

NATIONAL COMMITTEE FOR PROFESSIONAL STANDARDS

A Committee of the Australian Catholic Bishops & the
Australian Leaders of Religious Institutes

ACBC VOL15/26

BRIEFING NOTE NO. 8

TO: National Committee for Professional Standards

FROM: Father David Cappelletti

DATE: 16 October 1996

RE: Archdiocese of Melbourne: Development of Diocesan protocol.

The Archbishop of Melbourne has instructed its diocesan solicitors, Corrs, Chambers, Westgarth to prepare a set of protocols for the diocese's response to sexual abuse issues including the notion of a compensation panel. A public announcement is planned for the 23 October.

Together with Mr. Laurie Rolls, I met with Mr. Barry O' Callaghan and Mr. Richard Leder, from Corrs, on the 1st October to discuss the current status of the national procedures and to provide constructive comment on the direction of Melbourne's protocol.

The attached letter provides detail of my response to Mr. O'Callaghan.

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CONFIDENTIAL

8 October 1996

COPY

Mr. Barry O'Callaghan
Corrs, Chambers, Westgarth
600 Burke St.
Melbourne. VIC 3000

Dear Barry

Thankyou for the opportunity to meet with yourself and Richard Leder regarding the Archdiocese of Melbourne's proposed response to sexual abuse complaints.

I trust that the draft national procedures document that I left with you, and our discussion about both national and state procedures was helpful.

As I mentioned during our meeting, please feel free to use the various definitions and other terminology from the draft national procedures document in developing the newly proposed Archdiocese of Melbourne plan of action in responding to complaints of sexual abuse by Church personnel. At present, I believe there could be some confusion regarding definitions and terminology. I would also recommend against using the title 'special issues'. This title has received a fair amount of negative publicity from some in the media suggesting that such an obscure title continues to reflect the church's inability to deal with the issues of sexual abuse and professional boundary violation. In any case, the Australian Catholic Bishops' Conference and the Australian Conference of Leaders of Religious Institutes and indeed most dioceses, now use the term 'professional standards'. Perhaps you would also consider the use of this title.

Also, as I mentioned to you and to Richard Leder, I believe it would be helpful to consider using the Melbourne Provincial Professional Standards Resource Group, that is already established, as the consultative body to your proposed investigator, rather than setting up another consultative/advisory body, that at the end of the day, would carry out a similar role to the current provincial professional standards body. It would also seem advisable to appoint some 'contact persons' to take complaints and to act as a gatekeeper for the proposed investigator.

Laurie Rolls, who is of enormous assistance to me regarding the various risk management

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programs and procedures that are being established at a national level, provided me with a copy of your four point plan following our recent meeting. While we did not go into the concept of a 'compensation panel' in any detail during our meeting, in the spirit of supportive dialogue, I would like to take this opportunity to make some comments, having now read the document.

Providing compensation for victims is a matter of justice and I support your determination to respond to this issue. Many dioceses and religious orders are also addressing this issue quite seriously and are achieving success in concluding settlements that are both just and fair to all concerned. Church authorities around the nation have learnt, from both positive and negative experiences, that the use of mediation and conciliation are powerful tools, while polarising of alleged victims, alleged offenders and the church in the courts, can be a very destructive process for all concerned. If at all possible, other avenues of dealing with the situation should be pursued.

However, I do have some concerns about your proposed 'compensation panel' including the idea of publicly stating that a 'compensation panel' is to be established as part of your four point plan. As well, I believe that it would be helpful to consult more widely regarding the rationale and process that is outlined for the compensation panel. No matter how good and appropriate is the intention to establish such a public process and to respond to the needs of victims, it can very easily raise quite unreal expectations in the public mind and certainly in the mind of many victims, that a compensation panel can provide money from the coffers of the church to all victims, apart from a legal process. While this is a simplistic and inaccurate interpretation of what you are trying to do, I believe that it is the interpretation that will stay in the public forum. And again, once unrealistic expectations of some victims are not met in such a compensation process, victims themselves will feel that the institutional Church is abandoning them and the Church loses out in not appearing to care for some victims. The media reaction to this situation would be quite predictable.

The care of victims must always be a priority concern, but I am not sure that your proposed compensation panel process will achieve the goal we are all working towards. I put as a suggestion for your consideration that further discussions with the National Committee for Professional Standards take place about this issue. I believe that it is also important to consult with victims and victims groups on these issues.

The review of the national procedures document is nearing completion and I anticipate approval of the document at the November meeting of the bishops conference. Considering that the Archbishop of Melbourne would also be a party to the national document, perhaps it would be advisable to delay the release of the Melbourne plan until December and using the next few weeks for further consultation with survivors of abuse, victims groups, the national committee, other dioceses and Catholic Church Insurance? This would also help to prevent any potential embarrassment for the Archbishop if the Melbourne plan, to be currently released in mid October, was perceived to be very different, if not confusing or in conflict when compared to the national and other State procedures.

A further issue that we did talk about at length and one that I would be pleased to receive ongoing advice from you, is the issue of the church investigating criminal complaints. You mentioned that you were soon to talk to the police in Melbourne about this matter. Your comments following your discussions with the police would be very helpful.

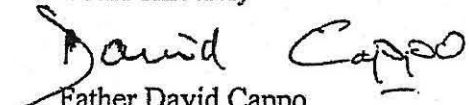
I also wish to thank Richard and yourself for the insightful and helpful comments about the idea currently being discussed in the national dialogue about a process of review of decisions of church authorities. Your comments and ideas were most helpful to me.

If I can be of any assistance to you in the development of your 'four point plan' do not hesitate to contact me.

I look forward to further discussions with you about these important matters.

With kind regards to you and to Richard Leder,

Yours sincerely


Father David Cappo
Executive Officer.