

Witness Statement

Name	Mark Benedict Coleridge
Address	790 Brunswick Street, New Farm
Occupation	Archbishop of Brisbane
Date	20 January 2017

- 1 I am a Catholic bishop and currently the Archbishop of Brisbane.
- 2 I refer to the letter from Mr Tony Giugni to Gilbert & Tobin dated 8 July 2016 requesting that I provide a statement to the Royal Commission. This statement has been prepared in response to that request and in compliance with a Summons or Notice issued by the Royal Commission in connection with what the letter refers to as a final hearing regarding the institutional response of the Catholic Church. The statement is produced to the Royal Commission on the basis that it will be tendered and treated as evidence pursuant to the Commonwealth or State legislation applicable to that hearing.
- 3 In preparing this statement, I have been shown a number of documents which have been produced to the Commission. In this statement where I refer to a document ID number, I am referring to one or more of those documents.

QUESTION 1

Please indicate whether your Catholic Church authority has undertaken any reforms since the commencement of the Royal Commission. If so, please describe:

- a. the scope of these reforms
 - b. why they were considered necessary
 - c. how the reforms enhance the effectiveness of child protection policies and responses to claims, complaints or concerns of child sexual abuse
 - d. how the reforms alleviate the impact of past, or will alleviate the impact of future, child sexual abuse
 - e. any impediments to implementing reforms (if so, describe the impediments and how your Catholic Church authority proposes to overcome them).
- 4 My Catholic Church Authority (the Archdiocese of Brisbane) has undertaken reforms since the commencement of the Royal Commission.

The Scope of these Reforms

- 5 The scope of these reforms is as follows:
 - (a) A senior person from the Archdiocese attends meetings with survivors which have a pastoral element.
 - (b) The working hours of the Director for Professional Standards for Queensland have been increased to a full time position, and he has been further resourced with support staff.

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- (c) The Archdiocese now looks (reasonably) (on a request from a lawyer representing a survivor in a Towards Healing process) to pay the reasonable legal costs of such advice and representation (which reform is in line with the spirit of paragraph 41.4.10 of Towards Healing 2010).
- (d) The Archdiocese now engages in a positive and proactive way with legal representatives of survivors who seek redress from the Archdiocese.
- (e) The Archdiocese has engaged the Legal Advisor to me (as Archbishop) who is charged with the conduct or oversight of all claims for child sexual abuse made against the Archdiocese of Brisbane.
- (f) The Archdiocese has engaged a full time child protection officer and an assistant on a full time basis.
- (g) The Archdiocese has developed and implemented an Archdiocesan Child Protection Policy [CTJH.100.90001.0253].
- (h) The Archdiocese has commissioned comprehensive factual reports on the circumstances of priest offenders within the Archdiocese.
- (i) I have petitioned the Holy See to have all living offender priests dismissed from the clerical state.
- (j) I have initiated a number of preliminary investigations under canon law, canon 1717 relating to allegations against clerics.
- (k) The Archdiocese has now reported to Queensland Police by way of blind reporting, all allegations of child sexual abuse which have come to its attention.
- (l) The Archdiocese has reopened a number of matters in which it has been determined that the Towards Healing Process was not properly conducted.
- (m) The Archdiocese has adopted (and acts in accordance with) the Truth Justice and Healing Council Guidelines for Lawyers in dealing with claims for child sexual abuse.
- (n) As Archbishop, I have written to the clergy, religious and lay faithful in the Archdiocese on 3 separate occasions in December 2013, in February 2015 and in September 2015 by way of a pastoral letter concerning matters relating to the Archdiocesan response to claims of child sexual abuse and ways in which the Archdiocese has strengthened its response to such matters.
- (o) The Archdiocese has arranged seminars with Ian Elliott (a visitor from the Republic of Ireland) with considerable experience in safeguarding initiatives taken by the Catholic Church in that country.
- (p) The Archdiocese has arranged "Integrity in Ministry" seminars for newly ordained priests in the Archdiocese and those priests in the Archdiocese newly arrived from overseas. Such seminars have been repeated and will be a regular feature of initial training and in-service training for such priests.
- (q) The Archdiocese has recommitted itself to the application of the provisions of the Towards Healing process, to claims of child sexual abuse by clergy for whom it is responsible.




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- (r) In appropriate cases I have arranged for Vitality assessments of certain priests and in appropriate cases have removed priests from ministry or stood them aside and restricted their faculties as priests.
- (s) Although the Holy Spirit Seminary Banyo is not my sole responsibility, but is rather a provincial responsibility, the Archdiocese is aware that the current Director of Professional Standards and the current Archdiocesan Child Protection Officer have participated in a program of education at the Seminary for students in relation to child protection issues.
- (t) The Archdiocese routinely ensures that in any deed of release entered into with a survivor, there is no clause preventing them from disclosing the terms of settlement, nor the details of their abuse.

Why they were considered necessary

- 6 I determined the implementation of these measures were a basic response to matters which had come out of the Royal Commission, including the Royal Commission Report in relation to Case Study 4 in which the Archdiocese itself was involved and in which I gave evidence to the Commission.

How the reforms enhance the effectiveness of child protection policies and responses to claims, complaints or concerns of child sexual abuse.

How the reforms alleviate the impact of past, or will alleviate the impact of future child sexual abuse

- 7 Having a senior person, (usually myself as Archbishop, Monsignor Peter Meneely as Vicar General or the Executive Director of Brisbane Catholic Education, Ms Pam Betts) at meetings with survivors which have a pastoral element, *provides* for a much more empathetic response to survivors than has been the case in the past. There have been instances in the past where no representative of the Archdiocese has attended facilitations under the Towards Healing process. I acknowledge this was unacceptable.
- 8 Increasing the hours of the Director of Professional Standards to a full time position and further providing him with administrative support has made the implementation of the Towards Healing process more efficient. The current incumbent in the role is a former Police Officer with experience in Professional Standards operations in other settings. This gives him not only valuable experience but also an element of independence (which is vital to the role). His recommendations, comments and criticisms have a robustness which I have found valuable. I listen carefully to his recommendations, comments and criticisms and have found this element of the exchange with him to be a most invaluable addition which has enhanced my understanding of the perspective of survivors on the process.
- 9 Making provision for the payment of reasonable legal costs (not only for advice about the terms of the Deed of Release but also for advice and representation to survivors within the Towards Healing process or other process of resolving claims) means a fairer response to survivors than was the case in the past.
- 10 Having the Archdiocese engage in a more positive and proactive way with legal representatives for survivors makes the process more efficient and less adversarial and antagonistic than has been the case in the past.
- 11 Engaging a legal advisor charged with the conduct of all claims on behalf of the Archdiocese has been a positive development. In particular, that lawyer remains involved in matters where our insurer


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engages one of its panel lawyers. This is an important aspect of the process and ensures that the Archdiocese does not completely yield over its responsibilities in these matters to those representing its insurer or to the insurer itself.

- 12 The engagement of a Child Protection Officer for the Archdiocese is a positive development which has facilitated training for parish clergy and lay volunteers within a Parish. The implementation of the Archdiocesan Child Protection Policy was a significant advance. In the past, although our schools have long complied with child protection requirements which have been dictated by State education authorities and by legislation, it has been the case that before the implementation of the Archdiocesan Child Protection Policy, there had been no systematic attempt to deal with the risk to which children have been exposed in the parish setting away from the schools. Whilst I acknowledge we still have a long way to go, the implementation of the policy and the procedures sitting under it, particularly involving training across all our parishes, is an important and significant development which will enhance child safety within the Archdiocese. An important aspect of the policy is that it requires independent audit. The initial audit has been completed. The independent audit will establish benchmarks for compliance and will facilitate ongoing improvement in that compliance.
- 13 The production of comprehensive reports of the factual circumstances of priest offenders has been important because it has provided a resource not previously available to the Archdiocese. Obviously some offender priests have had many victims and it is important when we deal with a new claim that we know the extent of the background of the priest concerned. On occasions it is necessary to identify where a priest was in ministry at a particular time and these reports easily facilitate the availability of this important information. These reports will also be useful as we move further into formal risk assessments of the offender priests still living. The availability of these comprehensive factual reports on each offender priest will be invaluable in briefing those conducting the risk assessments.
- 14 My petitions to the Holy See to have the offender priests dismissed from the clerical state have been an important advance. It is fair to say that I have been disappointed in the responses from the Holy See which, in all but one case, has directed that I issue a Penal Precept to the priest requiring that he live a life of prayer and penance. The important aspect of my petitions to the Holy See (in respect of these offender priests) is basic compliance with the requirements of Canon Law. It is clear that in the past my predecessors neglected this requirement.
- 15 The use by me of a preliminary investigation under Canon Law has been important to enhance child protection because in some matters it has not been possible for me to use the provisions of Towards Healing to investigate matters involving clerics. Further, those representing clerics have been resistant to the use of the Towards Healing process. The official position of the Congregation for the Doctrine of the Faith in fact is that the provisions which touch on the investigation of complaints against clerics (which are contained under Towards Healing) have no application to such clerics and that those provisions only relate to lay persons.
- 16 There is one matter completed under the preliminary investigation provisions and two that are outstanding or pending. The process enables me to have an independent but appropriate person investigate allegations and report to me about whether evidence exists for a delict under Canon Law. Where there is a positive finding, I will then be required to convey the matter to the Congregation for the Doctrine of the Faith to be dealt with further by that Congregation. The use by me of those Canon Law provisions is an important way of protecting survivors in circumstances where the Towards Healing processes are unavailable.


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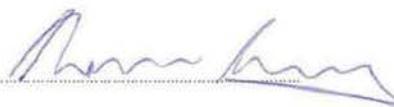
- 17 The offer by me for counselling for all survivors has been an important development which enhances the Archdiocesan response to survivors.
- 18 The reporting of all matters by the Archdiocese to Queensland Police by way of blind reporting is also a matter which significantly enhances the position of survivors. The sharing of this information with civil authorities is something that is basic.
- 19 I have reopened a small number of matters where it has been determined that the Towards Healing process miscarried or was not properly conducted. This has enhanced the position of survivors. The adoption of the Truth Justice and Healing Council Guidelines for lawyers in dealing with claims for child sexual abuse means that those representing the Archdiocese are committed to those proper standards for their conduct of those matters. I recognise the importance of communication with the Archdiocese broadly and my pastoral letters to the Archdiocese have been important in spreading the word about changes that I have implemented across the Archdiocese. The seminars which have been arranged with Ian Elliott and with Monica Applewhite as well as those conducted for newly ordained and newly arrived priests in the Archdiocese on the provisions of the "Integrity in Ministry" document have all enhanced the position of survivors in the Archdiocese and have advanced an environment where child protection is an essential consideration.
- 20 I make no apology for the Archdiocese still routinely applying the provisions of Towards Healing to claims. Towards Healing is still the process to which the Australian Catholic Bishops Conference remains committed. I acknowledge that it is not a perfect process but until something better comes, it is the best process that the Church has available to it.
- 21 I think the enhancements that I have made (which I have explained here) to supplement the basic provisions of the Towards Healing process, the use of the Vitality assessments and my removal of priests from ministry or my restriction of their faculties (in appropriate circumstances) are clearly measures that strengthen the position of survivors.
- 22 There have been advances in the introduction of child protection issues in the seminary curriculum and I hope that this will have a positive effect on the safety of children in future.
- 23 Ensuring that there is no clause in a deed of release which prevents a survivor from disclosing the terms of settlement or matters relating to the actual abuse is an important advance in the position of victims. These clauses should never have been included in those documents.

Impediment to the Implementation of reform

- 24 The one significant impediment in implementing the reforms is the attitude and approach of offender priests. In my experience, no offender priest has ever admitted offending. Until these offenders do admit their wrong doing, it is impossible to manage them.
- 25 The important thing is that they have been excluded from ministry and will remain excluded from ministry. However they remain priests until they are dismissed from the clerical state.
- 26 The CDF has made it reasonably plain that only in exceptional cases will such offenders be dismissed from the clerical state. Accordingly, most of them will remain priests (living a life of prayer and penance). Many of them are in advanced age. It is difficult to supervise them and they certainly cannot be under surveillance on a 24/7 basis.


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- 27 I now want to engage a skilled psychologist to undertake risk assessments in relation to each of the offender priests (who remain the responsibility of the Archdiocese). However, I anticipate that none of them will cooperate in the risk assessment process. I am powerless to direct them to do so.
- 28 In respect of the other measures that I have implemented since the commencement of the Royal Commission, there are no major obstacles (as far as I am aware). The difficulty in the management of the offender priests remains a significant concern of mine.

QUESTION 2

Please indicate whether your Catholic Church authority has reassessed any finalised claims for redress (including where complaints or claims have been denied) in relation to child sexual abuse since the commencement of the Royal Commission, and if so, what policy, procedure or principle guided that reassessment.

- 29 The Archdiocese has reassessed a number of finalised claims for redress in relation to child abuse.
- 30 Invariably where the Archdiocese is approached by a victim or a victim's lawyer to have a past settlement reviewed, the Archdiocese complies with the relevant guidelines.
- 31 If the claim was previously dealt with under Towards Healing, the claimant is referred back to the Director of Professional Standards so that the claim can be considered again under Towards Healing. These are matters where the original Towards Healing claim was not accepted.
- 32 Where a previous claim under Towards Healing or at common law has been determined or settled, whether or not there is a Deed of Release, the Archdiocese does act to reopen the claim if it considers that there was some procedural defect in the original process.
- 33 An example of such a situation might be where a matter was settled without the claimant having access to legal advice before the claim was settled. Where a claim to reopen in these circumstances is made, the matter is considered by my legal advisor who provides advice to me as to whether or not there was a procedural defect in the earlier process. He then goes on to consider whether the amount paid to the claimant was fair and reasonable having regard to the severity of the abuse and its effects on the claimant.
- 34 In those circumstances, I consider the advice provided and give my instructions accordingly. In this way, the Archdiocese complies with paragraph 2(a) and (b) of the guidelines.
- 35 The advice provided by my legal advisor is tabled at the next meeting of the Consultative Panel, so that it can be discussed by the members of the panel in my presence. In providing the relevant advice, my legal advisor takes into account the factors outlined in paragraph 3 of the guideline. Recourse is also had (where appropriate) to the inflation calculator on the Reserve Bank of Australia (RBA) website.
- 36 The Archdiocese complies with relevant guidelines, notwithstanding that in all of the relevant matters, there is no indemnity available to it under its insurance policy.


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QUESTION 3

Identify what action, if any, your Catholic Church authority has taken in response to the publication of the Royal Commission Report of Case Study 4: The experiences of four survivors with the *Towards Healing* process.

Action 1: a senior person from the Church attends meetings with survivors which have a pastoral element

- 37 Even before my appearance before the Royal Commission to give evidence in Case Study number 4, the Archdiocese had commenced a practice of making the Archdiocese available for pastoral meetings with survivors. Subsequent to my evidence in Case Study number 4, the Archdiocese has continued that practice, such that I make myself, the Vicar General or some other senior person personally available to meet with survivors. It is not my practice to attend Towards Healing Facilitations or Settlement Conferences of PIPA Claims where negotiation of compensation or redress payments are made. It is generally the practice that following the resolution of those negotiations a separate pastoral meeting is arranged and the survivor (with a support person) meets personally with me or the Vicar General.
- 38 There have been some matters (particularly those involving Brisbane Catholic Education) where the I have delegated the Executive Director of Brisbane Catholic Education, Ms Pam Betts, to attend meetings with survivors which have a pastoral element. That is appropriate because Ms Betts is my delegate in relation to the administration of Brisbane Catholic Education and as Executive Director she is the person with pastoral responsibility for Catholic schools within the BCE system. She is a senior person from the Church.
- 39 On occasions when I am unavailable to attend meetings with survivors which have a pastoral element, I have delegated the Vicar General, Monsignor Peter Meneely. That is appropriate because Monsignor Meneely is a senior person within the Archdiocese of Brisbane.

Action 2: increasing the hours of the Director of Professional Standards in Queensland

- 40 The Archdiocese remains committed to using the Towards Healing process. The Archdiocese (through the Province of Brisbane) identified the need to increase the hours of the Director of Professional Standards in Queensland, who is responsible for administering the Towards Healing process. That position moved from a part-time position to a full-time position on 8 April 2013 (which of course was before the Royal Commission dealt with Case Study number 4).
- 41 In addition, the Queensland Director of Professional Standards has been further resourced by the provision of administrative support. The position has the use of a dedicated office situated in Edward Street, Brisbane. The Archdiocese recognises the fact that the Director of Professional Standards is a key person who engages on behalf of the Church with survivors concerning the abuse they have suffered from a member of the clergy.
- 42 The current Director of Professional Standards (recruited in April 2013), is an experienced professional. He has participated in the training arranged by the Archdiocese of Brisbane with an American expert in matters of child sexual abuse. The Archdiocese has a good working relationship with him and he certainly is in the practice of raising with Archdiocesan authorities any issues he sees which arise on a day to day basis in his administration of particular matters dealt with under the Towards Healing protocol. He makes recommendations where appropriate. The Archdiocese appreciates his professional approach to the administration of the Towards Healing protocol. It has


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been observed by Archdiocesan staff responsible for engaging with him, that he takes a firm approach to compliance so far as the protocol is concerned. This is entirely appropriate. Where issues arise with particular survivors the Director raises the issues with appropriate personnel within the Archdiocese at a senior level and they are addressed.

- 43 The Director is certainly aware of my commitment to provide counselling to each and every survivor who comes forward and expresses a need for such counselling. Intervention with counselling is therefore invariably undertaken at a much earlier stage in the process than was earlier the case.

Action 3: Recognising that it is inappropriate to expect survivors of child sexual abuse to compromise their legal rights without access to independent legal advice.

- 44 The Archdiocese has already acknowledged this mistake.
- 45 The Archdiocese now complies with the Towards Healing process which provides that should a Deed of Release be required, the Church Authority (in this case the Archdiocese) meets the fees for the provision of that advice. The Archdiocese complies with the standards issued by the Truth Justice and Healing Council for lawyers representing Church Authorities. The Archdiocese therefore recognises that it is inappropriate to expect survivors of child sexual abuse to compromise their legal rights without access to independent legal advice
- 46 Towards Healing 2010 paragraph 41.4.10 says "the Church Authority shall pay for the reasonable costs involved in obtaining legal advice on the Deed of Release, and may pay a contribution towards the reasonable costs of other professional advice or assistance that have been incurred in the process of reaching an agreement".
- 47 The Archdiocese now looks reasonably on a request from a lawyer representing a survivor in a Towards Healing process to pay the reasonable legal costs of such advice and representation. In addition to that, the Archdiocese now meets the cost of counselling requested by survivors. This was a commitment made in evidence by me when I gave evidence in Case Study number 4 and the commitment there made has been honoured.

Action 4: the Archdiocese now engages in a positive and proactive way with legal representatives for survivors seeking redress from the Archdiocese

- 48 The Archdiocese now engages in a positive and proactive way with legal representatives for survivors seeking redress from the Archdiocese. Where survivors want to have their matters dealt with under Towards Healing, the Towards Healing process is followed. Otherwise, matters where notices of claim are lodged under the Personal Injuries Proceedings Act are dealt with in accordance with the requirements of the PIPA. However, the emphasis is on solicitor to solicitor negotiation, informal settlement conferences and if necessary mediations to resolve these matters. The Archdiocese is in the practice of agreeing to obtain joint psychiatric reports where these are necessary. These are necessary in most matters and it is best practice for joint psychiatric reports to be obtained. Joint psychiatric reports reduce legal cost and delay. This means that the solicitors for the Archdiocese and for the survivor discuss and settle a joint brief to go to the expert psychiatrist. This practice engenders cooperation and joint commitment to limiting legal costs and delay.

Action 5: the Archdiocese has engaged a legal advisor to the Archbishop who is charged with the conduct of all claims for child sexual abuse made against the Archdiocese of Brisbane

- 49 The Archdiocese has engaged a legal advisor to the Archbishop who is charged with the conduct of all claims for child sexual abuse made against the Archdiocese of Brisbane. Obviously in matters


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where there are insurers involved, the insurers brief panel lawyers but my legal advisor liaises with those lawyers and provides advice independent of the insurers to me concerning both the conduct of those matters and their resolution.

- 50 The availability of independent legal advice to me (that is legal advice independent of any Archdiocesan insurer) now addresses the problem which arose in the past, which was that Archdiocesan authorities relied solely on the advice of the insurer or of lawyers representing the insurer.

Action 6: the Archdiocese has engaged a Child Protection Officer

- 51 From January 2014, the Archdiocese appointed a fulltime Safeguarding Officer, Ms Michele Vuleta.

- 52 Around the same time (5 March 2014) the Archdiocese set up a Safeguarding Advisory Committee. That Committee on establishment was made up of the following members:

- Monsignor Peter Meneely;
- Vicar for Clergy (currently Fr Dan Ryan);
- The Director of Professional Standards Office, Queensland;
- A long standing Archdiocesan staff member;
- The CEO of a Catholic Charity independent of the Archdiocese;
- The Student Protection Officer of BCE (Brisbane Catholic Education);
- The Archbishop's Legal Advisor;
- The Archdiocese's Safeguarding Officer.

- 53 The constitution of the committee has since evolved. The chair of the committee is the Vicar General, Monsignor Peter Meneely, and the Archdiocesan Safeguarding Officer (Ms Michele Vuleta) convenes the committee.

- 54 The committee held its first meeting on 27 March 2014.

Action 7: implementation of the Archdiocesan Child Protection Policy

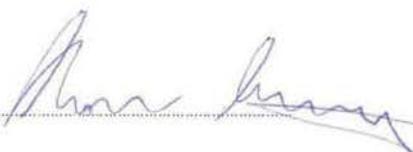
- 55 This policy, based upon Safeguarding Children Standards and guidance document for the Catholic Church in Ireland, September 2008 and the TJHC submission to Royal Commission Issues Paper 3, was prepared by Ms Vuleta but vetted and amended by members of the committee. This policy was adopted as a policy of the Archdiocese on 1 May 2014.

- 56 The policy was rolled out and published on 27 May 2014.

- 57 Ms Vuleta has also put together a network of parish contacts under the policy. These parish contacts have been trained on the policy and their role is to be the Local Safeguarding Representatives. They assist the parish priest in his responsibility of implementing the Safeguarding Policy and making the parish aware of the importance of safeguarding children and vulnerable adults, promoting safe practices in recruiting and selection of staff and volunteers and promoting behaviour consistent with Integrity in Service of the Church, especially maintaining appropriate behavioural boundaries and safe activities.


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58 Thereafter Ms Vuleta commenced a program of training of staff and volunteers in parishes and Archdiocesan agencies.

59 Since the implementation of this training:

- over 2500 parish staff and volunteers have attended training;
- 85 of the 91 parish groups have undertaken this training;
- 80 parishes have implemented the policy and procedures;
- 45 parishes have appointed a Local Safeguarding Representative;
- 23 parishes have been working with this policy and the procedures for over 12 months and have successfully completed the annual compliance audit;
- Centacare Community Services Managers and Coordinators have been trained in Recognising Abuse and Receiving a Disclosure with a view to them providing this training to their staff; and

Centacare Child Care Services staff complete In Safe Hands training prior to commencing employment. Additional training in Receiving a Disclosure and Reporting will commence shortly to confirm for staff the appropriate reporting processes in accordance with Centacare Child Care policy and accreditation requirements [CTJH.100.90001.0245], [CTJH.100.90001.0248], [CTJH.100.90001.0252], [CTJH.100.90001.0420], [CTJH.100.90001.0424], [CTJH.100.90001.0425], [CTJH.100.90001.0434], [CTJH.100.90001.0444], [CTJH.100.90001.0448], [CTJH.100.90001.0453], [CTJH.100.90001.0479], [CTJH.100.90001.0496].

60 In 2013 and in 2015, Dr Monica Applewhite visited the Archdiocese and gave a series of seminars and training sessions. Dr Applewhite is a recognised authority in the United States and beyond in relation to the appropriate response of Church authorities to the problem of child sexual abuse by clergy.

Action 8: Comprehensive Reports of Circumstances of Priest Offenders

61 Commencing in about September of 2013 the Archdiocese commenced a series of reports, reporting on the circumstances of offender priests, that is those clergy of the Archdiocese who have been convicted of offences relating to child sexual abuse or the possession or production of child exploitation material.

62 These reports have been prepared by a barrister Ms Kathleen Payne engaged specifically for the purpose. Ms Payne has reviewed all of the documentation of the Archdiocese relating to these offender priests. This documentation has been sourced from the documents which the Archdiocese was required to produce to the Royal Commission pursuant to a notice to produce which it received in March 2013.

63 The reports represent a gathering together of all relevant factual material available concerning the circumstances of these offender priests. This represents a valuable resource to the Archdiocese in dealing with the circumstances of each individual priest offender.


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Action 9: Petitions to the Holy See to have Offender Priests dismissed from the Clerical State

64 Upon consideration of the various reports and after taking advice and entering into consultations, I made a decision in December 2013 that in respect of nine offender priests, I should make a petition to the Holy See to have those priests dismissed from the clerical state. To facilitate that process I engaged external canon lawyer, Brother Brian Sweeney FMS, to assist my own legal adviser in preparing the petitions and supporting documentation to present to the Holy See through the Congregation for the Doctrine of the Faith. These petitions and the supporting material were all delivered to the Holy See via the CDF during 2014.

Action 10: Preliminary Investigations under Canon Law Relating to two other Clerics

65 In respect of the positions of a further two clerics, I have instituted preliminary investigations under Canon 1717 of the 1983 Code of Canon Law. One preliminary investigation is completed and the other one is pending. The one completed resulted in the finding that there was no credible evidence to support the finding of a delict under Canon Law with respect to allegations made against the particular cleric. Having considered the outcome of the preliminary investigation in that matter I issued a decree closing the case. The other matter referred for preliminary investigation is continuing.

Action 11: Standing offer of counselling for victims

66 The Archdiocese has provided counselling to any victim who has come forward to the Archdiocese requesting counselling. That practice is continuing.

Action 12: Reporting of all matters to Queensland Police/Blind Reporting

67 The preparation of the comprehensive reports by Ms Payne of Counsel provided the opportunity for the Archdiocese to systematically report to police by way of blind reporting in accordance with Towards Healing paragraph 37.4, all allegations of child sexual abuse which had come to the attention of the Archdiocese but which had not been previously reported. I can confirm now that all such matters have been reported through the agency of the Queensland Director of Professional Standards Mr Mark Eustance.

Action 13: Reopening of matters not properly concluded

68 Further, in reviewing the reports of Ms Payne of the offender priests the Archdiocese identified two matters where the Towards Healing process was not properly concluded. These are the matters of REDACTED and REDACTED. In respect of both matters, the Archdiocese received legal advice which recommended that the Archdiocese reengage with both victims and indicate that the Archdiocese was prepared to have their Towards Healing matters reopened. Contact was made with REDACTED and her matter has been reopened. It was not possible to reopen the matter under Towards Healing. I have therefore initiated a preliminary investigation under Canon 1717 of the Code of Canon Law. Difficulty was experienced in finding REDACTED but the Archdiocese is satisfied that an approach has been made to her, although there has been no response received.

69 In the case of REDACTED the re-engagement has revealed further particulars and evidence against a particular cleric. Those particulars have been put to the cleric and a response was sought. On receipt of the response, the Archdiocese determined that an assessment was necessary under Towards Healing. The Assessment Report found REDACTED complaint substantiated. The matter will proceed to Facilitation with REDACTED. The important thing about these two matters is that the

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comprehensive reviews, upon consideration, revealed shortcomings in the two respective Towards Healing processes which have now been addressed by offering to reengage with the victims.

Action 14: Adoption of TJHC Guidelines for Lawyers

- 70 The Archdiocese has adopted the Truth Justice and Healing Council guidelines for lawyers in dealing with claims for child sexual abuse.

Action 15: Pastoral Letters to Archdiocese

- 71 In December 2013 I wrote a pastoral letter to the clergy religious and lay faithful of the Archdiocese concerning matters relating to child sexual abuse. A further pastoral letter from me was published to the clergy, religious and lay faithful of the Archdiocese in February 2015. A further pastoral letter was published in September 2015.

Action 16: Seminars with Ian Elliot

- 72 The Archdiocese participated in a variety of seminars conducted by Mr Ian Elliott from the Republic of Ireland.

Action 17: Integrity in Ministry Seminars

- 73 During 2012, the Archdiocese ran a series of seminars on Integrity in Ministry for newly ordained priests in the Archdiocese and newly arrived priests in the Archdiocese. These seminars have been repeated.

Action 18: Application of Towards Healing

- 74 The Archdiocese routinely applies the provisions of Towards Healing to claims in relation to child sexual abuse by clergy for whom it is responsible. As Church Authority, allegations are routinely put by me to the alleged perpetrator and a response sought. In appropriate matters a decision is made to go straight to facilitation rather than requiring a full assessment of the facts. Due process does often require a full assessment.

Action 19: Vitality Assessments: Removal of Priests from Ministry

- 75 In appropriate cases, I have arranged for Vitality assessment of priests and in appropriate cases have removed priests from ministry or stood them aside and restricted their faculties. In eight cases, where priests have been convicted of offences relating to child sexual abuse or possession or production of child exploitation material, I have petitioned the Holy See through the Congregation for the Doctrine of the Faith that such clerics be dismissed from the clerical state. These are Francis Derriman, REDACTED, REDACTED, REDACTED, REDACTED, REDACTED, REDACTED, Patrick Cleary and REDACTED. One of those priests (Patrick Cleary) has since died. In five cases (REDACTED, REDACTED, REDACTED, REDACTED and REDACTED), the CDF refused the petition. I deal with the petition relating to Francis Derriman in paragraphs 82 – 89 below. The application relating to REDACTED remains pending.

Action 20: Seminary Education: Introduction of Child Protection Issues in Curriculum

- 76 The Holy Spirit Seminary Banyo is not the sole responsibility of the Archdiocese but is a Provincial responsibility and the Archdiocese is aware that Mark Eustance as Director of Professional Standards and Michele Vuleta as Archdiocesan Child Protection Officer have participated in the program of education at the seminary in relation to child protection issues.


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Action 21: Removal of clause in the Deed of Release preventing survivors from disclosing the terms of the settlement, including terms relating to child sexual abuse

- 77 Towards Healing 2010 provides that claimants shall not be required to give an undertaking which imposes upon them an obligation of silence concerning the circumstances which led them to make a complaint as a condition of an agreement with the Church Authority (Towards Healing 41.5).
- 78 The Archdiocese of Brisbane now complies with this requirement and Deeds of Release do not contain any confidentiality clause or obligation not to discuss matters leading to the settlement.
- 79 The Archdiocese fully accepts that it was not compassionate, fair or just to require a survivor to sign a deed with clause 7 in it. The Archdiocese has taken steps to ensure that such clauses are not contained in any Deeds of Release which are in current use by the Archdiocese.

Action 22: Petition for Dismissal of Francis Derriman

- 80 I dispatched a petition to the Holy See (the Congregation for the Doctrine of Faith [CDF]) on 30 April 2014 seeking the dismissal of Francis Derriman from the clerical state. I have petitioned the Holy See in respect of each priest who has been convicted and jailed for child sexual abuse within the Archdiocese and one convicted of possession and production of child exploitation material. These required the engagement of a Canon Lawyer to prepare the material. Towards Healing 2010 requires in paragraph 38.10 that a recommendation be made by the Director of Professional Standards. The document also requires that the Archbishop seek advice from the Consultative Panel established under Towards Healing in relation to the matter of standing aside a cleric from a particular office.
- 81 Prior to the hearing of Case Study number 4, I reconstituted the Consultative Panel. I shared my decision to lodge the dismissal petition with my Consultative Panel.
- 82 It was a concern to the Archdiocese of Brisbane and in particular to me that the Vatican processes were delayed and that the Holy See had not made a decision in relation to my petition to dismiss Derriman from the clerical state. My concerns increased when I received news first of the dismissal of two of my petitions, and then of the dismissal of a further three of my petitions.
- 83 I was proactive in making contact with the CDF. I met CDF personnel in Rome on two occasions but I had no power to expedite the processes of the CDF.
- 84 I was informed by the CDF that my Derriman Petition was to be placed before the Pope for a decision. On 11 October 2016 I received a letter from the CDF informing me that the Pope has decided to dismiss Francis Derriman from the clerical state. That was the outcome I had sought in my petition.
- 85 Towards Healing 42.3 provides quite clearly that where the abuse is admitted or an Assessment under the Towards Healing procedures reaches the conclusion that there are concerns about the person's suitability to be in a position pastoral care, the Church Authority in consultation with the Director of Professional Standards and the Consultative Panel shall consider what action needs to be taken concerning the future ministry of the person, taking account of the degree of risk of further abuse and the seriousness of the violation of the integrity of the pastoral relationship.
- 86 Paragraphs 42.5 and 42.6 of Towards Healing provide further detail as to how this is to be done in the light of Church Law and guided by the principle that no one should be permitted to exercise a public ministry if doing so presents an unacceptable risk of abuse to children and young people. The

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Archdiocese of Brisbane and I take these responsibilities seriously and where appropriate the priests have been stood down, and removed from pastoral duties and in many cases are removed on an interim basis pending the outcome of investigations.

- 87 These provisions have little relevance to Francis Derriman because he abandoned the ministry when he married. In the process he incurred immediate excommunication.

QUESTION 4

Please indicate whether your Catholic Church authority applies *Towards Healing* in whole or in part. If your Catholic Church authority does not apply *Towards Healing* in whole, please indicate which clauses it does not apply and why. Please do not provide a copy of *Towards Healing*.

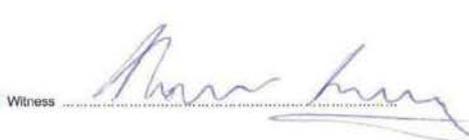
- 90 The Archdiocese applies Towards Healing in whole.

QUESTION 5

What policies and procedures your Catholic Church authority applies in relation to the response to complaints of child sexual abuse received by it.

- 91 The Church applies the Archdiocesan Child Protection Policy. This Policy is based on the Safeguarding Children Standards and guidance document for the Catholic Church in Ireland, September 2008 and the TJHC submission to Royal Commission Issues Paper 3. The policy was adopted as a policy of the Archdiocese on 1 May 2014 and published on 27 May 2014.
- 92 Under the Towards Healing document, the Director of Professional Standards fulfils the role of a central reporter of blind reports of alleged criminal offences to police on behalf of the Archdiocese in accordance with paragraph 37.4 of Towards Healing. Since the commencement of the Royal Commission, the Archdiocese has gone through its historical records and (with the assistance of the Director of Professional Standards) as far as has been reasonably possible blind reported all alleged acts of child sexual abuse which have come to its attention.
- 93 Victims are encouraged by the staff of the Professional Standards Office to seek professional counselling and the cost of this is borne by the Archdiocese of Brisbane.
- 94 Staff members of the Professional Standards Office are trained to treat all complainants with compassion and care. They will suggest other types of support (medical care, spiritual direction) as appropriate. All reasonable requests for pastoral care and support are considered.
- 95 Since the Royal Commission, the Archdiocese has examined what it does in relation to professional standards. Matters touching professional standards relate to the manner in which Church Personnel within the Archdiocese (which includes clergy, religious and lay people formally engaged in the pastoral activity of the Church) engage with people with whom they interact in the course of their pastoral activity.
- 96 The proper conduct of such Church personnel in their pastoral activity is based on the requirements of Canon Law and of a number of documents such as 'Integrity in Ministry', 'Towards Healing' and 'Integrity in the Service of the Church'. 'Integrity in Ministry' is in effect a code of conduct for clergy and religious engaged in pastoral activity and who are engaged in pastoral relationships. 'Towards Healing' also sets out principles for proper conduct of all Church personnel including lay persons.


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- 97 These documents dictate the standards of conduct which the Archdiocese expects persons engaged in its pastoral ministry to meet in dealing with the persons they serve. Breaches of these professional standards are treated seriously. Persons who have complaints against Church personnel of a breach of professional standards can make a formal complaint under 'Integrity in Ministry' or 'Towards Healing'. If a complaint is made direct to the Director of Professional Standards, he makes contact quickly with the Archdiocese. He provides whatever particulars are made available by the complainant. These are considered by the Archbishop and the Vicar General in consultation with my legal adviser. If a person needs to be stood aside from ministry pending the outcome of the investigation, that is done. Often insufficient detail is provided at that stage. Where that is the case, a contact report is commissioned.
- 98 Once a contact report is available, its content is considered. Where allegations of a breach of professional standards is alleged, particulars of the alleged breach are put in writing to the alleged perpetrator and a written response is sought indicating whether the particulars are admitted or denied.
- 99 When the alleged perpetrator's response is to hand, a decision is made as to whether there is a factual dispute. Where there is a factual dispute, the matter is referred for Assessment under the Towards Healing process. Where there is no factual dispute, and the undisputed facts establish a breach of professional standards, the matter proceeds direct to Facilitation with the victim under Towards Healing. The same occurs where the Assessment upholds the complaint.
- 100 If a serious breach of professional standards is admitted by the alleged perpetrator or is substantiated upon an Assessment, I consider the matter. I take the advice of my Consultative Panel established under 'Towards Healing'. I hear any relevant recommendation from the Director of Professional Standards. If necessary, I take Canon Law advice.
- 101 If there is a proven case of clerical child sexual abuse, I notify the Congregation for the Doctrine of the Faith in Rome as I am required to do under 'Normae de gravioribus' and 'Sacramentorum sanctitatis tutela'. I suspend or remove the priest from ministry, if I have not already taken those steps.
- 102 In the case of a lay person employed by the Archdiocese against whom a claim of child sexual abuse has been proven, the Archdiocese's employment/human resource management processes are brought to bear to suspend or dismiss the employment of the person.
- 103 The suspension or cancelation of the faculties of a priest does not necessarily depend on the upholding of a complaint against the priest under 'Towards Healing' or 'Integrity in Ministry'. If I become aware of a serious breach of professional standards via some other source and if what I learn appears to have substance, I am obliged to act if the apparent breach of professional standards would amount to a delict under canon law.
- 104 In such a circumstance, I appoint a suitable person to carry out a preliminary investigation under Canon 1717 of the Code of Canon Law 1983. I currently have two such preliminary investigations under way.
- 105 So, in dealing with professional standards matters, the Archdiocese employs a mix of processes, both civil and canonical in nature.
- 106 There are a couple of other steps the Archdiocese has taken since the Royal Commission to deal more comprehensively with professional standards matters. Details of these follow.


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QUESTION 6

What policies and procedures your Catholic Church authority applies in response to:

- a. claims in relation to child sexual abuse made under an established redress process
- b. civil litigation in relation to child sexual abuse.

- 107 When a claim is made with respect to child sexual abuse, it can be handled in a number of ways.
- 108 If the claim is received by the Director of Professional Standards and is a complaint under Towards Healing, then invariably the Director of Professional Standards will contact the Archdiocese as the Church Authority and the matter will be handled under the Towards Healing protocol.
- 109 If the claim is received direct by the Archdiocese, it is examined to determine whether it is a claim made under the Personal Injuries Proceedings Act, in which case it is referred to my legal advisor to be dealt with in accordance with the procedure outlined in that Act.
- 110 In such cases where the Archdiocese is entitled to indemnity from its insurer, my legal advisor refers the matter to the insurer, who invariably engages one of its panel lawyers to deal with the matter in accordance with the procedure outlined in the Personal Injuries Proceedings Act. That Act contains an elaborate procedure of pre-proceedings steps designed to foster early resolution of claims at or before a pre-proceedings settlement conference or mediation.
- 111 Where such claims are not resolved at such pre-proceedings settlement conference or mediation or through earlier resolution, the matter proceeds to the institution of legal proceedings which are again handled by the insurer's panel lawyer (if insurance is available) or alternatively by my legal advisor.
- 112 Where a new claim received by the Archdiocese is not one brought in accordance with the Personal Injuries Proceedings Act, it is referred to the Director of Professional Standards who communicates with the claimant and informs the claimant of the Towards Healing process.
- 113 Yet a further category of matters are those where a direct approach to the Archdiocese comes from a lawyer acting for the claimant. In those matters the claim is referred to the Archbishop's legal advisor (if no insurance is available) or alternatively to the insurer (who invariably appoints one its panel lawyers) to deal directly with the claimant's lawyer.
- 114 There is declining number of matters where claimants choose to pursue the Towards Healing process and most claimants now engage lawyers. Some matters proceed informally, without the delivery of a Personal Injuries Proceedings Act Notice of Claim and others proceed through the Personal Injuries Proceedings Act process.
- 115 Regardless of whether matters are dealt with under Towards Healing or through the Personal Injuries Proceedings Act process or through an informal process, once the Archdiocese is apprised of the facts of the abuse which are put forward by the claimant, those facts are put to the alleged perpetrator. That is invariably done by the Archbishop's legal advisor preparing a draft letter for me, setting out the particulars of the claim made against the perpetrator.
- 116 The letter setting out the particulars then goes from me to the alleged perpetrator inviting the alleged perpetrator to write to me to indicate whether he or she admits or denies the allegations contained in the particulars.


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- 117 On receipt of the response, in a matter handled under Towards Healing, I then make the decision as to whether or not there is a factual dispute. If the matter is handled under Towards Healing, that indicates the necessity for an Assessment.
- 118 Where there is no factual dispute because of the admissions made, that would indicate that the matter under Towards Healing should proceed straight to facilitation with the survivor.
- 119 At the point at which the letter responding to my letter is received from the alleged perpetrator, then I consider (if I have not considered earlier) whether it is appropriate to restrict the faculties of the alleged perpetrator if he is a cleric or otherwise remove him (either temporarily or permanently) from the ministry.
- 120 In matters handled under the Personal Injuries Proceedings Act or in direct discussion between lawyers, as well as in matters under Towards Healing before a matter proceeds to facilitation or to a settlement conference, arrangements are made for independent psychiatric examination of the survivor. On occasions, this can be a jointly instructed report from the psychiatrist.
- 121 Where Towards Healing matters go to Assessment, a careful consideration is given to the Assessment Report and the recommendations of the Assessors. The report is referred to my Consultative Panel in relation to both how the matter is to be dealt with so far as the victim is concerned, but also in relation to decisions as to how the cleric is dealt with in cases where allegations of child sexual abuse are substantiated.
- 122 The same considerations are triggered where a cleric is convicted in the civil criminal court of an offence of child sexual abuse or possession of child exploitation material.
- 123 In all such cases, the relevant matters are referred to the Congregation for the Doctrine of the Faith as is required by Canon Law. In respect to current claims for child sexual abuse against the Archdiocese, there are twelve sets of proceedings pending before a Court. Eight of those sets of proceedings are stayed because they are within the Personal Injuries Proceedings Act process (pre-proceedings stage). Other matters are in the Towards Healing process or are the subject of direct lawyer to lawyer negotiations.
- 124 The approach of the Archdiocese is to cooperate with claimant lawyers and to make full disclosure of documentation relevant to the claim.
- 125 We attempt to do this at an early stage. In some cases I have waived legal privilege in relation to documents which the Archdiocese has in its possession which are relevant to a claim so that a victim/survivor is not at any unfair disadvantage.
- 126 In dealing with claims, the Archdiocese complies with the relevant guidelines in the following ways:
- (a) It deals with claims promptly and does not cause unnecessary delay. In claims which are bought under the PIPA regime, it responds to notices and provides documentation as early as it reasonably can.
 - (b) Even before the Royal Commission, it was the practice of the Archdiocese to assist any claimant or a claimant's lawyer to identify the correct defendant to respond in the legal proceedings. The respondent nominated is the Corporation of the Trustees of the Roman Catholic Archdiocese of Brisbane.


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- (c) The Archdiocese facilitates access to records relating to the claimant and, for example, where a claimant has been a student in an Archdiocesan school, the legal advisor of the Archbishop liaises with Brisbane Catholic Education (which undertakes a prompt and efficient search of its archive and the archives of the various schools within the Archdiocese). It provides evidence of enrolment and (where possible) school reports and other relevant documentation.
- (d) The Archdiocese makes an early assessment of the Church Authority's prospects of success in defending proceedings and the Church Authority's potential liability in the claim which is made against it. These things are proactively fostered by the Archdiocese complying with the requirements of the PIPA regime in Queensland, which itself fosters early settlement of claims and aims to foster open disclosure of relevant evidence.
- (e) The Archdiocese attempts to act consistently in putting all matters through the same basic process. This is enhanced by the requirement in Queensland to adhere to the pre-proceedings regime contained in the PIPA.
- (f) Mindful of the potential for litigation to be traumatic for claimants, the Archdiocese endeavours to avoid legal proceedings wherever possible. The Archdiocese seeks to resolve matters either in direct lawyer to lawyer negotiations, within the PIPA process, or in the Towards Healing process.
- (g) The Archdiocese pays out on legitimate claims without litigation.
- (h) The Archdiocese certainly considers resolving matters without the need for a claimant to take the formal step of initiating legal proceedings through the filing of a claim and statement of claim. Most of the matters in which the Archdiocese is involved are settled either in the pre proceedings process, in direct lawyer to lawyer negotiations or within the Towards Healing process itself.
- (i) Shortly after I gave evidence before the Royal Commission in December 2013, I took the public stance that I would authorise counselling (usually with a psychologist or doctor) for any victim who comes forward. This is well known and invariably offered to claimants.
- (j) As part of the process, whether in the PIPA, Towards Healing or direct lawyer to lawyer negotiations, a meeting with the Archbishop, the Vicar General or the Executive Director - Brisbane Catholic Education (in school matters) is offered so that an appropriate apology can be provided in a face to face environment. The Archdiocese recognises that this is an important aspect in engendering healing for survivors.
- (k) However, it is not always I as Archbishop who attend these meetings with survivors. In consultation with the Vicar General and my Legal Advisor I consider seriously the appropriate person who should attend such a meeting. It is always a person who is in an appropriate leadership position within the Archdiocese.
- (l) The Archdiocese embraces alternative dispute resolution processes wherever possible. This includes the facilitation process which is part of the Towards Healing protocol. This itself is an Alternative Dispute Resolution (ADR) process. Otherwise, direct lawyer to lawyer negotiations, settlement conferences and mediated settlement conferences are all mechanisms which are adopted by the Archdiocese. This applies in circumstances where the Archdiocese is insured and in circumstances where the Archdiocese is not insured.


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- (m) If it is not possible to avoid litigation, the Archdiocese is cognisant of the need to keep legal costs to a minimum. However, the Archdiocese has little experience in litigated claims because of its ability to settle matters in the pre-proceedings stage or within the Towards Healing process or by direct lawyer to lawyer negotiation.
- (n) The Archdiocese does not take advantage of a claimant who lacks the resources to litigate a legitimate claim. The Archdiocese invariably engages with the claimant or his or her lawyer at an early stage to resolve the matter. Usually, the only step required before settlement discussions can occur in respect of a legitimate claim would be the obtaining of a psychiatrist's report.
- (o) In two litigated matters in which the Archdiocese is currently involved, the limitation period has been pleaded. However, before it was pleaded, consideration was given to the circumstances of the matter and a judgment was made that the lapse of time which had occurred with the matter had had a burdensome effect on the Archdiocese. This burdensome effect was so serious that the Archdiocese had no option but to consider that a fair trial would not be possible. The particular circumstances involved claimants who have alleged prior knowledge against the Archdiocese. The relevant evidence is alleged meetings between the alleged perpetrator and a deceased Archbishop. Knowledge of these meetings came to the possession of those representing the claimants because I waived legal professional privilege in documentation held by the Archdiocese. This open disclosure of documentation has led to a position where claims have been made for exemplary or punitive damages based on allegations of prior knowledge in the deceased Archbishop. A delay in these circumstances has meant that a fair trial of these particular factual disputes may not be possible. In no other case has the Archdiocese pleaded the statute of limitations. The availability of this defence (in future) seems most unlikely.
- (p) Where there is a need for expert evidence such as psychiatric evidence, the Archdiocese cooperates with claimants lawyers about the choice of expert and the joint engagement of the expert. Invariably, it is the Archdiocese which meets the cost of the psychiatric assessment.
- (q) The Archdiocese has no experience of being in a position where it needs to make a decision about an appeal in a litigated matter.
- (r) The Archdiocese apologises where circumstances are such that its representative or its lawyers have acted wrongfully, improperly or in breach of the guidelines. I acknowledge that there are times when slight delays occur which are not intended, but which can be upsetting to a survivor. I am aware that there have been occasions where my legal advisor has personally apologised to a claimant or a claimant's lawyer for such unintended inefficiencies.

QUESTION 7

What policies and procedures your Catholic Church authority applies in relation to the prevention of child sexual abuse, including in relation to the supervision of or access to children by Catholic Church personnel.

127 The following policies and procedures are applied by the Archdiocese in relation to the prevention of child sexual abuse, including in relation to the supervision of or access to children by Catholic Church personnel:

- (a) Towards Healing (2010)


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- (b) Integrity in Ministry
- (c) Archdiocesan Child Protection Policy 2014 [CTJH.100.90001.0253]
- (d) Brisbane Catholic Education's Child and Youth Risk Management Strategy Brisbane Catholic Education's Student Protection Process, Student Protection Information for Families, Complaints Procedures for non-compliance with BCE Student Protection Processes and Complaints Form for Non-Compliance with BCE Student Protection Processes and Archdiocese of Brisbane Catholic Education Council Student Protection Policy.

[CTJH.100.90001.0166], [CTJH.100.90001.0181], [CTJH.100.90001.0162],
[CTJH.100.90001.0177], [CTJH.100.90001.0160].

QUESTION 8

What policies and procedures your Catholic Church authority applies in relation to the management of its members or personnel who are the subject of a complaint of child sexual abuse, including:

- a. referral to the police
- b. referral to counselling or therapy
- c. supervised or restricted ministry
- d. the provision of information about any complaints or allegations of child sexual abuse to any institution to which the member is transferring
- e. the approach to or management of any member:
 - i. who has been convicted of child sexual abuse
 - ii. against whom an allegation of child sexual abuse has been otherwise substantiated
 - iii. who has admitted to a complaint of child sexual abuse
- f. any action taken under canon law, including:
 - i. to remove or restrict the ministry of any member
 - ii. referral or application by a local ordinary to the Vatican to remove or restrict the ministry of any member

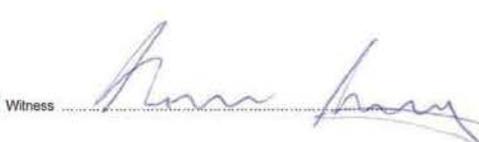
Referral to the police

128 Regarding referral to the police, the Director of Professional Standards fulfils the role of a central reporter of blind reports of alleged criminal offences to police on behalf of the Archdiocese in accordance with Towards Healing 37.4.

Referral to counselling or therapy

129 There is no policy or procedure allowing the Archdiocese as the relevant Church authority to refer a cleric (who is subject of the complaint of child sexual abuse – to counselling or therapy). This can only occur if the cleric is willing to be referred. If there is a demonstrated need for counselling or therapy, then I would certainly consider having the Archdiocese meet the cost of this provided the cleric was willing to cooperate.


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- 130 Towards Healing 42.3 does provide that the Church Authority "may commission such other professional reports or make other enquiries as are necessary to determine what action should be taken". This relates to whether a proven perpetrator should continue in pastoral ministry. Of course, I could only obtain such a professional report with the cooperation of the proved cleric perpetrator.
- 131 In dealing with offenders who are not clerics but employees of the Archdiocese, Towards Healing 42.4 provides that "the offender's future must be determined in accordance with the applicable procedures of employment law".

Supervised or restricted ministry

- 132 There is no policy or procedure (within the Archdiocese) which allows for supervised or restricted ministry for a cleric who is proved to have been responsible for child sexual abuse.
- 133 Nor is there any policy of the Archdiocese which would allow or authorise a return to employment of a lay employee proved to have been responsible for child sexual abuse by way of some supervised or restricted ministry.

The provision of information about any complaints or allegations of child sexual abuse to any institution to which the member is transferring

- 134 Towards Healing paragraph 45.7 provides that whenever a cleric or religious is to transfer from one diocese or institute to another (whether within Australia, or coming from overseas) or is to carry out a ministry or apostolate in another diocese or institute, the diocese or institute where the cleric or religious previously lived and worked, is to provide a statement in writing to the new diocese or institute indicating whether such authority knows of any complaints of abuse, or is aware of circumstances that could lead to a complaint of abuse, or whether it considers that there would be an unacceptable risk to children, young people or vulnerable adults if the person was allowed to engage in particular kinds of ministry. Where there has been a substantiated complaint, the Church Authority is to furnish all information necessary to evaluate the seriousness of the offence and is to report on all treatment undertaken and other measures employed to ensure that the offences do not occur. Such statements shall be held as confidential documents by the Church Authority.
- 135 The Archdiocese of Brisbane complies with this requirement. Before a cleric commences ministry within the Archdiocese on transfer from elsewhere, the Archdiocese requires from the transferring Diocese a clearance in the nature of a written statement of the kind referred to in Towards Healing 45.7. Likewise, when a cleric is transferring elsewhere from the Archdiocese of Brisbane, the Archdiocese (on request) provides such a written statement. I am aware that the Church's national office for Professional Standards is in the process of introducing a national clergy register. This is still a work in progress.

The approach to or management of any member:

- i. who has been convicted of child sexual abuse
 - ii. against whom an allegation of child sexual abuse has been otherwise substantiated
 - iii. who has admitted to a complaint of child sexual abuse
- 136 Towards Healing 42.3 provides that in circumstances where the abuse is admitted, or where an assessment under the Towards Healing procedures reaches the conclusion that on the basis of the findings of the assessment there are concerns about the person's suitability to be in a position of pastoral care, "the Church authority in consultation with the Director of Professional Standards and the Consultative Panel, shall consider what action needs to be taken concerning the future ministry of


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the person, taking account of the degree of risk of further abuse and seriousness of the violation of the integrity of the pastoral relationship".

- 137 It is in this connection that I (as Church Authority) may commission other professional reports or make other enquiries as might be necessary to determine what action needs to be taken. I have already indicated that such reports can only be obtained with the consent and cooperation of the priest perpetrator. In similar circumstances where the Archdiocese is dealing with a current employee (not a cleric) of the Archdiocese, Towards Healing 42.4 provides that "the offender's future must be determined in accordance with the applicable procedures of employment law".
- 138 The Archdiocese complies with these requirements.
- 139 By way of an example, on receipt of an assessment report, I invariably discuss the report with the Director of Professional Standards, as well as with the Vicar General (Monsignor Peter Meneely) and with my Legal Advisor.
- 140 I also provide a copy of the Assessment Report to the Consultative Panel and listen to the views of the Consultative Panel as to what action should be taken about the future ministry of the cleric concerned.
- 141 Where there is a finding that the cleric is responsible for child sexual abuse then he will be excluded from further ministry.
- 142 The process outlined in paragraph 42.3 is at odds with the requirements of the Canon Law in some respects, but I do ensure that the provisions of Towards Healing 42.3 are complied with.
- 143 Where a convicted perpetrator is a lay person employed by the Church, the Archdiocese (for example Brisbane Catholic Education) follows its HR processes as is dictated in Towards Healing. For example, a teacher charged with criminal offences is suspended from duty until the matter is dealt with through the criminal process.
- 144 The policies of the Archdiocese in respect of employees not engaged in schools is similar in that the HR processes of the Archdiocese apply. Upon being charged, the employee would be suspended on full pay until the criminal matter is determined. Upon conviction, the HR processes would be brought to bear to dismiss the person from employment. The same applies to lay persons who have not been convicted but in respect of whom findings have been made through the Towards Healing assessment process.
- 145 In that regard, Towards Healing paragraph 39.1 provides that where allegations concern a current employee of a Church body (other than a cleric or religious) the Director of Professional Standards is to refer the complaint to the relevant body for employment relations to investigate in accordance with the applicable procedures in employment law (and any other relevant laws) in that State or Territory or such other body as is set up for this purpose. The Director of Professional Standards then liaises with the relevant Church body to determine how to respond to the survivor if the complaint is validated.


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Action taken under Canon Law

- 146 Firstly, with respect to convicted perpetrators who are priests, policies within the Archdiocese of Brisbane are dictated by the Canon Law.
- 147 Canon 1717 of the Code of Canon Law (1983) states in subparagraph 1:
- "Whenever an Ordinary has knowledge, which at least seems true, of a delict, he is carefully to enquire personally or through some suitable person about the facts, circumstances and imputability, unless such an enquiry seems entirely superfluous."*
- 148 A Canon 1717 inquiry is not a formal judicial process. Rather, it is an inquiry to determine the facts and to determine if a trial is warranted. In cases of clerics incardinated in the Archdiocese of Brisbane who are convicted in a criminal court of an offence of child sexual abuse or the possession or production of child exploitation material, I have routinely determined that an inquiry under Canon 1717§1 would be, "entirely superfluous".
- 149 In the case of the nine clerics incardinated in the Archdiocese of Brisbane (who have been so convicted) the policy of the Archdiocese has been to follow the requirement of two Vatican documents: 'Sacramentorum sanctitatis tutela', and 'Normae de gravioribus'.
- 150 Were it not for these two documents, I would be required to determine under Canon 1718 of the Code, whether a process to inflict or declare a penalty can be initiated, whether this is expedient, or whether a judicial process must be used. This step is displaced by the two documents in particular, Article 16 of Sacramentorum, which is as follows:
- "As often as an ordinary or hierarch has at least probable knowledge of a reserved delict, after he has carried out the preliminary investigation, he is to indicate it to the Congregation for the Doctrine of the Faith which unless it calls the case to itself because of special circumstances of things, after transmitting appropriate norms, orders the ordinary or hierarch to proceed ahead through this own tribunal."*
- 151 Article 16 of the other document Normae de gravioribus (2010) is substantially to the same effect.
- 152 The delicts which are reserved to the Congregation for the Doctrine of the Faithful include, "a delict against morals, namely: the delict committed by a cleric against the Sixth Commandment of the Decalogue with a minor below the age of eighteen years." (Sacramentorum Article 6 and Article 6§1,1° of Normae).
- 153 I forwarded to the CDF eight petitions in accordance with Normae Article 16, in respect of each one of the clerics incardinated in the Archdiocese of Brisbane who had been convicted in a Civil Court on a criminal charge of Child Sexual Abuse or in one case, of possession/production of child exploitation material.
- 154 I wrote subsequently to inform the CDF of the death of one of the clerics, which means that matter is closed.
- 155 In relation to the remaining seven petitions, the CDF has responded in relation to six matters. In five matters, the CDF indicated that it had determined that the clerics (who were already living a life of prayer and penance) should continue living that life of prayer and penance and that there should be no judicial process relating to any of those clerics. Only in the Derriman matter was my petition successful in having the cleric dismissed from the clerical state.


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Royal Commission into Institutional Responses to Child Sexual Abuse: Final hearing regarding Catholic Church
Statement of Mark Benedict Coleridge | Archbishop of Brisbane

- 156 The options open to the CDF under *Normae* and *Sacramentorum* are to take the matter to itself and proceed with a judicial process, remit the matter to me and direct me to institute a penal process against the cleric in an Archdiocesan tribunal, proceed extra-judicially by placing the matter before the Pope for the Pope to dismiss the cleric from the clerical state extra-judicially, to remit the matter to me and direct me to proceed extra judicially or finally to remit the matter to me with a direction that there should be no judicial or extra-judicial process but that I should issue a penal precept with respect to the cleric.
- 157 In the five matters which were remitted by the Congregation for the Doctrine of the Faith to me, a direction was given to me to issue a penal precept against each cleric.
- 158 I then proceeded to issue a penal precept with respect to two of the clerics (REDACTED and REDACTED). I am taking canonical advice before issuing the Penal Precepts to the remaining three (REDACTED REDACTED and REDACTED).
- 159 In Canon Law terms, the penal precept is a singular administrative act which regulates the manner in which the cleric is to live his life of prayer and penance and it restricts the cleric in relation to the exercise of public ministry and it directs where the cleric is to reside and how he is to be supervised and supported.
- 160 The penal precept also warns the cleric that failure to abide by the imposed measures may result in reconsideration of his case and the imposition of a penalty under canon law.
- 161 One of the clerics against whom a penal precept has been issued by me (REDACTED) has sought recourse against the imposition of the penal precept and I am considering whether or not to mediate the matter with the cleric. This is notwithstanding that the petition for recourse appears to have been lodged with me out of time.
- 162 Canon 1733§1 provides, "whenever a person considers himself or herself aggrieved by decree, it is particularly desirable that the person and the author of the decree avoid any contention and take care to seek an equitable solution by common Counsel, possibly using mediation and effort of wise persons to avoid or settle the controversy in a suitable way".
- 163 Unless the mediation determines another course, the penal precept issued by me will continue to regulate the life of prayer and penance followed by the cleric.
- 164 Canon 1311 states that the Church has, "the innate and proper right to coerce offending members of the Christian faithful with penal sanctions". The penal sanction in this case is imposed by a penal precept in accordance with Canon 1319. It has a three-fold purpose, to repair scandal, to restore justice and to reform the offender (Canon 1341).
- 165 In the eight cases in point, I petitioned the CDF to place the matter before the Pope with the view to an extra-judicial dismissal from the clerical state. The CDF declined to proceed in that fashion in five of the matters. In support of the petition, I (with the assistance of a canon lawyer and a civil lawyer) prepared the petition which included my *votum*. This is a document by which I communicated to the CDF the reasons why I sought to have the cleric dismissed from the clerical state.
- 166 The cleric who has sought recourse against the penal precept issued by me, has done so on the basis that he was denied procedural fairness in not being allowed to see the *votum* before it went to Rome and in not being allowed to respond to the evidence in support of the petition.


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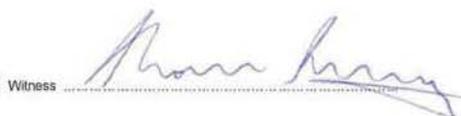
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- 167 The cleric was not allowed any input into the process of the preparation of the petition for the CDF but the process which was undertaken by me (in that respect) was entirely consistent with the law.
- 168 The particular extra-judicial process outlined in Normae de gravioribus (article 21§2,1^o) substantially modifies the process outlined in Canon 1720 of the Code.
- 169 In another category are clerics who (although they have not been convicted in the civil criminal courts of offences), have had findings made against them of child sexual abuse, mostly through the Assessment process in Towards Healing.
- 170 In those cases (as was required) I have taken the matter to my Consultative Panel to discuss the appropriate action. I have invariably cancelled the faculties of the cleric and removed them from active ministry.
- 171 Another category of clerics are those in respect of whom an Assessment has been carried out under Towards Healing but where there has not been a clear result or finding.
- 172 In one such matter, the previous Archbishop sought to restrict the pastoral ministry of a Parish Priest by restricting him by requiring that he not hear the sacramental confessions of boys. Canon lawyers and civil lawyers on behalf of the priest objected to this restriction and the Apostolic Administrator removed the restriction (after the retirement of the former Archbishop).
- 173 In another such case of an unsatisfactory finding in an Assessment, the faculties of the priest were restricted and he retired from active ministry.
- 174 In yet another case, where an Assessment was completed only after the suicide of a victim, I sought to reopen the Towards Healing process. The Director of Professional Standards indicated that this could not occur as the matter was closed. In such circumstances, I (on advice) have instituted a canonical inquiry of the kind referred to in Canon 1717 of the Code. In the interim, that cleric has been removed from pastoral work and is under the care of a psychiatrist and a physician, both of whom concur that on account of psychiatric disability, the cleric is not capable of performing in a pastoral role.
- 175 In yet another matter where it was determined that the matter was not properly dealt with under Towards Healing, I referred the matter under Canon 1717 to a canon lawyer to carry out a preliminary inquiry and the canon lawyer returned a report which indicated that there was no evidence of a delict having been committed. The cleric had already retired from active ministry but the process followed has meant that he has been cleared of the allegation made against him.
- 176 In yet another matter where I received legal advice that the Towards Healing process was not properly dealt with, I appointed a canon lawyer to carry out a Canon 1717 inquiry, notwithstanding that many years have passed between the date of the allegations originally made and the present time.


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QUESTION 9

Please identify which of the above policies and procedures are in writing, and where those documents can be accessed (including whether they are publicly available). For any policies and procedures not in writing, please explain how those policies and procedures are identified and applied.

177 The following policies and procedures referred to above are in writing and are located as follows:

- (a) Towards Healing (2010) – <https://www.catholic.org.au/documents/1346-towards-healing-2010-2/file>
- (b) Integrity in Ministry (2010) – <https://www.catholic.org.au/documents/1344-integrity-in-ministry-2010-1/file>
- (c) Archdiocesan Child Protection Policy (2014) -
<http://bne.catholic.net.au\data/00005057/content/83401001404280183826.pdf>
- (d) Brisbane Catholic Education's Child and Youth Risk Management Strategy –
<http://www.bne.catholic.edu.au/students:parents/Pages/BCE-Child-and-Youth-Risk-Management-Strategy.aspx>
- (e) Brisbane Catholic Education's Student Protection Processes, Student Protection information for families, complaints procedure for non-compliance with BCE's student protection processes and complaints form for non-compliance with BCE's student protection processes and Archdiocese of Brisbane Catholic Education Council Student Protection Policy -
<http://www.bne.catholic.edu.au/students:parents/Pages/StudentProtection.aspx>

QUESTION 10

Please explain the current process for the selection of candidates for your Catholic Church authority, including recruitment, screening and evaluation to decide whether candidates are appropriate for formation. Please also identify the role of working with children checks in this process.

178 With the rise of the psychological sciences and the development of psychological testing since the early 1970's the requirement for assessment became mandatory for all prospective students. A response to the request from the Truth, Justice and Healing Council for its report to the Royal Commission was forwarded from Holy Spirit Seminary in August of last year (2015). A copy of that response to the questions is at CTJH.100.90001.0001. It contains relevant information. It is quite comprehensive.

179 Particularly relevant to the query are paragraph numbers:

- 7: *The areas screened;*
- 10: *The mandatory psychological testing;*
- 11: *The police checks and Blue Card;*
- 12: *The study of human life on theories of psychological development;*
- 15: *The seminars on the subject of celibacy;*

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16: *The annual revision of the documents – Integrity in Ministry, Toward Healing; and Integrity in the Service of the Church provided by the Queensland Professional Standards Office;*

21: *The human development.*

180 A second document CTJH.100.90001.0008 lists relevant sections from the documents on psychological assessment.

QUESTION 11

Please explain the current process for the selection and screening of seminarians, clergy or religious from overseas to serve in local dioceses or religious orders. Please indicate whether any information is sought from overseas authorities about whether those seminarians, clergy or religious have been the subject of complaints of child sexual abuse.

181 Since 2007, formal agreements have existed between the Archdiocese and one Nigerian Diocese (Umuahia) and two Indian Congregations: Carmelites of Mary Immaculate (CMI) and Missionary Congregation of the Blessed Sacrament (MCBS). In 2013 there was a major review of the Overseas Priests Program which has undergone a process of maturation [CTJH.100.90001.0395], [CTJH.100.90001.0398], [CTJH.100.90001.0402], [CTJH.100.90001.0407].

182 Meetings are held with potential pastors/seminarians in their home diocese/province by me, Vicar General, Director of Clergy Life and Ministry or Seminary Rector during visits overseas. This has occurred from 2006 and is continuing.

183 After a recommendation from the Bishop of Umuahia or Indian Provincial, the priest's Curriculum Vitae is scrutinised.

184 The next step is a discussion with the Bishop of Umuahia or the Indian CMI or MCBS Provincial. These leaders are all familiar with ministry requirements in Australia and have visited the Archdiocese of Brisbane at least once.

185 Then Skype interviews are conducted with me, Vicar General and lay staff, including at least one female staff member. Such Skype interviews commenced from January 2016.

186 Priests nominated must meet a high standard of English competency (IELTS Level 5 or higher).

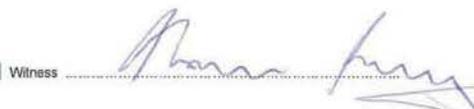
187 A Police check is part of the visa application process.

188 Senior Archdiocesan staff were trained in Multicultural Ministry (in July 2015) by Dr Monica Applewhite.

189 An ongoing relationship with the Diocese or Province assists in choice of future candidates. From September 2016 it has been possible to have the assistance of senior priests experienced in Australian pastoral ministry.

190 As part of the admission process for students to the Seminary, a national police check is undertaken for both Australian and overseas students. Failure to meet the requirement means that a candidate is not admitted to the Seminary. Maintaining an up-to-date Blue Card is absolutely necessary throughout the Seminary Course. Holding a Blue Card is a requirement for admission to the Priesthood by Ordination.


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191 An Australian Catholic Ministry Register (ACMR) is being developed for clergy throughout Australia.

QUESTION 12

Whether, and if so how, the formation and training programs (both initial and ongoing) that operate in your Catholic Church authority include education or training relating to:

- a. child protection and child sexual abuse
- b. matters of sexuality including the vow of celibacy and formation for a celibate life.

192 In the history of the Catholic Church changes to formation and education of clergy have been a regular occurrence. The seminary system along the lines familiar to us was developed following the Council of Trent (1545 – 1563) in the sixteenth century. That system refined itself and continued until the era following the Second Vatican Council (1962 -1965). The adjustment was a pastoral response to the changing nature of the Church and also of the world.

193 A number of universal Church Documents exist to explain the current development. The Second Vatican Council issued two documents pertaining to Priesthood: one on the Priesthood (Presbyterorum Ordinis 1965) and one on Seminary Training (Optatum Totius 1965). These provided the basis for the implementation of future instruction in regard to seminary formation e.g. An Encyclical of Pope Paul VI on the celibacy of the Priest (1967); a watershed document of Pope John Paul II "I will give you Shepherds" in 1992 which detailed four pillars of formation. The Congregation for Catholic Education issued Guidelines for admission of persons with homosexual tendencies in 2008. Guidelines for the use of Psychology in the admission and formation of candidates issued in 2008. The revised Code of Canon Law in 1983 had embodied the directional change introduced by the Second Vatican Council.

194 Included in the changes is the composition of seminary staff which now includes Clergy, Religious and Laity together with Philosophical, Scriptural and Theological education lecturers in the respective faculty from the Australian Catholic University.

195 In 2006 Archdiocesan Human Resources conducted workshops for clergy and parish staff around the Archdiocese to explain the Archdiocesan Child Safety Guidelines and the requirements of The Commission for Children and Young People and Child Guardian Act 2000, and to distribute resources such as risk assessment templates etc. [CTJH.100.90001.0547], [CTJH.100.90001.0551], [CTJH.100.90001.0561].

196 Annual New Pastors' Day is held providing formation for priests who are newly ordained, newly appointed as Parish Priests or Administrators and/or newly arrived in Queensland (from interstate or overseas). Since 2013 this has included a session on Workplace Health and Safety, including Child Safety policy and protocols.

197 An Induction workshop held on 30 November 2011 for all overseas priests and newly ordained priests included the following sessions:

- (a) 'Let the little children come unto me – Child Safety in the Church' by Ms Robyn Grove – Assistant Director, Workplace Relations Office [CTJH.100.90001.0782] [CTJH.100.90001.0811], [CTJH.100.90001.0825], [CTJH.100.90001.0826], [CTJH.100.90001.0827], [CTJH.100.90001.0830], [CTJH.100.90001.0831], [CTJH.100.90001.0832];
- (b) 'Integrity in Ministry' by Mr Pat Mullins – then Director of Professional Standards in Queensland.


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198 Biannual training for all clergy commenced:

- (a) July 2013: Two days training for all clergy on awareness raising of Child Safety issues with Dr Monica Applewhite and one day of parish leadership training. Dr Applewhite is from Austin Texas and holds a doctorate in clinical social work and is a world expert in research and practice in respect of screening, monitoring and policy development for the prevention of sexual abuse [CTJH.100.90001.0622].
- (b) July 2015: One day of training for all clergy and one day parish leadership training introducing an Administrative Toolkit for abuse prevention. This Administrative Toolkit has been subsequently utilized in the development of Archdiocesan training and processes [CTJH.100.90001.0684].

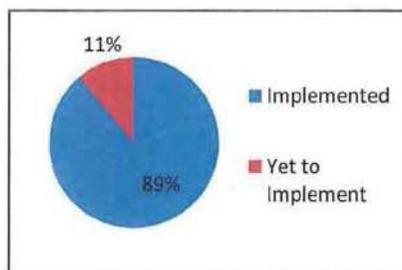
199 From January 2014: An Archdiocesan Safeguarding Officer was employed with specific roles in the ongoing management of the Archdiocesan Training and Formation Program.

200 Training in Child Safety and Integrity in ministry for priests in the Overseas Priests Program has been held:

- (a) Indian clergy – 2 September 2015;
(b) Nigerian clergy – August 2016.

201 Since July 2014 (and ongoing), development and implementation of the *Safeguarding Children and Vulnerable Adults Policy* that now includes:

- (a) Implementation checklist;
(b) Risk assessments;
(c) Job descriptions for volunteers;
(d) Interview questions for volunteers;
(e) Registers of volunteers and Blue Card holders.

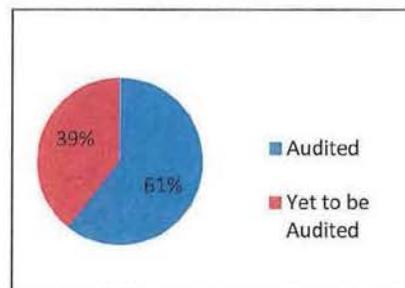


[CTJH.100.90001.0110], [CTJH.100.90001.0119], [CTJH.100.90001.0133]

202 As of 30 June 2016 a total of 88 parishes have implemented the Policy. All parishes will have implemented policy and processes by December 2016.

203 Development of Parish – Child Protection and safety program for vulnerable adults:

- (a) Training program has been rolled out across the Archdiocese;
(b) There have been sixty internal monitoring audits conducted since 2015. By the end of 2016, eighty-nine parishes will have been audited. The remaining ten parishes will not be due for an audit until 2017;



- (c) In 2016 external audits were conducted in a representative sample of parishes across the Archdiocese.

Hanrick Curran, a leading firm of multi-discipline chartered accountants who work with the not-for-profit sector, conducted the audits. Hanrick Curran concluded that, based on the sample of parishes

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inspected, the parishes of the Archdiocese complied in all material respects with the requirements of the *Safeguarding Children and Vulnerable Adults Policy*. Some matters for attention were identified around documentation and record keeping. A copy of the audit report and recommendations is at CTJH.100.90001.0010.

204 From 2015, training in the program has been facilitated by the Professional Standards Office at the Seminary and in the Developing Parish Leaders Program (for newly appointed Pastors and Associate Pastors). [CTJH.100.90001.0846], [CTJH.100.90001.0860], [CTJH.100.90001.0881], [CTJH.100.90001.0895], [CTJH.100.90001.0905], [CTJH.100.90001.0916].

205 The Archdiocesan Safeguarding Officer has also provided training:

- 18/02/2015: The Safeguarding Officer offered a half day's training to the new Archdiocesan Safeguarding Children and Vulnerable Adults Policy to seminarians;
- 30/03/2016: Professional Standards Office staff and Safeguarding Officer provided one day's training on application of Integrity in Ministry, Understanding Relationship based Abuse and Safeguarding Policy implementation in parishes;
- Two more developmental workshops are planned for 2017 and 2018.

206 Monitoring and measuring for effectiveness including the following:

- (a) Attendance of clergy at workshops is recorded;
- (b) Internal audits of parish Safeguarding Protection Policy – including an implementation checklist;
- (c) External audits.

QUESTION 13

Please describe how clergy or religious are supported and supervised in your Catholic Church authority including:

- a. assistance for clergy or religious with psycho sexual or substance abuse problems
- b. assistance in coping with loneliness and isolation
- c. regular performance review
- d. day-to-day supervision and oversight.

Assistance for clergy or religious with psycho sexual or substance abuse problems

Assistance in coping with loneliness and isolation

207 Supervision of Associate Pastors is provided by the resident Parish Priest. All newly ordained priests remain as Associate Pastors for an average time of five years. All priests in the Overseas Priests Program start as Associate Pastors (average time 18-24 months).

208 There are a number of regular contacts with each priest, retired or active through:

- (a) Director - Clergy Life and Ministry, Vicar for Clergy and the staff of the Clergy Office;
- (b) Deanery meetings of priests in parish ministry (five -six times per year) with Dean;
- (c) Episcopal (Bishops) visitation every two to three years;

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- (d) Overseas Priests Program support meetings with Project Officer (one to eight times per year);
- (e) Newly ordained priests meet with the Director of Clergy Life and Ministry (quarterly);
- (f) Regular contact with Archdiocesan personnel (Human Resources, Accounting Services, Archdiocesan Development Fund, etc).
- (g) Each of these contacts has a process of reporting if there is a level of concern about any given priest.
- 209 Clergy Health Care Coordinators (nurses) meet with the clergy to check on their health and general wellness.
- 210 The Veritas program is available for clergy to have access to qualified counsellors.
- 211 A Peer Support Program is run by clinical psychologist (external to the Archdiocese), Dr John Barletta. All clergy can access this service.
- 212 Compulsory training for all clergy was presented in 2013 and 2015 by Dr Monica Applewhite.
- 213 The Annual Clergy Convocation includes sessions on human development.
- 214 Archdiocesan Safeguarding Children and Vulnerable Prevention and Protection Policy Training facilitated by Michele Vuleta and Troy Tornabene – commenced in July 2014. All parishes have undertaken training in this policy for clergy, staff and volunteers.
- 215 A Peer Group Support network in liaison with Dr John Barletta has been formed.
- 216 Work Health and Safety training for clergy has taken place. This was delivered by dedicated Archdiocesan staff who conducted deanery based training for clergy in 2006 and 2013 to reflect requirements of new legislation. Regular updated training is presented annually to parish staff and new clergy.

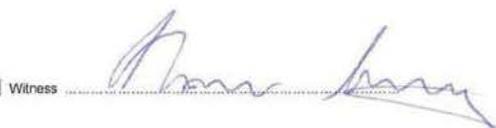
Regular performance review

- 217 Clergy performing pastoral ministry within the Archdiocese are not employees and it is not possible to direct them to undergo any regular performance review.
- 218 As Archbishop, I am not in a position to be able to direct a priest performing pastoral ministry within the Archdiocese to undergo a regular performance review.

Day to day supervision and oversight

- 219 Within a parish setting, Associate Pastors are supervised by their Parish Priest. There is no program of supervision of parish priests themselves. That would be contrary to the provisions of the canon law.
- 220 As Archbishop, I am not in a position under canon law to supervise Parish Priests.
- 221 Under canon law, the Diocesan Bishop is required (in making his judgement about the suitability of one he proposes to appoint to a vacant parish as Parish Priest), "to hear the Vicar Forane and conduct appropriate investigations, having heard certain presbyters and lay members of the Christian faithful, if it is warranted".


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- 222 The Vicar Forane is the priest appointed (in the Archdiocese of Brisbane called the Dean) who has certain oversight of a group of parishes. In some places, this group of parishes is called the Vicariate, but in the Archdiocese of Brisbane is called a Deanery. The Role of the Dean in his Deanery, is to promote and coordinate common pastoral activity within the Deanery and the obligation of seeing to it that clerics of his District lead a life in keeping with their state and perform their duties diligently as well as seeing to it that the religious functions are celebrated in accordance with the prescripts of the sacred liturgy.
- 223 It is the Dean who is to see to it that the Priests within his Deanery attend lectures, theological meetings or conferences. He is also to take care that spiritual supports are available to the priests of his District. He is to be especially concerned for those who find themselves in more difficult circumstances or who are beset by problems. He is to care for ill clergy in his district and has an obligation of visitation to the parishes of his district.
- 224 The Archbishop's Vicar for Clergy fulfils a similar role in respect of priests throughout the Archdiocese. It is a safeguard and an accountability measure that before making an appointment of a Parish Priest, the Archbishop is to hear the Dean and otherwise to conduct appropriate investigations before making a judgment of the suitability of the priest he intends to appoint to a vacant parish. There is also the obligation under Canon 524, if the Archbishop considers it is warranted, to also consult with certain priests (including, for example, the Vicar for Clergy) and lay members of the Christian Faithful. Again, this is an appropriate transparency and accountability measure in relation to appointments of clergy to fill the role of Parish Priest (which may be vacant).
- 225 Although the Archbishop is not obliged to consult on these matters with his College of Consultors, it is appropriate that he consult with certain priests if he considers that warranted and it would be appropriate for him to consult with members of the College of Consultors on these appointment matters. New statutes recently drawn up reflect the possibility that the College of Consultors may be asked to give its counsel before I make the appointment of a pastor to a vacant parish (as contemplated in Canon 524).
- 226 Canon Law also prescribes the suitability matters for appointment to the position of a Parish Priest. These are outlined in Canon 521§1,2. The obvious qualification is that a person must be validly ordained to the rank of the presbyterate (Canon 521§1).
- 227 Further, under 521§2, a candidate for appointment as a Parish Priest is to "be outstanding in sound doctrine and integrity of morals and endowed with zeal for souls and other virtues", he is also to "possess those qualities which are required by universal or particular law to care for the Parish in question". Canon 521§3 provides that, "for the office of pastor to be conferred on someone, his suitability must be clearly evident by some means determined by the Diocesan Bishop, even by means of an examination".
- 228 The placement of religious who are also priests in various parishes of the Archdiocese is not generally done in a direct way by the Archbishop/Diocesan Bishop. The Diocesan Bishop does not appoint a religious order priest as a pastor of a parish but, under Canon 521§1, a Diocesan Bishop "can entrust a Parish to a clerical religious institute or clerical society of apostolic life". However, there is a requirement that one presbyter or priest is to be the Pastor of a parish or alternatively, if there is to be a team of Pastors *in solidum* (appointed with joint responsibility), one of them is to be appointed as a moderator. The entrusting of a parish to a religious institute can either be perpetual or for a specific predetermined time (Canon 520§2).


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229 Importantly, where a parish is so entrusted, there is to be a written agreement between a diocesan bishop and the competent superior of the religious institute. This agreement is to expressly and accurately define, amongst other things, the work to be accomplished, the persons to be assigned to the parish and any financial arrangements (Canon 520§2).

QUESTION 14

Please indicate, and where appropriate explain whether your Catholic Church authority has conducted any independent or internal inquiries or reviews relating to the response to child sexual abuse or the causes of child sexual abuse, and the outcome of such inquiry or review.

230 The Archdiocese of Brisbane has not conducted any independent or internal inquiries or reviews relating to the response to clerical sexual abuse of the causes of child sexual abuse.

QUESTION 15

Please indicate, and where appropriate explain whether and to what extent your Catholic Church authority reports to international Catholic Church bodies or authorities on your authority's response to child sexual abuse. Please provide copies of any Quinquennial reports or any other reports of this nature.

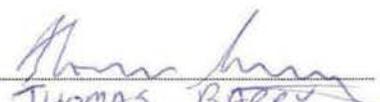
231 The Archdiocese of Brisbane does not report to the international Catholic Church bodies or authorities on its response to child sexual abuse.

QUESTION 16

Please indicate, and where appropriate explain where applicable, whether the international body of your Catholic Church authority has conducted any research relating to child sexual abuse that has been provided to the Catholic Church authority in Australia.

232 To my knowledge, the international body of the Catholic Church (which I take to be the Holy See) has not conducted any research relating to child sexual abuse that has been provided to the Australian Catholic Bishops Conference (of which I am currently Vice President).

Signature 
Name Mark Benedict Coleridge
Date 20 January 2017

Witness 
Name THOMAS BARRY
Date 20 January 2017


Signature


Witness