

**AFFIDAVIT OF BRIAN JOSEPH LUCAS DATED 11 MARCH 2013**

Court	Special Commission of Inquiry into Matters Relating to the Police Investigation of Certain Child Abuse Allegations in the Catholic Diocese of Maitland-Newcastle
Filed for	Brian Joseph Lucas
Legal representative	Robert Patrick Higgins by his Partner Carroll & O'Dea Lawyers ABN 70 356 352 183 Level 18, 111 Elizabeth Street SYDNEY NSW 2000 DX 183 SYDNEY Tel: (02) 9291 7100 Fax: (02) 9221 1117 Email: cod@codea.com.au
Legal representative reference	HGH 123899
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**AFFIDAVIT**

Name **BRIAN JOSEPH LUCAS**

Address [REDACTED]

Occupation **General Secretary of the Australian Catholic Bishops Conference**

Date **11 March 2013**

I say on oath

- 1 I am the General Secretary of the Australian Catholic Bishops Conference
- 2 I have been asked to provide a written statement in response to a letter sent to my legal representatives Carroll & O'Dea from the Crown Solicitor's Office dated 7 February 2013. A true copy of that letter is annexed and marked "A".
- 3 I set out my formal response to each question below, and in doing so provide the specific question at the commencement of the paragraph.
- 4 **"Father Lucas's knowledge regarding any processes, policies, protocols or guidelines for dealing with allegations of child sexual abuse within the Catholic Church, including the history and evolution of such policies/protocols";**

My first formal involvement in the development of processes for dealing with allegations of child sexual abuse within the Catholic Church was in April 1988 when I made a presentation to a Plenary Meeting of the Australian Catholic Bishops Conference (ACBC).

A true copy of the notes of that presentation is annexed and marked "B".

The Bishops accepted my recommendation that a Committee be established to take the matter forward and the Special Issues Committee (SIC) was formally established at the November 1988 Plenary meeting. I was appointed a member of that Committee in early 1989.

The mandate of the SIC included

*"to establish a protocol to be observed by bishops and major superiors if an accusation is made against a priest or religious alleging criminal behaviour, and to advise on the implementation thereof."*

An initial draft was presented to the Plenary meeting of the ACBC in November 1989 for adoption at the Plenary meeting in May 1990. At that meeting the protocol was adopted for a trial period of 12 months.

*[Handwritten signature]*



On 29 April 1991 the ACBC held a pastoral discussion session with a number of experts including an overseas visitor to consider various aspects of pedophilia.

A further revised version of the protocol was presented in April 1991 and in April 1992 the ACBC considered a further draft, which was then subject to further consultation and revision. A true copy of the further draft is annexed and marked "C". That document was always a work in progress and was always seen as in need of further refinement in the light of experience.

In September that year I undertook a study tour of North America to test this protocol and gather information on the best practice for dealing with allegations of child sexual assault.

In 1993 I wrote an article for the magazine of the National Council of Priests ("The Swag") and this set out some of the complexities that were involved in dealing with allegations. It reflects my understanding of the issues at that time. A true copy of this document is annexed and marked "D".

By 1994 the SIC (from then on called the Bishops' Committee for Professional Standards (BCPS)) had begun a complete review and revision of the 1992 Protocol and this involved wide consultation. The Committee ceased to be a sub-committee of the Bishops' Committee for Clergy and Religious, was reconstituted as an independent Committee and expanded to include membership nominated by the Australian Conference of Leaders of Religious Institutes.

In September 1994 I received an approach from an official of the United States Conference of Catholic Bishops suggesting a meeting of representatives from various English speaking countries to consider these issues. A meeting was then convened in Chicago in May 1996 and meetings have been held periodically since then in order to learn from experience in other places.

During 1996 the ACBC appointed an executive officer, Fr David Cappo, who had social work qualifications, to assist the BCPS.

At its Plenary Meeting in April 1996 the ACBC adopted a series of motions which included the adoption of the protocol known as *Towards Healing*. That protocol has been subject to further revisions up to the present day. This document is publicly available on the ACBC website.

A true copy of the Pastoral letter announcing these initiatives is annexed and marked "E".

In October 1996, the then Archbishop of Melbourne Cardinal George Pell introduced a set of procedures which has come to be known as the *Melbourne Response*. Other than providing a response to a request from Corrs Chambers Westgarth (dated 22 August 1996) for comments on an early draft document, I had no involvement in the design of these procedures nor in their implementation. Full details of the *Melbourne Response* are publicly available on the website of the Archdiocese of Melbourne [www.cam.org.au](http://www.cam.org.au).

In 1997 the BCPS was given a new charter and known as the National Committee for Professional Standards (NCPS).

As well as *Towards Healing* the ACBC has adopted two other documents relating to professional standards: *Integrity in Ministry* and *Integrity in the Service of the Church*. These are also publicly available.

Professor Patrick Parkinson was engaged by the NCPS to undertake two reviews of *Towards Healing* in 2000 and 2009.

In April 2005, Barry Mahoney QC undertook a review and provided a report on the operation of the National Committee for Professional Standards.

Further details on the history and revisions of both the *Melbourne Response* and *Towards Healing* are set out in the 2012 submission of the Catholic Church in Victoria to the *Parliamentary Inquiry into the Handling of Child Abuse by Religious and other Non-Government Organisations*. This submission contains details of developments in overseas jurisdictions and appendix 5 shows a time line of developments paralleling secular and Catholic Church responses 1961 - 2012.

It is publicly available on the website [www.facingthetruth.org.au](http://www.facingthetruth.org.au).

**5 "Father Lucas' role in the Special Issues Resources Group, including what this entailed, and the period of his service in this role";**

My role as a member of the Special Issues Resource Group for the Province of Sydney (SIRG) was as set out in the 1992 Protocol. From time to time I undertook the following:

- providing assistance and advice to church authorities in dealing with allegations against church personnel;



- as requested by a church authority, speaking with a complainant and assessing the likely veracity of the complaint and directing the complaint to appropriate counselling services as required;
- as requested by a church authority, speaking with an accused person, and depending on the circumstances, confronting him or her with the allegations, negotiating a resignation from active ministry, and participation in therapy;
- commenting on revisions to the protocols leading to the development of the version known as *Towards Healing*;
- undertaking in-service programmes for bishops, clergy and other church personnel;
- making media comments;
- monitoring developments in the law and practice relating to child protection;
- liaising with the National Committee for Professional Standards;
- liaising with the NSW Police;

I was a member of the (SIRC) from its inception in about 1992 until 1997. In late 1996 Mr John Davoren was appointed a fulltime executive to conduct the Professional Standards Office. From about that time I was no longer involved in dealing with these matters.

REDACTED FOR RELEVANCE

A major issue, which was difficult to resolve, and which was not clear in the 1992 Protocol, was the way in which any Church action related to Police action. On the one hand, it is very clear that no action by the Church should prejudice any Police investigation or impede the proper process of justice. On the other hand, the Church, if someone in authority had some suspicions, could not fail to act because the complainant(s) would not go to the Police or there were delays in Police action. It is untenable that the Church might allow a person, under suspicion, to remain in office, and hence be a possible risk, pending a decision by a complaint whether or not to make a complaint to the Police, or a decision by the Police whether or not to proceed with a prosecution.

The Final Report of the Wood Royal Commission (1997) referred to my evidence where this dilemma was discussed (cf para 11.29- 11.32).

REDACTED

6 "When Father Lucas first became aware of any reports, complaints or recorded suspicions of child sexual abuse by Father Denis McAlinden";

To the best of my recollection, at some stage in early 1993, I had a meeting with

AL I do not recall the circumstances of how I came to speak with her but presume it was at the request of Bishop Leo Clarke, the then Bishop of Maitland (as it was then known) or the then Vicar General, Monsignor Alan Hart, I believe, but do not recall precisely as it may be something I learned later, that I was informed at that time that McAlinden had been involved in a court case in Western Australia but had been acquitted. I do not recall now precisely what other information I was given about other complaints. During this meeting AL was accompanied by a religious sister who I am now informed was Sr Paula Redgrove. I do not recall the details of the content of this conversation except that AL led me to believe she may have been sexually abused.

I understood from her that her mother AL was still alive. She gave me to believe that this was one clear reason that she did not want to take the complaint to the police but wanted McAlinden to be removed from priestly ministry. I would have given her to believe that I would take steps to achieve this outcome.

7 "The steps taken by Father Lucas upon receiving any such report, complaint or recorded suspicion in relation to Father McAlinden";

Following this conversation with AL I would have reported it immediately to Bishop Clarke or Monsignor Hart. Recently having seen correspondence from the Maitland diocese, I can say that I met with Denis McAlinden in early 1993. I do not recall the details of the content of that meeting, except that its purpose was to negotiate with McAlinden his resignation from priestly ministry in the light of the allegations passed onto me, which I put to him. Immediately afterwards I would have reported any conversation with McAlinden to Bishop Leo Clarke or Monsignor Hart.



I have located a diary note in June 1995 "Ring Hart - McAlinden" but I do not now recall the context of any such phone call.

It was put to me by the NSW Police during an interview with me on 8 March 2012 (police interview) that I had telephone conversations with AJ and AI

I do not recall now the detail of such conversations.

In the light of the information which the police put to me during the police interview I was unsure of the precise chronology of events and sequence of conversations. The police seemed to suggest that the phone conversations were in 1993, and the interview with AL was in 1995. I now believe this to be mistaken.

As I told the police in the said interview, to the best of my recollection it was the interview with AL that triggered the resignation of McAlinden and whatever other action Bishop Clarke took, which included arranging for him to live in retirement with his sister in the United Kingdom, and this was in 1993.

I have been made aware of a canonical process by the Diocese against McAlinden in 1995. To the best of my recollection I was not involved in that process. In the light of the diary note mentioned above, I presume I was either asked some questions about McAlinden or given information about him about that time but I do not recall.

**8 "When Father Lucas first became aware of any reports, complaints or recorded suspicions of child sexual abuse by Father James Fletcher";**

To the best of my recollection I first became aware of complaints against James Fletcher either from media reports or possibly in conversation with BI BI was a colleague of mine as the

and later,

He told me at some point that his son was a victim of Fletcher. I do not know when that was.

**9 "The steps taken by Father Lucas upon receiving any such report, complaint or recorded suspicion in relation to Father Fletcher";**

I had no involvement in any way with the Fletcher case.

**10 "What Police investigations and inquiries Father Lucas was aware of with respect to Father McAlinden and when he became aware of them";**

I do not recall when I became aware of police investigations with respect to McAlinden. I suspect it was through media publicity around 2005. At the time I spoke

with AL there was no police action contemplated by her nor was I aware that police action was contemplated by anyone else.

- 11 "What Police investigations and inquiries Father Lucas was aware of with respect to Father Fletcher and when he became aware of them";

I have had no knowledge of police investigations with respect to Fletcher.

- 12 "Whether Father Lucas communicated or met with any member of the NSW Police Force in relation to either Father McAlinden or Father Fletcher, and if so, when and the details of those communications or meetings";

To the best of my knowledge I have never communicated with any police officer with respect to McAlinden or Fletcher other than in the police interview in March 2012 mentioned above.

- 13 "Whether Father Lucas considers that he co-operated with the Police investigation(s) and if so, please provide details as to the nature of that co-operation";

I fully co-operated with the police interview in March 2012 notwithstanding legal advice that I was not obliged to participate in that interview.

- 14 "Whether Father Lucas is aware of any instance in which he may have impeded or obstructed any Police investigation into Father McAlinden and/or Father Fletcher - and, if so, the nature of such impediment or obstruction";

I find the suggestion that I would have impeded or obstructed any police investigation into any person at any time deeply hurtful and I totally reject it.



SWORN at *S. D. 10/27/07*

Signature of deponent

Name of witness

Address of witness

Capacity of witness

Solicitor

And as a witness, I certify the following matters concerning the person who made this affidavit (the deponent):

- 1. I saw the face of the deponent
- 2. I have known the deponent for at least 12 months

Signature of witness



CROWN  
Solicitor's  
Office

Your Ref:  
My Ref: 201203450  
T20 Emma Sullivan  
Tel: (02) 9224-5029  
Fax: (02) 9224-5355

[crownsol@agd.nsw.gov.au](mailto:crownsol@agd.nsw.gov.au)

This and the following page(s) are the annexure  
marked [redacted] referred to in the affidavit of [redacted]  
sworn/declared before me  
at [redacted] this [redacted]  
day of [redacted] 2013.

7 February 2013

SOLICITOR/JUDGE OF THE PEACE

Mr Howard Harrison  
Carroll & O'Dea Lawyers  
DX 183 SYDNEY

By email

Dear Mr Harrison

**Special Commission of Inquiry into matters relating to the Police  
Investigation of certain child sexual abuse allegations in the Catholic  
Diocese of Maitland-Newcastle ("Inquiry")**

I refer to your recent communications with Ms Sullivan in relation to the above inquiry.

Thank you for the indication that your client, Father Brian Lucas, desires to co-operate with and assist the Inquiry.

The Commissioner would be assisted if Father Lucas could provide a signed statement addressing the following matters in as much detail as practicable (including, where possible, annexing relevant documentation):

1. Father Lucas's knowledge regarding any processes, policies, protocols or guidelines for dealing with allegations of child sexual abuse within the Catholic Church, including the history and evolution of such policies/protocols (to the best of his knowledge);
2. Father Lucas' role in the Special Issues Resources Group, including what this entailed, and the period of his service in this role;
3. When Father Lucas first became aware of any reports, complaints or recorded suspicions of child sexual abuse by Father Denis McAlinden;
4. The steps taken by Father Lucas upon receiving any such report, complaint or recorded suspicion in relation to Father McAlinden;
5. When Father Lucas first became aware of any reports, complaints or recorded suspicions of child sexual abuse by Father James Fletcher;
6. The steps taken by Father Lucas upon receiving any such report, complaint or recorded suspicion in relation to Father Fletcher;



7. What Police investigations and inquiries Father Lucas was aware of with respect to Father McAlinden and when he became aware of them;
8. What Police investigations and inquiries Father Lucas was aware of with respect to Father Fletcher and when he became aware of them;
9. Whether Father Lucas communicated or met with any member of the NSW Police Force in relation to either Father McAlinden or Father Fletcher, and if so, when and the details of those communications or meetings;
10. Whether Father Lucas considers that he co-operated with the Police investigation(s) and if so, please provide details as to the nature of that co-operation;
11. Whether Father Lucas is aware of any instance in which he may have impeded or obstructed any Police investigation into Father McAlinden and/or Father Fletcher – and, if so, the nature of such impediment or obstruction.

The Commissioner would be assisted by the provision of this statement on or before Friday, 22 February 2013. In the event you anticipate difficulties in relation to the provision of the statement by this date, please advise at your earliest convenience.

Please contact Emma Sullivan on (02) 9224 5029 should you have any questions in relation to this request.

Yours faithfully

Emma Sullivan  
Special Counsel  
for Crown Solicitor



12th April 1988

AUSTRALIAN CATHOLIC BISHOPS' CONFERENCE

CLERGY AND CHILD SEXUAL ASSAULT

Brief Notes prepared by Fr. Brian Lucas

CONFIDENTIAL

These brief notes raise some of the main issues connected with clergy and child sexual assault.

1. CIVIL LAW

Child sexual assault is widely defined and will constitute a criminal offence in all States. The gravity of the offence depends on the nature of the assault and the age of the child. The relationship of trust between victim and offender may be an aggravating factor.

1.1 Criminal Proceedings

These may be instigated if the police have sufficient evidence. It is likely that the investigation will result from a complaint by a victim or victim's family.

It is essential that the offender have access to competent legal advice at the very beginning. No statement, or conversation should take place with the authorities unless in accordance with that advice.

To avoid conflict of interest my opinion is that this advice should be obtained from a different lawyer than the one who acts for the diocese or religious congregation.

While it is clearer that a religious order will be obliged to bear the costs of a member, the diocesan bishops should take the decision as a matter of uniform policy to cover these costs.

If a case goes to court I would envisage the possibility of costs in the tens of thousands of dollars.

Bishops and major superiors and other church officials must be careful not to hamper police inquiries, act as accessories or attempt to cover-up an offence.

1.2 Damages Claims

The question of a claim for damages against the Church is unclear. The United States experience is only of limited application in Australia.

This and the following 3 pages are the annexure marked B referred to in the affidavit of Brian Joseph Lucas sworn/declared before me at Sydney this 11 day of March 2013.

  
SOLICITOR/JUSTICE OF THE PEACE



In general the Church will not be liable for the actions of the offender which are criminal and quite clearly outside the scope of an employment or agency relationship.

A claim against the Church by a victim or victim's family as per-*off* to avoid criminal action or publicity should be resisted. It is a form of extortion.

It is possible that a claim could be brought against the Church on the basis of negligence in that the authorities reasonably could foresee the likelihood of a child being at risk and negligently failed to take steps to prevent this. The possibilities for such negligence could be at the time of recruitment into the seminary, at the time of investigation prior to ordination or inappropriate action following a complaint such as further appointments or inadequate treatment.

I recommend that Catholic Church Insurances be alerted to this question.

## 2. CANON LAW

The questions that arise in canon law are complex and I do not claim any expertise in this area.

The first issue is whether the priest should remain in his appointment after a complaint and before the finalisation of legal proceedings. Each case will turn on its own facts but in general the considerations are firstly, the avoidance of further possible offences and, secondly, the question of scandal to the faithful. In general the priest should be required to take a leave of absence at least from the time of a criminal charge, the good of individuals, and of the Church overrides the possibility that this leave of absence is interpreted as an admission of guilt.

The decision of the bishop, after following the proper canonical process, does not necessarily have to depend on the verdict in the civil court.

The question has been raised about the confidentiality of the canonical process. In general the Church will not be able to protect its documents from the civil process. However I suggest the following procedure. As soon as there is a complaint the Church authority briefs its lawyers and advises them of the possibility of a claim. They in turn instruct the Church to make its inquiry and report. All documentation created from that time on forms part of that



report and be incorporated into the correspondence between the Church and its lawyers, thus hopefully, attracting legal privilege. Documentation created at an earlier time, such as a letter of complaint as well as any reply would not be privileged. Replies to complaints should be in accordance with legal advice.

### 3. PUBLIC RELATIONS

The problems here are the most complex.

#### 3.1 The local community.

It is naive to expect that the complaint will not become widely known.

The Church authority has a responsibility to the victims, victims' families, the local parish/school community, to ensure that justice is done. There will be a lot of anger and confusion. Every effort must be made to allow the complainant to receive a sympathetic hearing.

The worst charge against the Church will not be the offence but the fact that the Church did not take the complaint seriously or act decisively.

I recommend that all complainants be given the opportunity for a personal interview with the bishop, superior or other nominated official.

#### 3.2 Mass Media

These cases will be sensationalised. There are some limits while the case is before the court. What the media will search for is the cover-up, or the failure of the Church to act appropriately.

Likely times for media interest are at the time of complaint, formal charge, trial and sentence.

Those who are likely to want to take the case to the media could include: the victims, families or friends, investigative journalists, disgruntled Catholics, disgruntled clergy/religious. The media will be likely to seek a reaction from: the offender, the bishop/superior, those attached to the parish/school, seminary staff, spokesmen.

I do not think that we can hide for long from the media. A willingness to be open to the extent that this is reasonable may enable the Church to influence the agenda. Accordingly I recommend that those authorized to speak to the media be as



narrowly defined as possible. What we must avoid is well-meaning but inexperienced individuals trying to be helpful. The way in which the story is handled will depend on the type of programme: news, light current affairs (e.g. Minch, A Current Affair, 7.30 Report) or more in depth programmes (60 Minutes, Four Corners). There should be particular attention given to providing information for the print media, especially in local press.

Consideration should also be given to providing information to the Catholic press so that Catholics do not feel that the only information they are given comes from the secular press. They may have more confidence in the Church in the long term if there is a spirit of honesty and openness. This will depend on the extent to which there is widespread publicity.

Some of the approaches which the Church could take are as follows: it is easy to make allegations, the Church has to be sure that the allegation is serious before it can act otherwise it does not do justice to the alleged offender; as soon as the complaint was made the Church acted decisively to prevent any possible further offences; the priest requires help which will be provided; the Church is concerned about the victims and has facilities to help them; there is no place in the priesthood for such offenders; everything possible is being done to identify offenders in the selection and training but the nature of the offence is such that detection is not easy;

#### 4. Some other comments

The bishop/superior must resist the natural inclination to take sides with the alleged offender.

The bishop/superior has responsibilities not only to the alleged offender but also the victims, families, the community and other priests. He must be and be seen to be acting in the best interests of all relevant parties.

It is likely that there will be a number of these cases in the next few months. We should learn from experience.

I recommend that there be a national committee established forthwith by the Australian Catholic Bishops' Conference and the Major Superiors which will monitor cases and be a resource for individual bishops. All complaints should be brought to its attention so that there is a consistency of approach.

A more thorough study of these issues should be prepared and made available to all bishops and major superiors.

STRICTLY CONFIDENTIAL

(FOR BISHOPS MAJOR SUPERIORS AND SUPERIORS ONLY)

AUSTRALIAN CATHOLIC BISHOPS CONFERENCE  
SPECIAL ISSUES SUB-COMMITTEE

PROTOCOL FOR DEALING WITH ALLEGATIONS OF  
CRIMINAL BEHAVIOUR

This and the following ..... 3 ..... pages are the annexure  
marked ..... referred to in the affidavit of .....  
Joseph ..... sworn/declared before me  
at ..... this .....  
day of ..... 20 13

*[Signature]*  
SOLICITOR / JUSTICE OF THE PEACE

PLENARY MEETING APRIL 1992



## 1. PREAMBLE

In November-December 1988 the Australian Catholic Bishops Conference considered the implications of allegations of criminal behaviour, especially relating to children, made against clerics and religious. The Conference was made aware of the problems that had arisen in the United States of America and Canada.

It established the Australian Catholic Bishops Conference Special Issues Committee Relating to Priests and Religious (now titled Special Issues Sub-Committee).

The Special Issues Committee was required to establish a protocol to be observed by bishops and major superiors and superiors if an accusation is made against a cleric or religious alleging criminal behaviour, and to advise on the implementation thereof.

This protocol, which has been approved by the Australian Catholic Bishops Conference, is limited to allegations of criminal behaviour made against a cleric or religious.

It is understood that this protocol in no way affects any rights and obligations, arising from canon law either universal or particular, of bishops or major superiors or superiors.

The publication of this protocol is at the sole prerogative of the ACBCSIC.

## 2. DEFINITIONS

In this protocol

ACBCSIC means the Australian Catholic Bishops Conference Special Issues Sub-Committee

accused means the cleric or religious against whom a complaint of criminal behaviour is made

bishop means the diocesan bishop or the diocesan administrator or whoever is called to the governance *sede impedita* of a diocese in Australia or their authorized representatives

cleric means a bishop, diocesan priest or deacon, or priest or deacon incardinated in a personal prelature, and any person formally accepted into the process of formation for the sacrament of order by a bishop or superior



'competent ecclesial authority' means the bishop, the major superior, the superior as herein defined for the purposes of this Protocol.

'complainant' means the person who has made a complaint alleging criminal behaviour against the accused.

'criminal behaviour' shall refer to criminal offences in civil law and shall include sexual assault relating to children.

'departmental officers' shall include Police and those officers of the relevant State Government Department responsible for child welfare.

'Institute' means a clerical or lay Institute of Consecrated Life or Society of Apostolic Life recognised by the Catholic Church.

'major superior' means the competent major superior, in accordance with the Institute's own law, resident in Australia of the accused, or if the Institute has no major superior resident in Australia that Institute's highest authority resident in Australia or their authorized representatives.

'religious' means a member of an Institute, and any person formally admitted into an Institute's programme of formation by the competent superior in accordance with an Institute's own law.

'Special Issues Resource Group' means a group established in accordance with paragraph 5 below and any reference to 'Special Issues Resource Group' includes a reference to some or all of the members thereof.

'superior' means the highest authority, resident in Australia, of a Personal Prelature or his authorized representative.

'victim' refers to the person who is alleged to be the victim of criminal behaviour involving the accused.

Words importing the masculine gender only include the feminine gender and vice versa.



## 3. RESPONSIBILITIES OF BISHOPS, MAJOR SUPERIORS AND SUPERIORS

3.1 Bishops have duties and responsibilities to their priests, religious, and all of Christ's faithful according to natural justice and canon law. They have a responsibility to protect the good reputation of individuals and the Church as a whole. They have a special concern for the victims of injustice and those who are vulnerable.

3.2 Major superiors have a similar duty and responsibility when the actions of members of the Institute are challenged, but they must also take into account, as well, the rights of all Christ's faithful and the good of the whole Church.

3.3 Superiors have a similar duty and responsibility when the actions of members of the Personal Preleature are challenged, but they must also take into account, as well, the rights of all Christ's faithful and the good of the whole Church.

3.4 The investigation, required by this protocol, and resolution of allegations of criminal behaviour against the accused shall be the responsibility of the competent ecclesial authority whose responsibility is personal. Whilst this protocol requires that others may assist with the process of investigation and make recommendations, it is the competent ecclesial authority personally who bears the responsibility for decisions.

3.5 Allegations of criminal behaviour against the accused will affect the whole church in Australia, and even the universal church. Bishops, major superiors and superiors must take into account the critical importance of adopting uniform approaches and working in close co-operation with each other, so that justice may be done not only for the good of individuals but for the good of the whole church.

3.6 The competent ecclesial authority must be and appear to be impartial during any process of investigation, lest the victim or complainant should perceive that the competent ecclesial authority is acting defensively, with disbelie, or as advocate for the accused.



#### 4. VALUE TO BE PROMOTED

4.1 In dealing with allegations of criminal behaviour against the accused, the competent ecclesial authority is obliged to take into account and preserve various values:

4.1.1 To act with justice, mercy and charity.

4.1.2 To respect the civil law and not obstruct or pervert the process of justice.

4.1.3 To show pastoral solicitude for the welfare of any complainant, victim, victim's family or accused.

4.1.4 To not call into question the good reputation of any person, whether complainant, victim or accused and their right to privacy.

4.1.5 To act so as to prevent or remedy scandal.

#### 5. RESOURCES

5.1 The investigation, required by this protocol, and resolution of allegations of criminal behaviour against the accused requires a multi-disciplinary approach. There are issues involving civil law, canon law, public relations, church discipline, as well as individual and community welfare.

5.2 There should be established by the Provincial Council, in such Ecclesiastical Provinces as ACBCSIC recommends, a Special Issues Resource Group consisting of personnel who are skilled in dealing with allegations of criminal behaviour.

5.2.1 The personnel of the relevant Special Issues Resource Group are to be available to the competent ecclesial authority as each case may require for the purposes of assisting such authority by:

- providing advice;
- conducting an investigation;
- assisting with an investigation;
- managing contact with media.

5.2.2 The ACBCSIC shall offer advice on appointments to, and the activities of, such Special Issues Resource Groups.



5.2 The Membership of Special Issues Resource Groups shall include at least one priest as well as other professionals skilled in the relevant social sciences.

5.3 The relevant Special Issues Resource Group shall advise the competent ecclesial authority of the names of civil lawyers in each State or Territory who are available to act in these matters.

5.4 The ACHCSIC shall provide to the competent ecclesial authority as required a list of personnel and facilities that are available for counselling of complainants, counselling and therapy for victims and their families, and assessment and therapy for the accused.

5.5 The Provincial Council and the relevant major superiors and superiors shall nominate a spokesperson(s) who shall be the only authorized person(s) available to comment to the media on behalf of the competent ecclesial authority in relation to allegations of criminal behaviour. The ACHCSIC and the relevant Special Issues Resource Group shall consult with such spokesperson(s).

## 6. COMPLAINTS

6.1 Whenever the competent ecclesial authority receives information of alleged criminal behaviour the matter shall immediately be referred, except in circumstances of a most serious and extraordinary nature, to the relevant Special Issues Resource Group.

6.2 In circumstances of a most serious and extraordinary nature, the competent ecclesial authority shall immediately conduct, through another suitably qualified delegate, an inquiry into the complaint about the alleged criminal behaviour.

6.3 It is possible that a complaint may be made concerning alleged criminal behaviour or the matter may come to the attention of the competent ecclesial authority in a number of ways.

The complaint may be made



6.2.1 - to the following:  
the bishop, major superior, or superior  
another cleric or religious  
some other person  
departmental officers  
the media

6.2.2 - by the following:  
the accused  
the victim  
the victim's family  
a person who is aware of, or suspects,  
criminal behaviour  
departmental officers  
the media  
anonymously

6.4 Since all the possibilities cannot be foreseen, the following general principles apply:

6.4.1 Each cleric or religious who becomes aware of a complaint, or the possibility of a complaint, either against himself, or another cleric or religious, is obliged (subject to any canonical obligation to the contrary) to notify that fact to the competent ecclesial authority, who shall immediately refer the matter to the relevant Special Issues Resource Group.

Requirements in some States or Territories for mandatory reporting should be taken into account.

6.4.2 The accused may bring the matter to the attention of the competent ecclesial authority, who shall immediately refer the (accused) to the relevant Special Issues Resource Group. The tendency of the accused to minimise or deny involvement should be taken into account.

6.4.3 Complaints received by the competent ecclesial authority directly from a victim and/or a member of the victim's family should be received sympathetically and the victim and/or the family informed that they will be contacted by a person skilled in this area so that the complaint can be investigated. The competent ecclesial authority shall immediately refer the matter to the relevant Special Issues Resource Group.



6.4.4 Complaints received from other persons, including clerics or religious, should be received sympathetically. The complainant should be informed that he will be contacted by a person skilled in this area so that the complaint can be investigated. The competent ecclesial authority shall immediately refer the matter to the relevant Special Issues Resource Group.

6.4.5 It should be made known to departmental officers that, subject to the obligations of law, the competent ecclesial authority wishes to be informed by departmental officers of allegations against a cleric or religious.

When a complaint comes to the attention of the competent ecclesial authority in this way, the matter shall be referred immediately to the relevant Special Issues Resource Group and the departmental officers informed that appropriate action has been initiated.

6.4.6 Complaints that come from the media should be noted and the complainant informed that the complaint will be investigated. The matter shall be referred immediately to the relevant Special Issues Resource Group.

General inquiries from the media should be referred to the nominated spokesperson(s) who shall be fully briefed by the competent ecclesial authority and/or the relevant Special Issues Resource Group.

6.4.7 Anonymous complaints should not be simply ignored but shall be referred immediately to the relevant Special Issues Resource Group for assessment and if necessary investigation.

6.5 Every attempt should be made to offer assistance to victims, victim's families and complainants by way of confidential counselling or other pastoral support as soon as the complaint is received.



## 7. PRELIMINARY INVESTIGATION

7.1 The Relevant Special Issues Resource Group shall assist the competent ecclesial authority to investigate the complaint. In the light of the nature of the complaint, the age of the victim and the circumstances generally, the relevant Special Issues Resource Group shall consider, without prejudice to paragraph 6.4.3 above, whether it is necessary or prudent to either initiate contact with, or otherwise interview, the victim and/or the victim's family.

7.1.1 No interview with a victim who is a child shall take place without the consent of the child's parent(s) or guardian(s).

7.1.2 No interview shall be undertaken which will prejudice any interview process being undertaken by departmental officers.

7.2 The complainant should be reassured

7.2.1 that the Church is concerned for the welfare of the victim and that the competent ecclesial authority shall make appropriate arrangements for victims and victims' families to be given advice regarding counselling or therapy which may or may not be provided by an agency of the Catholic Church

7.2.2 that the competent ecclesial authority must act in accordance with the law and not in a way that will prejudice the process of law

7.2.3 that the Church takes allegations of this kind seriously

7.2.4 that justice requires that the accused be heard.

7.3 No admissions should be made to the complainant or victim or any other person

7.3.1 that the accused is guilty

7.3.2 that there is any liability in damages

7.3.3 that any particular course of action will follow any investigation.



7.4 It should be made clear in all conversations with the complainant, victim (if this is appropriate), victim's family, departmental officers, and any other person that, pending investigation and resolution of the allegation, it is standard procedure for the accused to be given administrative leave. It does not imply any admission of guilt.

7.5 The freedom of people, and in some instances, an obligation in law to make a complaint to departmental officers must be respected. Under no circumstances should any attempt be made to dissuade a victim or family from approaching departmental officers.

Under no circumstances should any agreement be made that in return for an undertaking by the family not to approach departmental officers certain action will be taken against the accused.

7.6 The relevant Special Issues Resource Group shall then report to the competent ecclesial authority

7.6.1 that there is no substance to the complaint and no further action should be taken

7.6.2 that, although there is no substance to the complaint and no further action should be taken, as the allegation has become public specific action must be taken to repair any scandal or remedy any injury to anyone's good reputation

7.6.3 that there appears to be substance to the complaint and that there is need for further investigation.

## 8. THE RESPONSE OF THE ACCUSED

8.1 If the relevant Special Issues Resource Group informs the competent ecclesial authority that it considers there is substance to the complaint and the matter requires further investigation, the competent ecclesial authority shall forthwith (within hours) require the accused to attend for an interview.



8.2 The competent ecclesial authority should simply inform the accused of the nature of the complaint and inform him that the relevant Special Issues Resource Group shall enquire into the complaint. The accused shall be given the opportunity to seek legal (canonical and civil) advice. The accused is entitled to the protection of the law. He should be made aware that statements made by him to others could, in some circumstances, be used as evidence against him. He should be warned of the dangers of interviews that are 'off the record'. He should be made aware of the right in law to remain silent.

8.3 The relevant Special Issues Resource Group shall recommend to the competent ecclesial authority what further action is required.

8.4 The competent ecclesial authority must take care not to act in a way that could be interpreted as an attempt to pervert the course of justice, or amount to the offence of being an accessory after the fact. The accused must not be aided to escape the jurisdiction or otherwise to frustrate the process of law.

## 9. FURTHER INVESTIGATION

9.1 If further investigation is required the procedure shall be for the accused to be given administrative leave from any public duties.

9.2 Proper arrangements must be made for the accused to reside in a secure place during the period of administrative leave, and consequently the competent ecclesial authority shall choose an appropriate place for him to reside pending the outcome of the investigation. The accused should have access to such spiritual and psychological assistance as he may require.

9.3 In every case pending investigation the accused must not remain in a situation where it may be perceived that other people, especially children, might be at risk. The accused ought not undertake any public function since this might create greater scandal if he is subsequently found to have offended.



9.4 If the accused refuses to take administrative leave or is otherwise unco-operative action may be taken in accordance with the provisions of CIC can. 1319. In such circumstances specific advice should be sought from an expert in canon law.

9.5 If it appears even possible that the complaint will involve legal proceedings the accused should be advised by the competent ecclesial authority to retain his own lawyer independent from the lawyer retained in accordance with paragraph 3.3 above and independent from any lawyer usually retained either by the institute, diocese, personal prelature or their insurers. A list of available and suitably skilled lawyers should be available from ACSCSIC. It should be made clear who is to bear the responsibility for the costs.

9.6 The relevant insurer must be notified in accordance with the requirements of the relevant policy if circumstances have arisen which might give rise to a claim.

9.7 The accused must be informed that he must not give any interviews to the media, on or off the record. The accused must refer any requests to the nominated spokesperson(s).

9.7.1 The competent ecclesial authority shall consult with the relevant Special Issues Resource Group and nominated spokesperson(s) as to the advisability of any public statement and its scope, content and form. The minimisation of scandal as well as the reputations of all involved should be taken into account. The possibility that silence may be interpreted as an attempt to 'cover-up' the truth should also be taken into account. Any statement that explains a period of administrative leave should make it clear that such leave is a routine requirement that does not imply any admission or presumption of guilt.

9.7.2 Where legal proceedings have begun or are imminent no public statement should be made without specific legal advice.



9.8 Where it appears that legal proceedings are unlikely the competent ecclesial authority must personally consider, in the light of all the information available to him, whether it is prudent to cease the period of administrative leave, reassign the accused or provide him with psychological therapy.

9.9 If legal proceedings are commenced the competent ecclesial authority shall not act in any way which would prejudice the fair trial of the accused.

9.10 If the accused is not committed for trial, or is tried and acquitted, the competent ecclesial authority must personally consider, in the light of all the information that is available to him, whether it is prudent to cease the period of administrative leave, reassign the accused or provide him with psychological therapy.

9.11 If the accused pleads guilty or, after trial, is found guilty, of criminal behaviour, whether or not a conviction is recorded, the competent ecclesial authority should carefully consider, in the light of any criminal penalty, what action should be taken in regard to the accused and what should be done to remedy any scandal.

9.12 In making these decisions the competent ecclesial authority must give first priority to preventing, as far as possible, any future risk to others, especially children.

9.13 A negligent failure to take reasonable steps to prevent such risk could expose the competent ecclesial authority to a claim for damages in the event of future incidents. Furthermore, and more seriously, it could create the impression that the Church condones criminal behaviour or is unmindful of the harm caused to victims.

## 10. CONFIDENTIALITY

10.1 In all matters relating to any conversations and documents and the preliminary and further investigations required under this protocol professional secrecy is to be observed.



10.2 All clerics and religious should be educated by their competent ecclesial authority safeguard the reputations of all who may be involved in a complaint, including the complainant, victim, and the accused.

## 11. TREATMENT OPTIONS

11.1 Immediately upon informing the accused of a complaint the competent ecclesial authority should reassure him that his welfare is important. In the light of the recommendations of the relevant Special Issues Resource Group, he should immediately be referred to an appropriate person or facility for assessment.

11.2 Future management and therapeutic intervention will depend largely on the circumstances of the complaint and in many instances must await the finalisation of any legal proceedings. The anxiety, that is consequent upon the complaint and the legal process, may impede any therapy.

11.3 The competent ecclesial authority must take a personal interest in and be supportive of the accused during any assessment or treatment programme.

11.4 Treatment options and the details of particular personnel or facilities should be made available to the competent ecclesial authority by AHCSSIC.

## 12. PREVENTIVE STRATEGIES - ESPECIALLY WHERE CHILDREN MAY BE VICTIMS

12.1 The competent ecclesial authority shall ensure that all clerics and religious are made aware of the seriousness of criminal behaviour especially involving children. They should be warned of behaviour that is inappropriate or which might be misunderstood as involving improper behaviour relating to children.

12.2 Particular prudence must be exercised in the supervision of children on camps, in dormitories, in showers and toilets, and in other situations where adults are alone with children. Any physical contact with children must be carefully assessed.



12.3 General rules of conduct should be laid down to cover circumstances of likely risk and these must be rigidly enforced. Unwillingness by an individual to comply might itself be symptomatic of a problem that requires further consideration.

12.4 Where the competent ecclesial authority is concerned about the behaviour of a cleric or religious he should initiate such assessment and therapy as may be indicated.

12.5 Any cleric or religious who feel that they may have problems in this area should be exhorted to seek therapy before the problem becomes unmanageable and they offend.

12.6 The competent ecclesial authority shall ask a cleric or religious, requesting incardination into a diocese or personal prelature or transfer into an institute and/or to carry out any ministry or apostolate in a diocese, to warrant that he is not aware of any circumstances which might lead to an allegation of criminal behaviour.

12.7 When a cleric or religious requests to exercise a ministry in a diocese or personal prelature, the competent ecclesial authority of that diocese or personal prelature shall request, from the competent ecclesial authority in whose diocese or personal prelature the cleric or religious previously exercised a ministry, a warranty that such authority is not aware of any circumstances which might lead to an allegation of criminal behaviour.

### 13. PREVENTIVE STRATEGIES - SCREENING AND FORMATION

13.1 All vocation directors and directors of formation should be made aware of the seriousness of criminal behaviour especially involving children. They should be aware of the indicators of this problem and the high risk of recidivism.

13.2 This issue should be considered regularly at conferences and meetings of vocation directors and directors of formation.



13.3 Prior to acceptance, prospective candidates for a seminary or institute should be asked to warrant that they are not aware of any circumstances which might lead to an allegation of criminal behaviour.

13.4 Even a single incident of criminal behaviour that relates to children should be considered grounds for dismissing a seminarian from a seminary or a candidate from an institute's programme of formation.

# ... those who know don't talk and those who talk don't know ...

WHEN I was asked to write an article on the subject of child abuse and the Church I was hesitant. The prevailing excuse was a tight schedule in view of forthcoming annual leave.

Over the past six years or so I have spoken to groups of bishops, priests and religious leaders around Australia. There have been vigorous discussions and searching questions as procedures were considered, analysed and debated. My library of materials, articles, newspaper clippings now stands 90cm high and is still growing.

Hardly a day goes past without a phone call or letter from someone, bishop, priest, religious superior, concerned family, past victim, the media or a member of the public.

There's no shortage of material. Why the hesitation?

I had an unspoken concern. I was particularly aware of the pain of many victims/survivors and how they are affected by articles on this topic.

## ... nuances carefully analysed

I knew that almost every priest and bishop in Australia might read whatever I wrote and, even though I was writing for priests, every word would be pondered by the survivors' groups and media with every nuance carefully analysed.

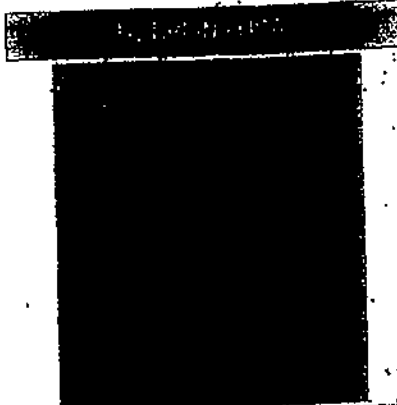
I wondered if I could get it right.

A strange concern, some may wonder, from one who for ten years has penned a column in *The Catholic Weekly*. Writing about scripture or theology or moral issues is easier. It's more impersonal and academic.

Writing about the tragedy of sexual abuse of children by clergy is different.

There is an emotional agenda as memories come back of difficult conversations with victims and their families who are angry, confused, vulnerable. They often need someone to blame for what has happened. The organisation they think has permitted the abuse, or is now protecting the perpetrator is no longer, for some, the loving community in which they once encountered God.

There are the men who may never exercise priesthood again. What can be said about them?



Fr Brian Litch is the Secretary of the Archdiocese of Sydney and has been a member of the Bishops' Committee dealing with allegations of child abuse since 1986.

I have met with priests to explain the bishops' procedures and felt how despondent many become. There's a sense of helplessness.

There is the frustration of constant media hype which ridicules the Church, portrays all clergy and brothers as sexually peculiar, and refuses to face the complexity of what is a most complex issue.

Several books have been published on the subject. There is a constant stream of articles in the press. Everyone wants to make a mini-series - fictional of course!

What more can be said?

What I would like to do in the few hundred words available is just to make a few points to illustrate how complex this issue is.

Again, a reminder - this is an article for priests. I crave the indulgence of other readers if I do not include their concerns.

Firstly, it is worth stating the obvious that we need constantly to remind ourselves that things are not always as they seem.

Secondly, given the way in which events are reported, either in the press or by word of mouth, whatever is done in particular cases can easily be reinterpreted to fit another agenda. Respect for privacy of both victims and perpetrators can limit the freedom of those who know the whole story to talk. In general those who do know don't talk and those who talk don't know.

Thirdly, the Church is usually portrayed as the villain. Whatever it does is wrong. Some examples...

(a) If you take legal advice that there is some legal liability and arrive at a reasonable settlement - this is 'bush money' or a 'pay off' or an 'attempt to avoid publicity.' If you decide to allow a case to go to Court, so that the legal system can pronounce on the truth of what has happened and who is responsible, there is criticism - 'you are avoiding responsibility' 'brownbaiting the plaintiff' 'revictimising the victim by the publicity and the ordeal of a court case'.

## ... on the horns of a dilemma ...

(b) If a person has offended and decides to put the prosecution to proof there is criticism that this will involve the victim in the trauma of giving evidence. If the offender pleads guilty then, as one lawyer recently said on radio, this is done to avoid the whole truth coming out.

(c) If you make sure your insurance arrangements are in place to cover any genuine legal liability, on the part of the Bishop or Congregational Leader you are criticised for encouraging priests to abuse children - as though public liability insurance encourages people to have accidents on church steps! If you do not act prudently with respect to insurance you are criticised for inept stewardship.

(d) If you respond to complaints with a legalistic strategy, there is criticism that you lack compassion, if you take a compassionate approach there is the risk that this is reported as an admission of legal liability.

(e) One spokeswoman from a support group demanded on radio that the Church should take all accusations at face value. There was criticism of a church having any process of investigation because of the trauma this would cause to victims. What of the trauma caused to a parishioner falsely accused?

© Continued on Page 6

This and the following..... pages is/are the annexure marked "D" referred to in the affidavit of Bruce Joseph Litch sworn/declared before me at Sydney this..... day of March, 2013.

[Signature]  
SOLICITOR / JUSTICE OF THE PEACE



## There are lies & fabrications

Fourthly, we are heading in the direction of North America, with trial by press release. Lawyers fight for business by making outrageous and hence newsworthy statements to see what clients they might attract. Public opinion is formed long before the proper defendant is even identified and the issues presented to the Court.

Fifthly, we cannot presume that everyone tells the truth, and the whole truth and nothing but the truth. There are lies, fabrications, exaggerations, and misunderstandings on both sides. Priests do lie and mislead their bishop when confronted with complaints. Victims do re-narrate events and exaggerate the outcomes.

We need to avoid the mistakes of the past when through the ignorance of the nature of this problem, we tended to side with the alleged perpetrator. We need to avoid the mistakes of the present where truth has given way to hysteria and allegation are regarded as facts.

Can I say a word in defence of church leaders?

Bishops and Congregational Leaders do not have an easy time. They are the shepherds of the victims as well as the perpetrators. Many have inherited problems that are not of their making. They just happen now to be the responsible authority. They have to decide whether there is substance to some complaint. They have to assess the seriousness of the complaint. They have to decide whether a perpetrator can safely be allowed to minister again. They have to work out what to do with someone who is likely to be a risk. They bear the brunt of public anger and suspicion. They have to be the steward of the community's temporal goods.

In my dealings with them, I am constantly impressed by their genuine desire to do what is right. Faced with almost impossible dilemmas they must act with courage and they merit our support.

My last comment is on the question most often asked in the media: How big a problem is it?

The question does not admit of a neat answer. One case is one too many. If we approach the issue quantitatively we can argue percentages, compare clergy with the rest of the population, and talk about

## the greatest crisis the Church has ever faced?

small minorities. We can refer to over 400 clergy in the United States and this sounds a big number - still is less than 1% of the 50,000 priests in that country. Whatever about the figures they are not decisive. If we approach the issue qualitatively, we can compare the impact of sexual abuse with other forms of misconduct or try to compare psychiatric damage with physical damage and again nothing is decisive.

The question of how big a problem is mostly a way of introducing an opportunity for media to sensationalise events.

One radio commentator talked of this as the greatest tragedy of the twentieth century - worse than the two world wars, Hiroshima, Korea, Vietnam, the genocide of Africa, AIDS.

Another put it to me that this issue was the greatest crisis the Church has ever faced - worse than the Roman persecutions, the Eastern schism, the destruction of the monasteries, the French Revolution, Communist persecution?

These lists could go on and on but ever to enter into such discussion can be mis-

interpreted as an attempt by the Church to deny the problem and not face the truth.

Expecting fairness and balance is rather naive - extremes make ratings go up and papers sell. Trying to put some perspective on the matter is glibly dismissed as "damage control".

We cannot do much about changing what has happened in the past, however it is reconstructed.

We have in place procedures for dealing with the present.

For the future we have to face some hard issues - the consequences of the past, excessively-rigorous sexual morality, recognition of true meaning of the vocation to celibacy, excessive clericalism and the anticlericalism that it has now spawned, credibility with a community that feels let down.

## media hysteria

The people want us to be open and face the truth. We cannot expect their support if we minimise or deny the truth. On the other hand we do not have to capitulate to the media hysteria.

I have just come from a meeting of the various administrators of the major Christian Churches in Sydney. We meet regularly to discuss common concerns of a financial and administrative nature. Child abuse has been on the agenda before. The chairman commented on the spate of publicity affecting his friends in the Roman Catholic Church, looked at me and said: "You might be getting a bad time in the media but don't let it worry you. There are a lot of Church people out there who are supporting you."

I felt encouraged. We need to keep on encouraging each other as we move (to quote the Canadian Bishops' document) from pain to hope.

Brian Lucas

# A Polish invasion?

ONLY the very non-observant would have failed to notice the steady flow of Polish clergy into Australia since that momentous Roman decision in October 1978 which thrust Poland onto the world stage making places like Krakow, Wadowice and Czestochowa more common place names while still remaining quite unpronounceable to the average Aussie.

The latest arrival from Poland via Southern India (two years) for the Archdiocese of Sydney is Josef Kolodziej (pictured right) ordained 1985 and at present at Cabramatta. He joins two poles Jan Chrzozonowicz and Stan Stanicki who arrived

six years ago and joined the Sydney Archdiocese.

Josef has family in Sydney and so far thinks Australia is A1.

"Swag" welcomes photos of newly ordained or arrived, recently deceased or just the latest event in your area. As we publish only four times per year we cannot be up with the latest - but strive to bring you the best of your comments and opinions.





Over the past ten days, the Australian Catholic Bishops have been meeting in Plenary Assembly at Kensington, NSW. A major item on the scheduled agenda has been the issue of sexual abuse by priests and religious. The Bishops and Leaders of Religious Institutes share the dismay of many people at the instances of such abuse.

With deep regret, we acknowledge that a number of people associated with the Church have betrayed the trust placed in them by sexual abuse of minors and adults. In doing so, they have acted in a way that is contrary to everything the Church stands for.

We cannot change what has happened in the past, undo the wrongs that have been done, or banish the memories and the hurt. In seeking to do what is possible, our major goals must be truth, humility, healing for the victims, assistance to other persons affected, an adequate response to those accused and to offenders, and prevention of any such offences in the future.

When the guilt of a priest or religious is established, the response of the Church authority must be appropriate to the seriousness of what has happened. Serious offenders who have abused their power may not be given such power again. Those who have made the best response to treatment recognise this themselves, and they no longer claim a right to return to ministry.

At our Conference we have sought to put in place a plan of action that would respond to the magnitude of this problem.

1. The Bishops and Leaders of Religious Institutes set up in 1988 a Professional Standards Committee composed of

appropriately qualified professionals. The Committee will continue to review and update, in the light of the discussion that has taken place at the Conference, the principles and procedures according to which the Bishops operate.

2. The Professional Standards Committee will take advantage of the opportunity presented by the New South Wales Police Royal Commission to make a submission and will take account of any recommendations made by the Royal Commission.

3. Dioceses and Religious Institutes will be asked to engage professional and independent persons to make suitable case studies of how incidents of sexual abuse have been handled and how well or badly the needs of victims have been met, and what might now be done to assist victims.

4. Likewise Dioceses and Religious Institutes will be asked to make a study of how an incident of sexual abuse has been handled in relation to the community in which it occurred, what lessons might be learned, what effects both the abuse and the Church body's response have had on the community, and what the Church body might now do to assist the community.

5. Meetings will be arranged through the counselling services of the Church in which Bishops and Religious Leaders might meet with persons who have suffered sexual abuse at the hands of a priest or religious and hear directly their stories, hurts, concerns and needs. The counselling services of the Church are to be empowered to arrange such meetings whenever they believe that this would be helpful to both victims and church leaders.



16. A widely representative Committee is to be established to prepare codes of conduct for priests and religious. It will consult widely and seek the advice of victims of sexual abuse.

17. The Australian Catholic Social Welfare Commission and Centacare Sydney will be asked to co-ordinate a study of any factors peculiar to the Catholic Church which might lead to sexual abuse by priests, religious or other church workers. The study will include a review of the relevant literature, interviews with experts and with other relevant Catholic bodies, and with those offenders who are willing to assist.

18. In collaboration with the Leaders of Religious Institutes it is proposed to establish a program to treat those clergy and religious who suffer from psycho-sexual disorders. The program will contain a suitable spiritual input.

19. The Professional Standards Committee will employ a full-time Executive Officer to co-ordinate the above projects and to assist in carrying out this mandate.

Those who have offended are a small minority, but their actions have affected all priests and religious, as well as the wider Church community. The Bishops say without hesitation that the overwhelming majority of priests and religious serve their people with integrity and dedication. They deserve affirmation and support.

We especially thank you, our Catholic people, for your understanding and prayers.

PASTORAL LETTER

TO

THE CATHOLIC PEOPLE OF AUSTRALIA

FROM

THE AUSTRALIAN CATHOLIC BISHOPS

This and the following ..... page/s are the annexure marked ..... referred to in the affidavit of ..... sworn/declared before me at ..... this ..... day of ..... 20.....

24th April 1986

SOLICITOR/JUSTICE OF THE PEACE