be asked to give very careful consideration and reflection on the questions concerning the re-appointment of persons convicted of sexual abuse or who have made admissions concerning sexual abuse.

The document should endorse the proposition that research should be undertaken into the causes of sexual abuse and into ways of preventing its occurrence in the future. Priests should also be given the names of persons who are competent to help them if they find themselves tempted to engage in sexual abuse.

The matter of professional misconduct should also be dealt with in the document being prepared by Bishop Robinson.

It was recommended that the draft document will now be concluded by Bishop Robinson and presented to the Bishops at the April 1995 Assembly of the Australian Catholic Bishops' Conference. The questions prepared by Bishop Robinson are also to be made available to the Bishops to assist them in their discussions.

6. PREPARATION OF A JOB DESCRIPTION FOR THE APPOINTMENT OF A CHIEF EXECUTIVE OFFICER

It was agreed that the appointment of a Chief Executive Officer should be put on hold until the research project has been finalised.

7. MEETING OF BISHOPS AND STAFF OF ENGLISH-SPEAKING EPISCOPAL CONFERENCES ON SEXUAL ABUSE

The Committee is to recommend that one Bishop and Father Brian Lucas, Sister Angela Ryan and an officer of Catholic Church Insurances should attend a meeting of English-speaking Episcopal Conferences on sexual abuse, which is to be sponsored by the National Conference of Catholic Bishops of the United States of America and which will be held later this year.

8. MANDATE FOR BISHOPS' COMMITTEE FOR PROFESSIONAL STANDARDS

It was agreed that a Mandate for the Bishops' Committee for Professional Standards should now be drafted for approval by the Australian Catholic Bishops' Conference and the Australian Conference of Leaders of Religious Institutes.

9. POLICY AND PRACTICE RE SEXUAL MISCONDUCT OF CLERGY

Because of insufficient time it was agreed that the Policy and Practice re sexual misconduct of clergy should be placed on the agenda for the next meeting of the Committee.

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10. REQUEST FOR MEETING WITH "FRIENDS OF SUSANNA"

Mr. Rodney Stinson on behalf of the "Friends of Susanna" has requested a meeting with representatives of the Bishops' Committee for Professional Standards. It was agreed that such a meeting should not take place until the new document containing the Principles in relation to sexual abuse and professional misconduct was available. It was noted that the "Friends of Susanna" had already made a worthwhile contribution to the project.

The Bishops are to be informed of the advice which the "Friends of Susanna" have provided concerning the legal implications of professional misconduct by clergy.

11. GENERAL BUSINESS

Re the Proposal for the establishment of a branch of "The Christian Institute for the Study of Human Sexuality" in Australia.

Bishop Mulkearns has written to the Secretary seeking a declaration of interest in the establishment of a branch of "The Christian Institute for the Study of Human Sexuality" in Australia. It was agreed that such a project would assist with the preventative aspects of the Charter given to the Bishops' Committee for Professional Standards and should be encouraged.

12. DATE OF NEXT MEETING

The next meeting of the Bishops' Committee for Professional Standards is to be held at St Mary's Cathedral Presbytery, Sydney, N.S.W., on Tuesday, 6th June, 1995, from 10.00 a.m. to 4.00 p.m.

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