Submission of Joan Katherine Isaacs

In Response to
Submissions in Response to Revised Submissions of Counsel Assisting
From the Truth, Justice and Healing Council

ROYAL COMMISSION INTO INSTITUTIONAL RESPONSES TO CHILD SEXUAL ABUSE

CASE STUDY 4 / TOWARDS HEALING

8 October 2014

Joan K. Isaacs
In this Submission I intend to address three issues raised in response to material provided to this Royal Commission by the Truth, Justice and Healing Council.

- Available Finding 1
  
The Truth, Justice and Healing Council submit that “this finding should not be made.”¹

- Available Finding 2
  
The Truth, Justice and Healing Council submit that “no finding” should be made which is framed by reference to concepts “justice and compassion”²

- The misrepresentation of my position in relation to the Towards Healing process.³

¹ Submissions in Response to Revised Submissions of Counsel Assisting - Case Study 4, Chapter 3, cl. 61
² Submissions in Response to Revised Submissions of Counsel Assisting - Case Study 4, Chapter 3, cl. 62
³ Submissions in Response to Revised Submissions of Counsel Assisting - Case Study 4, Chapter 2, cl. 10, footnote7
Available Finding 1

In the Revised Submissions of Counsel Assisting the Royal Commission in relation to me, the Truth, Justice and Healing Council rejects the following proposed finding:

**Dr Robertson did not adequately consult with Mrs Isaacs in relation to the appointment of a facilitator to allow her to mutually agree on the appointment of Ms Rogers as provided in Part 2, cl 7.2 of Towards Healing (1996).**

The Truth, Justice and Healing Council argue that:

-the evidence of Mrs Isaacs herself as to whether she was told about Ms Rogers’ appointment as facilitator was somewhat equivocal

The Available Finding of Senior Counsel Assisting distinctly states that there was no consultation regarding the appointment of the facilitator.

The Truth, Justice and Healing Council’s response is clearly framed around the fact that I knew that Ms Rogers would be the facilitator at the meeting.

I agree that I did know that Ms Rogers would be the facilitator at the meeting as I received correspondence from Dr Ken Robertson before the meeting to confirm this.

My evidence to the Commission supports this:

-On 1 April 1999, I was sent a brief letter from Ken Robertson that summarised who would be involved in the process.

I categorically refute that there was consultation regarding the appointment of Ms Rogers. Towards Healing 1996 unmistakably states that:

-The Church authority and the victim shall mutually agree on a facilitator from the approved panel

The evidence that Dr Ken Robertson gave to the Commission clearly supports that there was no consultation. He states:

-I would feel that I discussed with her that the facilitator that we’re putting up is Mrs Rogers.

This statement is clear. The only discussion which took place in regard to the facilitator is that it would be Ms Rogers and that Ms Rogers was chosen by the Church Authority.

Neither the Catholic Church Authority nor Dr Ken Robertson can offer any evidence to support the fact that any consultation with me did in fact occur. There are no documentary

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6 Revised Submissions of Counsel Assisting the Royal Commission in relation to Joan Isaacs, p. 34  
5 Submission in Response to Revised Submissions of Counsel Assisting - Case Study 4, chapter 3, cl. 53  
6 Isaacs T2520:22-24  
7 Towards Healing 1996, 7.2  
8 Robertson T2563:38-39
records of phone calls, letters or notes that have been produced to this Commission at any stage.

My evidence that Dr Ken Robertson did not consult with me, to allow me to mutually agree on the appointment of Ms Rogers as facilitator, is to be preferred.

I urge this Commission to find in favour of Available Finding 1.
Available Finding 2

In the Revised Submissions of Counsel Assisting the Royal Commission in relation to me, the Truth, Justice and Healing Council rejects the following proposed finding as framed:

**Actions of those representing the Archdiocese of Brisbane were not just and compassionate, as follows:**

- a. The Church, their lawyers and the insurer engaged in protracted legal negotiations for a period of over 2 years preceding the monetary offer made to Mrs Isaacs.
- b. The payment of $30,000, which after the payment of $20,000 for legal costs left Mrs Isaacs with a small payment of money.
- c. Despite being of the view that the offer of $30,000 was “mean”, Father Spence took no action to either suggest a higher price or to seek to find out if the Archdiocese would contribute to pay any money to Mrs Isaacs.9

The Truth, Justice and Healing Council argue that:

> no “finding” should be made which is framed by reference to concepts of “justice and compassion.” That is so because: no accepted or objective meaning of either of those terms has been propounded... 10

**I support the Available Finding 2 in its entirety.**

**Justice and Compassion and Towards Healing**

My Towards Healing involvement commenced when the 1996 version of the Towards Healing document was in place. My involvement concluded when the revised December 2000 document was being used. Both documents state:

> Whenever it is established, either by admission or by proof, that sexual abuse did in fact take place, the Church authority shall... ensure they (the victims) are given such assistance as is demanded by justice and compassion.11

In 2008 an amended version of Towards Healing was published. Again the 2008 document instructed the Church authority to:

> listen to victims concerning their needs and ensure they are given such assistance as is demanded by justice and compassion.12

The Towards Healing document when revised in 2010 contained, word for word, the same text as referred to above.13

I commenced my Towards Healing under the 1996 document which clearly states:

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9 Revised Submissions of Counsel Assisting the Royal Commission in relation to Joan Isaacs, p. 34
10 Submission in Response to Revised Submissions of Council Assisting: Case Study 4, chapter 3, cl. 56 and 56 (1)
12 Towards Healing 2008, cl. 19
13 Towards Healing 2010, cl. 19
A compassionate response to the victim must be the first priority in all cases of abuse.\textsuperscript{14}

This undertaking was retained in all subsequent versions of Towards Healing to become by 2010:

\textit{A sensitive and compassionate response to the complainant must be the first priority in all cases of abuse.}\textsuperscript{15}

Towards Healing Definitions

The first Towards Healing document endorsed by the Bishops of Australia devoted a small section of the booklet to “Definitions”. This can be seen as a worthwhile inclusion. It is vital that a document which contains practices and principles which bind people in their actions contain no terms which can be misinterpreted or inappropriately applied. It is important to both the Church Authority and the victim, especially the victim, to be clear at the outset as to what the principles mean and what common and agreed understandings need to be set.

At the time, the Church found only nine terms which they indicated needed defining. Some of those nine terms appeared to have meanings which were self-evident. Nonetheless the Bishops clearly were keen to provide as best they could absolute clarity around their document. The nine defined terms were: Accused, Church Authority, Church Body, Church Personnel, Civil Authorities, Complainant, Offender, Sexual Abuse and Victim.\textsuperscript{16}

When the Church revised the Towards Healing document in 2000, it once again reviewed the use of terminology in the document. Once again, this was a procedure to be applauded. By this time Towards Healing had run for some years. It was opportune to clarify any misunderstandings experienced in the language of the document, either by victims or members of the Church Authority. It was good for victims to know there was no intention at any stage for the document to mean anything other than what it said. In 2000, the Church replaced “Sexual abuse” with “Abuse” and added three more Definitions. They were: Children and Young People, Church Procedure, and Pastoral Care.

The 2000 document of Towards Healing now contained twelve definitions.\textsuperscript{17}

By June 2008, the Towards Healing process had been operating for over 12 years. The Bishops by now had the opportunity afforded them by those 12 years of experience to identify within the document any further terms which had been misunderstood or had caused confusion. When the 2008 version of Towards Healing was published no additions were made to the 12 definitions contained in the 2000 version of the document.\textsuperscript{18}

Throughout the 2000's Professor Patrick Parkinson worked with the Church to review the Towards Healing document and process.

\textsuperscript{14} Towards Healing 1996, cl. 15
\textsuperscript{15} Towards Healing 2010, cl. 17
\textsuperscript{16} Towards Healing 1996, Part Two section 2 pgs. 6-7
\textsuperscript{17} Towards Healing 2000, Part 2 cl. 34
\textsuperscript{18} Towards Heating 2008, Part 2, cl. 34
This process included broad consultation with complainants, accused, church authorities, and those involved in implementing the procedures.

The church worked towards a document that was clear and able to be applied to the many and varied matters that can be brought forward.\(^\text{19}\)

Professor Parkinson did a similar review in 2009. The 2010 Towards Healing document was produced. It can be reasonably assumed that, following two reviews with extensive consultation, any misunderstandings with language and terminology would have been identified and fixed. The 2010 Towards Healing document identified 22 terms requiring definition and provided definitions for each.

They were: Abuse, Accused, Assessor, Children and Young People, Church Authority, Church Body, Church Personnel, Church Procedure, Civil Authorities, Consultative Panel, Complainant, Inappropriate Care Practices, Offender, Pastoral Care, Pastoral Relationship, Professional Standards, Professional Standards Resource Group, Religious, Religious Institute, Reparation, Victim and Vulnerable Person / Vulnerable Adult.\(^\text{20}\)

In publishing the 2010 Towards Healing Document the Australian Bishops clearly saw no need to provide definitions for the phrase “justice and compassionate”. They used the phrase repeatedly in the document, seemingly believing it to be well-grounded in the vernacular of the Catholic Church.

The Truth Justice and Healing Council implied that all language used in the Towards Healing Document was clear when submitting the following to this Commission:

Towards Healing is a public statement of the Church’s position. It sets out in some detail, in uncomplicated language, how the Church will approach complaints where a victim chooses to use Towards Healing, and the processes which will be followed.\(^\text{21}\)

The language was uncomplicated when Father Farrelly spoke at this Commission.

Well, justice is giving someone what is their due, what they-that’s Thomas Aquinas. That’s the virtue of justice, that you do - that you respond to someone according to their - to what is owed to them or what they deserve.\(^\text{22}\)

The Catholic Church’s Commitment

I commenced my journey through Towards Healing under the 1996 protocol. The following appears in the introduction to that document.

We recognise that in itself this document is nothing more than words on paper. It will become credible only to the extent that it is actually put into effect. At the same time, it is a public document that establishes public criteria according to which the community may judge the resolve of Church leaders to address sexual abuse within

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\(^\text{19}\) Towards Healing 2010, Introduction pg. 1
\(^\text{20}\) Towards Healing 2010, Part 1
\(^\text{21}\) Submissions for Issues Paper 2, Towards Healing, Truth, Justice and Healing Council. 1.1 Introduction, cl.5
\(^\text{22}\) Farrelly T2635:13-17
the Church. If we do not follow the principles and procedures of this document, we will have failed according to our own criteria.23

The sentiment here is unequivocal. This sentiment has been carried forward with each revision of the Towards Healing document through to 2010. This is an invitation for the community to judge how well the Church has followed the principles and procedures of the document which states, victims

are given such assistance as demanded by justice and compassion.24

Father Spence, the priest who oversaw much of the negotiations in my case on behalf of the Church Authority, described my financial settlement in 2001 as

mean ...... and I do now think it's mean.25

These words alone would serve to suggest that by community standards I was not afforded justice and compassion.

Ms Bernadette Rogers told this Commission:

My view is that the protracted negotiations that occurred after the facilitation would have had the effect of re-abusing Ms Isaacs, and it was certainly not a compassionate response.26

These words too would serve to suggest that by community standards I was not afforded justice and compassion.

The same conclusion could be drawn from the words of Dr Ken Robertson:

I don't think that she got a just and compassionate outcome because, first of all, of the delay of two years, which was absolutely nonsense.27

Community Expectations

The community is in no position to make a formal judgment on this case.

It is reasonable however to suggest that this Royal Commission is the voice of the community. The community would expect the Catholic Church to acknowledge their failings and to be held accountable for their commitment to be “just and compassionate” to victims of sexual abuse.

The Catholic Church did fail the test of justice and compassion in its treatment of me in Towards Healing. It needs to accept responsibility for its actions.

I urge this Royal Commission to adopt Available Finding 2 without amendment.

23 Towards Healing 1996, Introduction
24 Towards Healing 1996, part 1, cl.17
25 Spence T2675:28-31
26 Rogers T2621:30-33
27 Robertson T2574:5-7
Issue of Misrepresentation

Misrepresentation
In its Revised Submissions, The Truth, Justice and Healing Council, states:

A submission by the Church parties that “for many, many people, Towards Healing has been a source of compassion and support which has been of real value to them” was met with an apparently sceptical “call” for “data” supporting that proposition. The Church parties duly provided the Commission with a good deal of material in response to that “call”, and also adduced evidence from numerous witnesses to the effect that in their extensive experience Towards Healing had indeed been of such value to many people. None of that material or that evidence has been referred to in either the Original SCA Submissions or the Revised CA Submissions.\(^\text{28}\)

The Truth, Justice and Healing Council have used a single diary entry, which was written on the day of my facilitation meeting, to support the claim that I was one who expressed satisfaction with Towards Healing. I submitted this diary entry to the Royal Commission and it reflected my feelings on the day of the facilitation meeting as I trusted that the words and commitments I had been given were sincere and truthful. It was never forwarded to the Truth, Justice and Healing Council or the Catholic Archdiocese of Brisbane to express that I had found Towards Healing a “source of compassion and support.” \(^\text{29}\)

Linking my name to this claim represents a gross misrepresentation of my position. At the time the Truth Justice and Healing Council put this submission to this Royal Commission, on 23\(^\text{rd}\) May 2014, my position was abundantly clear. At the time the Truth, Justice and Healing Council framed their 23\(^\text{rd}\) May 2014 submission, they had available to them all evidence put before this Commission about my case.

I have never been approached by the Truth, Justice and Healing Council to ascertain my views on my Towards Healing experience. I was and still am, extremely hurt and very damaged by the treatment I received at the hands of the Catholic Church through its Towards Healing program.

My Position in Relation to Towards Healing

INTEGRITY OF THE PROTOCOL

I wish to clearly articulate my position in regard to the misrepresentation placed before the Commission. I believe I was deceived into thinking that the Church wished to treat me with honesty, justice and compassion just as their protocol dictated. \(^\text{30 31}\)

\(^{28}\) Submissions in Response to Revised Submissions of Counsel Assisting - Case Study 4, chapter 2,cl. 10
\(^{29}\) Submissions in Response to Revised Submissions of Counsel Assisting - Case Study 4, chapter 2,cl. 10, footnote 7
\(^{30}\) Towards Healing 1996, pg. 3 cl. 10 and 12
\(^{31}\) Towards Healing 1996, pg. 4 cl. 15 and 17
I was invited into a program which I falsely believed was being run and controlled by my Archbishop. I provided sensitive documents prior to the facilitation meeting. At that time I made it abundantly clear that it was difficult for me to do so, given the sensitive nature of these documents. I asked the Church Authority to treat the information I had provided with the "dignity and respect" that it deserved.32

It was with extreme distress that I learned just prior to my Commission Hearing that these sensitive documents had been passed on to others without my knowledge or consent. I regard this as a serious violation of my personal rights.

I am aware that this sensitive and confidential personal information was placed in the hands of insurance agents, lawyers and other priests, all complete strangers to me. These people took over the running of my case without my knowledge.33 34

Furthermore I want it known that I remain distressed about the abuse of my personal information to this very day. I still do not have full knowledge of how many people have read these documents or who still have copies of them.

I was and still am, shocked to learn how widely matters relating to my case were canvassed by members of the Church Authority. Evidence provided to this Commission shows that Dr Spence used information about the offender, Father Derriman, drawn from discussions he had with Derriman’s family, to contribute to his decision-making regarding my case.35 36

SILENCE CLAUSES

I was severely damaged by the imposition of the silence clauses in my Deed of Release given that my own Archbishop had told parishioners of Brisbane that being able to speak about abuse was fundamental to a victim’s healing.37

I am dismayed that these silence clauses which were punitive on me were imposed despite the strong medical warnings of my psychologist and my own pleadings to the same Archbishop.38 39

I am dismayed that these silence clauses were imposed on me at a time when the Catholic Bishops of Australia had forbidden their use in relation to Towards Healing Australia wide. They said:

No complainant shall 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.40

32 STAT.0077.001.0022_R
33 STAT.0087.001.0015
34 CTJH.100.01250.0136
35 CTJH.100.01250.0136
36 Spence T2678:3-5
37 IND.R-004128.PS.0187
38 STAT.0077.001.0072
39 STAT.0077.001.0073-R
40 Towards Healing 2000, Part 2 cl. 41.4
I have suffered deeply and traumatically from the effects of the Towards Healing process for over 13 years and still suffer trauma from its effects to this day.

THE CHURCH AND DERRIMAN
While I feel that I have been punished by the Church Authority, I am dismayed that no available action has been taken against Father Francis Edward Derriman. Having been convicted on two counts of indecent dealing against me, and having been imprisoned, Derriman, to this day remains a Catholic Priest of the Archdiocese of Brisbane.41 42

I remain distressed that Father Derriman was not asked to contribute to my settlement when the Towards Healing document so clearly states:

As far as it is within its power to do so, the Church authority shall require the offender to address the issue of restitution to the victim and to the Church community.43

My Position
I provide this information to the Royal Commission to correct the impression, available from the Truth, Justice and Healing Council’s submission of 23rd May 2014, that I was one of the many, many people who have found Towards Healing to be a source of compassion and support which has been of real value to them.44

When I commenced my Towards Healing journey I did so as a strongly devout Catholic who gave generously to my Church and who served it in such roles as Eucharistic Minister, church reader, and rostered musician. I had been teaching in Catholic schools around the state of Queensland for nearly twenty years.

By the conclusion of my Towards Healing involvement I was a broken woman.

I abandoned my faith in the Catholic Church. I could not reconcile the treatment I received at the hands of the Catholic Church with the words I had heard espoused by these same clergy.

I believe the Church Authority’s response to me in no way reflected their teachings of Jesus.

I told this Commission:

Ian and I went to our parish priest, Father Bernie Costigan, and told him that we had been donating for years to the Catholic Church through planned giving programs, archbishop’s church appeal funds and other programs. We said to our priest “we cannot give to the parish any more” because of the way the Catholic Church has treated us in relation to my abuse.

41 Coleridge T2755:26-27
42 CTIH.100.01250.0182
43 Towards Healing 2000, cl 42.6
44 Submissions in Response to Revised Submissions of Counsel Assisting - Case Study 4, chapter 2, cl.10
Shortly after this, my husband and I decided we would no longer go to church and this decision remains today. Up until that point, we had been attending church regularly our whole lives. 45

Various representatives from the Catholic Church Authority, including Dr Ken Robertson, Ms Bernadette Rogers, Father Adrian Farrelly, Dr James Spence, Bishop John Gerry, and Archbishop Coleridge appeared at this Commission and uttered their regret at how I had been treated. 46 47 48 49 50 51 52

That said, by May 23rd, 2014 the Truth Justice and Healing Council, speaking for the same Catholic Church Authority, advanced a claim to this Royal Commission linking me to those who had found Towards Healing a source of compassion and support. 53

That the Catholic Church would do this has caused me further pain and suffering, over and above the trauma I previously outlined to this Commission.

45 Isaacs T2529:27-38
46 Robertson T2574:1-7
47 Rogers T2621:30-33
48 Farrelly T2650:1-2
49 Spence T2675:27-31
50 Gerry T2728:20-27
51 Gerry T2729:14-24
52 Coleridge T2731:11-15
53 Submissions in Response to Revised Submissions of Counsel Assisting - Case Study 4, chapter 2, cl. 10