ROYAL COMMISSION INTO INSTITUTIONAL RESPONSES TO CHILD SEXUAL ABUSE

Public Hearing
(Day 24)

Level 17, Governor Macquarie Tower
Farrer Place, Sydney

On Monday, 9 December 2013 at 10.00am

Before the Chair: Justice Peter McClelland AM
Before Commissioners: Ms Helen Milroy
Mr Andrew Murray

Counsel Assisting: Ms Gail Furness SC
Mr Angus Stewart
THE CHAIR: Yes, Ms Furness.

MS G FURNESS SC: Thank you, your Honour. Your Honour, I appear with my junior, Mr Stewart, assisted by Mr Giugni, Ms Tydd and Ms Bozym, to assist the Royal Commission in its fourth case study.

THE CHAIR: Very well. Who else seeks to appear in the matter?

MR P GRAY SC: May it please the Commission, I seek leave to appear with my learned friend Ms Needham SC and also Mr Gooley, Mr Kelleher and Ms Munro for the Truth, Justice and Healing Council and, in these sittings, for the Catholic Archdiocese of Brisbane, the Catholic Diocese of Lismore, the Marist Brothers, the Professional Standards Office in Queensland, the Professional Standards Office for New South Wales and the ACT and Catholic Church Insurance Limited.

THE CHAIR: Yes. You don't appear for any individual religious person, ordained or otherwise?

MR GRAY: That's so, your Honour.

THE CHAIR: Very well. Yes, thank you. Mr Gray, I think you have already been granted leave formally.

MR GRAY: Yes, I believe that is so, your Honour.

MS CMF RANDAZZO SC: May it please the Commission, I appear on behalf of Francis Edward Derriman, assisted by Mr Conor O'Brien.

THE CHAIR: Have I already granted leave formally?

MS FURNESS: You have, your Honour.

THE CHAIR: Yes, very well. Thank you.

MR SJ KEIM SC: Your Honour, I am instructed by Mohr Keddy. I appear for Father Frank Mulcahy, who has provided a statement with regard to the proceedings to commence on Wednesday.

May I indicate that there is a matter in writing which was forwarded to the general counsel on Friday as to
whether, in fact, the allegation of a meeting at which my client is alleged by the victim in that group of proceedings to have been present is indeed to be investigated by the Royal Commission. The material which we have been provided indicates that the information which we would require, and witnesses which we would need to cross-examine, have not been pursued for statements or have not provided statements. There is no indication that that material - for example, doctors' records and diocesan records - have been made available to the Commission.

We are here today because we did ask for an indication as to when our matter was to commence, but apparently the Commission staff were unable to provide that information to us, so we have come down today.

Really, what I would like to know on behalf of my client is whether those witnesses and documents will be available so that I can defend my client against the allegation, or whether the Commission doesn't intend to investigate that allegation, in which case I would simply seek an indication to that effect and orders for non-publication with regard to my client.

It seems to be a sideshow with regard to the things that the Commission is investigating this week, but it has been very hard to receive any indication from the Commission staff.

THE CHAIR: Have you spoken to Ms Furness about the matter?

MR KEIM: I haven't. I have spoken with Mr Giugni and I have spoken --

THE CHAIR: That's the first step, Mr Keim. It's her responsibility to assist the Commission by bringing forward the evidence, so I suggest you talk to her.

MR KEIM: Can I do that now, your Honour?

THE CHAIR: No, not now. At a suitable time you will have to talk to her. I think you have otherwise been granted leave, haven't you?

MR KEIM: We have been given an indication that leave would be granted, but I understood it had to be done

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formally by the Commission.

THE CHAIR: It does. I have to formally make a decision under the Act, but if you speak to Ms Furness during the course of the morning at some stage, then we can discuss the matter further.

MR KEIM: Thank you, your Honour.

MR C PRATT: For the record, I am a solicitor with Gilshenan & Luton from Brisbane; I seek leave to appear on behalf of Mrs Joan Isaacs. I believe leave has been granted.

THE CHAIR: That's correct, isn't it, Ms Furness?

MS FURNESS: It is, your Honour.


MS FURNESS: Your Honour, this is the fourth case study the subject of public hearing by the Royal Commission. It concerns Towards Healing, which is a set of principles and procedures established by the Catholic Church for a person who has been, relevantly for this Royal Commission, sexually abused by a priest, religious or other Catholic Church personnel.

The public hearing will explore the experiences of four people who engaged with the Towards Healing process in Queensland. It is acknowledged that people will experience this process differently, depending upon, among other matters, their understanding of the process and, indeed, their expectations of that process. The involvement of different church authority and those holding positions within church authorities will also affect individual experiences.

People's experiences with Towards Healing will also be the subject of further public hearings during the life of this Royal Commission. Those who wish to tell their story in this regard are invited to come forward to discuss their experiences with officers of the Royal Commission.

In order to provide a context for those experiences and the evidence which the Royal Commission will hear over
the coming weeks, it is necessary to detail the current principles and procedures which make up Towards Healing, as well as a short history leading to those principles and procedures now in place.

The church’s response under Towards Healing is stated to be striving for seven principles, namely, truth, humility, healing for victims, assistance to other persons affected, a just response to those who are accused, an effective response to those who are guilty of abuse, and prevention of abuse.

The principles which underpin the procedures are stated to include the following: characterising any form of sexual behaviour with a child or young person as abuse and as both immoral and criminal; acknowledging the effects of abuse on victims; understanding the needs of victims, noting that a significant number of offenders were themselves victims of abuse in their earlier years, although I note that the documents assert no authority for that proposition, albeit it being one that is widely held; ensuring that serious offenders and those found guilty of sexually abusing children will not be given back the power they abused.

Now, in general terms, the stated intent of Towards Healing is to provide an opportunity to a person to tell his or her own story to somebody in authority in the church, receive an apology, be offered pastoral care and be offered reparation. It also provides the assessment of risk regarding those still holding a position within the church.

It is intended to apply to complaints received everywhere in Australia, with one exception, and that is those complaints relating to an accused person who, at the time of the alleged abuse, was a priest, religious or layperson holding an appointment from the Archbishop of Melbourne. These complaints are dealt with under a different process.

Towards Healing has applied in places other than Melbourne in one form or another since 1997. The following description of it is derived from documents published by the Catholic Church and describes the intended application today. Whether that intention has been realised in the four cases the subject of this hearing will be explored.
over the coming fortnight.

The principles and procedures operate within a structure which is based on having a Professional Standards Resource Group in each State and the Northern Territory, with the New South Wales office combined with that of the Australian Capital Territory. That group is appointed by the bishops and leaders of religious institutes to advise on matters of professional standards. A consultative panel should be in place to advise bishops and religious leaders at significant stages of the process. In addition, a director of professional standards is appointed in each State and the Northern Territory with responsibility for managing the process.

The intention as stated in the documents is that the process begins when a church authority or a director of professional standards receives a written or oral complaint from a complainant. The procedures require the complaint to be referred to a director in the State where the abuse is alleged to have taken place. The director then is to appoint a contact person to meet the complainant, to listen to their complaint and to reduce it to writing if it is not already in that form. It is also the intention of the document that counselling should be offered to the complainant.

Under the current process, the complainant is to be encouraged to report to the police. If they decline, then the director is nevertheless to inform the police without identifying the complainant; that is, the details of the alleged abuser will be provided to the police, along with the circumstances of that abuse, insofar as it doesn't identify the complainant.

However, if the complainant does take his or her complaint to the police and there is a police investigation, the intent of the procedure is that Towards Healing ceases and the complainant should then be told that they can approach Towards Healing after the criminal justice process is complete.

Given the historic nature of many of the allegations which certainly have been received by the Royal Commission, in a number of cases the alleged abuser is dead and therefore the police can take no action.
Written complaints or the account taken down by the contact person should then be given to the relevant church authority by the director. The church authority generally is expected to put those allegations to the accused if, indeed, the accused is participating in the process, because they can decline to do so.

The church authority, under its processes, can give the accused a loan or can offer reimbursement for reasonable legal expenses incurred by the accused during the process of Towards Healing. The accused is also offered a support person by the director to assist that person throughout Towards Healing.

The director can recommend to the church authority any immediate action regarding protection of children, including a recommendation that the accused stand aside during the investigation. Now, if that occurs - that is, a recommendation is made - the church authority must seek the advice of the consultative panel. If the allegation is against a current employee, it is dealt with under employment law procedures while ensuring that the director remains informed.

Once the complaint has been received and the response of the accused obtained, if that person is participating, the complaint is then considered. If the allegations are significantly disputed, the director should appoint an assessor. Assessors should be independent of the church authority and often have been retired police officers.

Outcomes sought by the complainant can affect the process which is followed. Some complainants want to be represented by a lawyer and want compensation and do not want any form of pastoral support or other engagement with the church. If that is the case, then the Towards Healing process, according to the church's documents, should not proceed and the complainant is then left to make a civil claim through the courts, with all the obstacles inherent in that process.

If that is not the case - that is, that some pastoral care is sought by the complainant - and if the church authority is satisfied as to the truth of the complaint, the church authority is to respond to the needs of the complainant in such ways as are, and I quote, "demanded by justice and compassion". A bishop or leader should seek
the advice of the consultative panel in determining how
best to respond to the complainant.

Usually what happens at this stage of the process is
that a facilitation takes place - sometimes it is referred
to as a mediation, but the documents refer to it as
a facilitation - and the person who conducts the
facilitation, not surprisingly, is called the facilitator.
This person should be agreed on between the complainant and
the church authority; that is, there should be engagement
with the complainant at this time as to who shall be the
facilitator, and then that person is appointed.

According to the church's documents, the facilitator
should know the ongoing needs of the complainant and the
church authority's response to those needs.

The director of professional standards shouldn't
normally participate in the facilitation process unless
approval is given by the executive officer of the National
Committee for Professional Standards.

So as can be seen, there are a number of players in
this process: there is the contact person, who initially
deals with the complainant; the assessor, if necessary, to
assess the complaint; if the truth is accepted, it then
moves to the facilitation phase.

The facilitation is effectively a meeting between the
complainant and the church authority, with the facilitator
present. A legal representative of the church authority,
according to the documents, shouldn't be present unless the
complainant also has a legal representative. Therefore, if
the complainant elects, for whatever reason, to attend with
his or her lawyer, they can expect to find the church will
similarly be legally represented. The complainant can also
have a support person present. It has to be said, the
accused plays no role in the facilitation process.

At the meeting, what usually occurs is that, according
to the church documents, the complainant tells their story,
tells of the abuse they suffered at the hands of the
church. The church authority should listen, offer an
apology and then there should be a discussion of the
complainant's needs.

The outcome of that discussion clearly depends upon
the needs of individual complainants. As the Royal Commission is aware from the many private sessions that have been conducted and the research done to date, they vary significantly.

The outcome can include counselling - counselling might first be offered through church services, Centacare or the like - or the payment of counselling costs if the counselling is outside of a church authority. Financial assistance or reparation may also be offered.

There is no reference in the Towards Healing documents to money, in terms of amounts of money, how amounts of money are calculated, whether or not there is any upper limit and, if so, how that might be derived. From 2000 - that is, 2000 after an amendment to the Towards Healing process - it was specifically stated that financial assistance or reparation may be paid. Between 1996 and 2000 there was no such explicit reference.

Church authorities take different approaches to whether they require a complainant to sign a document acknowledging that they cannot bring future legal proceedings. This is commonly called a deed, which is signed by the parties after there has been a period of negotiation and an agreement has been reached as to what will be paid to the complainant.

In 2000 there was a change to the procedure, and from December 2000, according to the documents of the Catholic Church, complainants should not have been required to give an undertaking imposing on them an obligation of confidentiality concerning the circumstances which led them to make the complaint. Prior to that amendment in 2000, the protocol was silent on confidentiality provisions in relation to providing a financial outcome.

After a settlement has been reached and the facilitation has concluded, it is a matter for the church authority to decide what it should do with respect to the accused. The written procedures largely leave those options to the church authority, although they do provide that the church authority must seek the advice of the consultative panel.

Towards Healing states a principle that church authorities should be guided by in this regard, and that is
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.

While that concept is not defined in the Towards Healing documents, there are associated documents which assist those administering Towards Healing to understand the meaning of that phrase.

A review process is in place in Towards Healing. A complainant, an accused who has participated or, indeed, the church authority could seek a review. That review is of a limited nature, in that it is into the findings of the assessment - that is, at the assessor stage - or the procedures followed. A review is not permitted into any of the outcomes determined by the church authority, which includes any amounts paid or action taken by a church authority against an accused.

That is Towards Healing as it is currently written. In order to understand the society in which Towards Healing came about, it is instructive to understand the historical context.

As your Honour indicated in the initial sitting of this Royal Commission on 3 April this year in Melbourne, the 1970s were a significant decade in Australia. They acknowledged the rights of women and children. The General Assembly of the United Nations declared International Women's Year in 1975 and International Year of the Child in 1979. In Australia, legislation was passed in most States in the 1970s and 1980s with the express intention of introducing measures to protect children, including those in the care of the State. Inquiries were held in Victoria, New South Wales and South Australia dealing with child protection and children in the care of institutions.

Internationally, inquiries were conducted as well. In the United Kingdom and Canada, there were inquiries in the 1980s, into the 1990s, on sexual abuse of children who were in institutions and, more specifically, allegations of child sexual abuse by priests in an archdiocese.

In 1987 in Canada, the Conference of Catholic Bishops distributed policies and procedures regarding complaints of sexual abuse. And then, of significance, in November 1989, the United Nations Convention on the Rights of the Child

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was ratified.

In 1992 two television programs were screened on the ABC, which, for the first time in Australia, highlighted instances of physical and sexual abuse involving members of various religious institutes. Support groups for victims were formed in the early 1990s, with Friends of Susanna and Broken Rites notable among them.

Towards Healing has its own history. In November 1988 the Australian Catholic Bishops Conference established a committee to respond to the issue of child sexual abuse by church personnel, although it has to be said its purpose was not at all clear from its name. It was called the "special issues committee".

The terms of reference for the special issues committee was to establish a protocol to be observed by bishops and major superiors if an accusation is made against a priest or religious alleging criminal behaviour and to advise on the implementation thereof.

An initial protocol was developed setting out, among other things, the responsibilities of the bishops and major superiors in how to receive complaints, who to notify of them, how to respond to complainants and what to do in relation to accused. It also dealt with treatment options for the accused and preventative strategies.

In 1992 the committee adopted an amended protocol, which was intended to focus more on the victim. By this time, the early 1990s, the Catholic Church Insurance Limited was considering whether church bodies would be covered for claims of sexual abuse under existing policies or whether a new form of coverage should be developed.

In 1994 the special issues committee was replaced by the bishops committee for professional standards. A nine-point plan for responding to child sexual abuse was developed and, unlike the previous protocol, was made public.

Towards Healing was approved by the conference in November 1996 and came into operation on 31 March 1997. The intent of Towards Healing, when compared with the previous protocols, was more victim oriented and simpler and relied on a contact person and encouraging victims to
go to the police.

That edition - that is, the first edition and subsequent editions - referred to Towards Healing as a public document establishing public criteria against which the community may judge the resolve of church leaders to address child sexual abuse within the church and, if not followed, the church will have failed, according to its own criteria. It is, indeed, that criteria against which evidence will be given over the next fortnight.

The 1996 edition concerns sexual abuse only, and while the principles focused on abuse by clergy, the procedures component indicated that it related more broadly.

Meanwhile, in October 1996, just before Towards Healing was finalised in November, the then church authority of the Archdiocese of Melbourne, Archbishop George Pell, introduced the Melbourne Response, which was specific to allegations of abuse relating to accused who held appointments within that archdiocese at the time of the abuse.

The key difference between the Melbourne Response and Towards Healing is the assessment process. Under the Melbourne Response, a commissioner - in this case, a Queen's counsel in Victoria - assesses complaints, and the question of compensation is determined by a separate panel.

In 1996 when it was first established, the cap was $50,000. Now that is a cap of $75,000. So there has been an increase in the highest amount that can be paid under the Melbourne Response. But, as I indicated earlier, Towards Healing refers to no cap and, indeed, no money amounts.

Towards Healing has been revised since it was first published in 1997. Professor Patrick Parkinson, with the Faculty of Law of the University of Sydney, was engaged in April 1999 to conduct the first review of Towards Healing. As part of that review, he sent out questionnaires to those who had engaged in the process either from a church perspective or, indeed, a victim perspective, seeking comments on the Towards Healing process, and he made recommendations as to amendments that could be made by the end of 1999.
It should be noted that the first person from whom the Royal Commission will take evidence this morning participated in that review by Professor Parkinson.

The key changes which were made relevant to the work of this Royal Commission following Professor Parkinson's review included amending the definition of "sexual abuse", extending the scope to employees and simplifying the assessment process. The concept of "unacceptable risk", which I referred to earlier, was first introduced following the 1999 review.

In addition, the discretion in the church authority to make loans or reimburse an accused for reasonable legal expenses was introduced. Previously such advice was to be at the accused's expense.

The revision also centralised the Towards Healing process by establishing the role of director of professional standards for each State and Territory. Again, the first part of this case study concerns the original 1996 edition of Towards Healing.

In mid-2003 further amendments were made to the Towards Healing principles and procedures, including establishing the consultative panels to which I referred earlier.

An appraisal of the National Committee for Professional Standards was carried out in 2004, early 2005 by a retired judge, who recommended, among other matters, that the process become more proactive by focusing on the prevention of child abuse, amalgamation of Towards Healing with the system operating in Melbourne, as well as amalgamating it with the Jesuits process, which at that stage remained separate from Towards Healing. In addition, he recommended that the position of prevention and protection officer be established.

Of those matters, an officer with that title was appointed and the Jesuits now adopt Towards Healing. However, the Melbourne Response remains just that.

A second review by Professor Parkinson was carried out in 2008/2009, and again he adopted a consultative process. He ultimately proposed a number of amendments to the
procedures and particularly in relation to implementation. By this time, he was being told by people that those who had participated in the process had different experiences from that contained in the document. There was concern with national compliances and consistency in relation to Towards Healing in the submissions he received.

Professor Parkinson reported the outcomes of his review and recommended a number of additional matters. One was that the church cooperate with police investigations, including the requirement that priests or members of religious orders return to the country where the alleged offence or offences occurred and that disciplinary action be taken against a priest or religious who failed to comply with such instructions.

In his report, he said:

Policy can only go so far. It is only as good as its implementation. In particular, the process of Towards Healing is only as good as the complainants' personal experience of it. It is now widely recognised that people's experience of the processes of justice is as important as the outcome. Towards Healing as a document may espouse the most admirable principles and seek to give effect to those principles with a suitable process but, if the reality falls far short of the intent, then a lot of harm can be done.

The revised and current version of Towards Healing was published in January 2010.

Despite it being significant in terms of the church's response to sexual abuse, there has been no empirical research published in Australia or internationally which has systematically evaluated Towards Healing. That is a matter that this Royal Commission may consider.

Equally, there are no published data on Towards Healing. The Royal Commission issued a summons to the National Committee for Professional Standards, which is a joint committee of the Australian Catholic Bishops Conference and Catholic Religious Australia, seeking details of each individual case where a complainant agreed
to engage in the Towards Healing procedure in respect of an allegation of child sexual abuse against an ordained priest, deacon, or member of a religious institute or other personnel of the Catholic Church within the Commonwealth of Australia between 1 January 1996 and September 2013, while noting that the procedure was adopted in March 1997.

The terms of that summons are important to understand the data that thus far has been received. It sought details regarding the redress outcome in respect of each complaint, and "redress" was defined broadly to include monetary compensation by way of lump sum or periodic payment; financial support for therapeutic or medical consultations or treatment; apology or acknowledgement; and assurance regarding cessation of an accused's position or role within an institution.

The information sought through that summons and the summary of the data I’m about to reveal relates only to complainants who sought redress through Towards Healing. As the Royal Commission is aware, a number of complainants choose different avenues through which to gain compensation, civil litigation being one of them, and engagement with various orders or dioceses separate from Towards Healing being another. The data received pursuant to that summons does not capture that latter redress; it only captures that through Towards Healing.

The Royal Commission has been advised that the way in which data has been kept by those administering Towards Healing, no guarantee at all can be given as to the completeness or accuracy of the data supplied, although the Royal Commission has certainly engaged external advisers to assist us in coming to an understanding of the data. It is nevertheless the case that it is expected that data will continue to be received and, on appropriate occasions when satisfied as to its sufficient accuracy for publication, will be revealed by the Royal Commission.

The data indicate the following for the period 1 January 1996 to 30 September 2013: 2,215 complaints were received and about 1,700 people agreed to participate in the Towards Healing procedure, although not all of these were necessarily pursued or substantiated, but those numbers commenced the process.

Seventy-six per cent of all Towards Healing complaints
related to alleged incidents of child sexual abuse that 
ocurred from 1950 to 1980 inclusive. Over 60 per cent of 
all Towards Healing complaints detailed the incident 
location as a school, college or orphanage.

The church authority with the largest number of 
complaints was the Christian Brothers, followed by the 
Marist Brothers and then the De La Salle Brothers.

It follows, then, that the most common positions held 
by the church personnel and employees subject to Towards 
Healing complaints at the time of the alleged incident 
were: religious brother, that is, 43 per cent of all 
complaints; diocesan priest, 21 per cent; and religious 
priest, 14 per cent.

Of the data available, which, as I have indicated, is 
known to be incomplete and only refers to Towards Healing, 
a total of $43 million has been paid by all church 
authorities.

The highest reported reparation amount paid for 
a Towards Healing complaint was about $850,000. It 
concerned a diocesan priest who had an appointment at the 
time of the alleged incident with the Archdiocese of 
Sydney. This amount included legal costs, counselling and 
other costs.

Having taken some time to outline the process by which 
Towards Healing has been developed, the changes over time 
and attempting to put it in some small context, can I now 
turn to the four participants who are the subject of this 
public hearing.

The first is Joan Isaacs. Joan Isaacs is a retired 
school teacher. She will give evidence that following 
a significant period of grooming and manipulation, she was 
sexually abused by a priest, Father Francis Derriman, from 
1967 to 1968. She was 14 to 15 years of age at the time.

Father Derriman was a priest of the Archdiocese of 
Brisbane and chaplain of the Sacred Heart Convent at 
Sandgate in Brisbane. The sexual abuse had a significant 
negative effect upon her emotional and personality 
development, has affected her interpersonal relationships 
and has contributed substantially to recurrent depressive 
ilnesses. Ms Isaacs will give evidence.
In August 1996, Ms Isaacs wrote to Father Spence, who was a priest at the Archdiocese of Brisbane, and told him of the abuse. He sent her a booklet about Towards Healing, then well and truly in its infancy. However, she waited until Father Derriman was convicted of two counts of indecent assault against her, that conviction having taken place in December 1998, before initiating the Towards Healing process. His conviction followed two committal hearings and a trial.

At the time the offences were committed, the maximum penalty was imprisonment for two years for indecent assault. At the time of the sentence, it was 10 years. Father Derriman was sentenced to one year imprisonment, reflecting the time of the offence, to be suspended after serving four months. The judge described his conduct in these terms, "You played on her emotions by pretending you were so chronically sick as to be in danger of imminent expiration", and described two incidents as involving a good deal of premeditation and deceit.

After the conviction, Ms Isaacs telephoned Ken Robertson, who was then the convener of professional standards in Queensland and a person known to her. At this stage, the structure of directors of professional standards had not yet been put in place.

Mr Robertson told her in general terms of the process to be followed, and then in February 1999 she wrote to him setting out what she wanted to achieve. She wanted an apology, not only for the sexual abuse but also for the inaction by the church after, she will say, she and others had notified church officials that Father Derriman was sexually abusing children when at school. She also identified counselling and compensation as outcomes she wanted from the process.

It was determined by those administering Towards Healing that no assessment was necessary. Your Honour and Commissioners will be aware that the process initially involved an assessment. No assessment was necessary because there was a conviction, so Ms Isaacs' complaint proceeded to the facilitation phase.

Ms Isaacs will give evidence that Mr Robertson told her to involve a lawyer in the facilitation, although she
will say she had not planned to do so before being told to
do so.

She will give evidence that she was not adequately
prepared as to what to expect from the facilitation
process. She will say she was told she could only have one
person present, and as she had decided to bring a lawyer
because she thought that was what she should do based on
what Mr Robertson told her, her husband was not able to
attend the process.

She is also expected to give evidence that she was not
consulted as to who would act as the facilitator but,
indeed, was simply told who the facilitator would be.

She will give evidence that she was told that
Bishop Gerry, who was assigned by the Archdiocese of
Brisbane to deal with Towards Healing matters as the church
authority, was unwell and wouldn't be attending the
facilitation.

Now, while preferring to have him as the bishop
present to hear her story, she agreed to the judicial
vicar, the Reverend Adrian Farrelly, attending in his
stead. However, unbeknownst to her, the reverend had no
authority to offer any compensation or ongoing counselling
and was given instructions to express sorrow only.

Ms Isaacs will give evidence about her experience in
the facilitation, which occurred in April 1999. It ended
with her being told by the judicial vicar that there would
be negotiation put in place for compensation because he was
unable to engage with her on that topic.

The period of negotiation exceeded two years.
Ultimately, the amount she received was $30,000. After
legal and Health Commission expenses of about $20,000, she
bought a sewing machine and some shares.

She received payments for counselling costs but only
after considerable prompting from her to the archdiocese,
and these, of course, came to an end after the lump sum
payment was made.

The evidence will reveal that much of the process in
which Ms Isaacs was engaged was determined in advance by
the representative of the archdiocese insurer, that is, the
Catholic Church Insurance Limited, commonly known as "CCI".
That person instructed Vicar Farrelly what to say during
the facilitation, including the forms of the words used for
the oral apology, and that he could not speak about
compensation.

The insurer also determined the limited amount of
counselling available - that is, "10 sessions and then
we'll review" - and was consulted on the drafting of the
written apology which the bishop was ultimately to sign.

Ms Isaacs will also give evidence about the process of
negotiating the execution of a deed of release after
a settlement was reached some two and a half years after
she approached Towards Healing. Initially she was provided
with a draft deed, which prevented her disclosing the terms
of the settlement as well as requiring her not to make
disparaging remarks about the church authority in relation
to the subject matter of the proceedings.

She was then provided with a second draft, which
significantly extended the prohibition on her discussing
her sexual abuse or any sexual abuse matters involving the
church with pretty well anyone except for medical purposes.
As she described it, she couldn't even talk to her husband
without breaching that deed.

The evidence will explore whether these were
consistent with the terms of the Towards Healing principles
and procedures which operated at that time.

As I have indicated, the complaint of Ms Isaacs was
considered under the original version of Towards Healing,
which didn't expressly refer to financial reparation. The
test instead, or one of the tests, was complainants being
understood in terms of their ongoing needs and given such
assistance as is demanded by justice and compassion.

However, by the time the settlement was reached, which
was, as I have indicated, a couple of years on, the 2000
amendments I referred to earlier were in place and they did
specifically refer not only to reparation but that victims
should not be silenced by the terms of the deed.

The second component of this case study is about
Jennifer Ingham. Jennifer Ingham was sexually abused by
She was a 16-year-old girl at the time of onset of the abuse, and it continued into her early adult years. Father Brown took advantage of Ms Ingham's extreme vulnerability. She was suffering from bulimia.

Father Brown was the chancellor of the diocese and was removed from the office of parish priest in June 1986, principally, it was stated, because of his problems with alcohol and the subsequent effect that had on his pastoral responsibilities.

Father Brown sought an injunction in respect of that decision, which was not granted, and also appealed to the Vatican, which was also unsuccessful.

Ms Ingham will give evidence that in 1990 she had a meeting with senior clerics of the Catholic Church about the abuse by Father Brown. She will give evidence that one of those present told her that he was aware that she was being abused at the time of the abuse. She will also give evidence that she told a parish priest in 1993, and another parish priest in 2006, of the abuse at the hands of Father Brown.

Ms Ingham approached the director of professional standards in Brisbane, Patrick Mullins, in 2012. Jennifer Ingham's complaint was considered under the current version of Towards Healing, compared with Ms Isaacs', which was the original version.

Ms Ingham was provided with information about Towards Healing, and she found Mr Mullins very compassionate. She reported her abuse to the police, as requested by Mr Mullins. However, Father Brown, being dead, nothing could be done by the police.

As part of Towards Healing, a contact person visited her and listened to her account, and again, for her, this was an experience which was positive.

She identified what she wanted from Towards Healing, and she told those conducting the process what she wanted. She wanted a meeting with the priest she met with earlier in 1990, who said to her, she will say, that he knew what had been happening to her. She wanted a meeting with him to challenge him on why he took no action to stop the abuse. That was the first requirement for her of Towards Healing.
Healing.

The second was that she wanted a compensation package. She wanted reimbursement for the years of medical expenses and for ongoing treatment. And, finally, she wanted a letter of apology.

The pastoral aspects were immensely important to Ms Ingham, particularly that she should have a meeting with the bishop, and not a layperson or priest. As your Honour and Commissioners will be aware in relation to Ms Isaacs, it was equally important that a bishop hear what she had to say and hear, firsthand from her, her account.

Now, Mr Mullins, as the director of professional standards, moved matters forward quite promptly with the Lismore Diocese. He liaised with the Catholic Church Insurance, responded to emails from Ms Ingham in a timely way and organised a psychologist's report at the church's expense.

The evidence is expected to reveal that Mr Mullins then left the role of director and Ms Ingham's experience, in her words, "got murky". The progress to facilitation was then, to her mind, rushed. She will give evidence that she was told for the first time she needed a lawyer and had two weeks to find one. The new director refused her invitation to meet before the facilitation, and she was told, again for the first time, that it was an insurance matter.

She was told that the bishop, who she wanted in attendance, would not be present; instead, a more junior person from the diocese would be there. There will be evidence of the efforts that those made to have the bishop attend that meeting, albeit unsuccessfully. There will also be evidence from the director as to what was in her mind in relation to meeting before the facilitation with Ms Ingham.

Ms Ingham will give evidence about her experience of the facilitation. Of significance to her was that the priest with whom she had met in 1990 was not present, and it appeared to her that nothing was to be done about her allegations against him, that is, in respect of reporting.

There will also be evidence of the attempts made by
the church to identify those senior clerics with whom she said she met in 1990, and further that the bishop and the deacon who ultimately attended the facilitation had separately contacted the father she wished to have present and that he, indeed, had denied meeting with her or, indeed, having the conversation with her about which she will give evidence.

There will also be evidence about the significant role played by the insurer - that is, the representative of the Catholic insurance office - in organising and participating in the facilitation.

Ultimately, Ms Ingham's complaint was settled. She received $265,000, plus nearly $12,000 to cover her legal costs. Her legal costs were actually over $34,000.

The diocese contributed $15,000, with the remaining amount coming from the insurers, that is, the quarter of a million. There was no confidentiality clause in her deed of release, even as to the terms of the settlement.

One month after the facilitation concluded, she attended a meeting with the bishop and received a letter of apology.

They are the first two matters which will be dealt with this week. Next week, there will be two additional matters as part of this case study, and each matter involves the Marist Brothers order.

The first is in relation to a witness who will be known as [DG]. [DG] will give evidence that he was abused by Brother Raymond Foster in the early 1970s when he was a student at a school run by the Marist Brothers. He was 13 years of age at the time. [DG] reported the abuse to police in 1993 and made a statement to them in 1994. For various reasons, it was not until 1999 that Brother Foster was to be extradited from New South Wales to face the charges in Queensland.

On the morning of the proposed extradition, Brother Foster committed suicide. He had indicated that he intended pleading guilty to the charges.

[DG] wrote to the Marist Brothers in January 2000 detailing the sexual abuse by Brother Foster and the impact
on his life of that abuse. He asked for restitution. [DG] received a response from the then provincial, Brother Hill, suggesting a mediation facility run by Towards Healing or, in the alternative, [DG] could arrange a solicitor to act on his behalf.

The evidence will be that [DG] attended an initial meeting with the provincial in May 2000. His evidence will be that the provincial volunteered no information about Brother Foster and, following that meeting, he heard nothing more, including no offer of counselling or no assessment process.

The evidence is expected to reveal that the Marist Brothers, from the outset, treated the approach by [DG] as they would a civil claim, and the Towards Healing procedures which I have set out were not followed.

[DG] made contact again with the Marist Brothers in 2001. Letters then were exchanged between lawyers over the following months and then he was advised that the Catholic Church Insurance company had taken the matter over and appointed their own solicitors. So then there were medical assessments and ultimately a settlement conference took place in June 2002.

Present at that conference was Brother Turton, who represented the order, the Marist Brothers. There was also a lawyer representing the Catholic Church Insurance. There was no facilitator or mediator, the process effectively being run by the Catholic Church Insurance lawyer.

[DG] will give evidence of his experience at the settlement conference. Following a process of negotiation, he accepted an offer of $36,500 and signed a release which did not contain a clause requiring confidentiality. He received a written letter of apology a couple of weeks later.

The final person who will give evidence in this section on Towards Healing will be known as [DK]. [DK] was a boarder at a Marist Brothers college in the late 1970s. He will give evidence that during that time he was sexually abused by three different brothers, each being a Marist Brother. [DK] approached the Marist Brothers in 2009 and told them of the abuse he suffered. He was told of Towards Healing and given a phone number. He rang, and when
instead of being answered he received a voice message, he
didn't persever.

Some months later, he rang the Marist Brothers head
office and was put through to Brother Turton. Now,
Brother Turton at this stage - this is 2009 - was called
the director of professional standards for the Marist
Brothers. However, that was not the same job as the
Towards Healing process, which had a director of
professional standards for each State - not for each order,
but for each State.

Three months later, in early 2010, [DK] emailed
Brother Turton to tell him what he wanted to achieve from
Towards Healing. That included meeting with three named
brothers, some of whom he believed were aware of abuse at
the school at the time and covered it up. He wanted
compensation; he wanted the payment of future treatment
costs; and he wanted to know how the church was now dealing
with child sexual abuse.

[DK] will give evidence that he named two of the
brothers who abused him. The other brother he did not
name, but he gave information regarding his abuse at the
college infirmary.

The evidence is anticipated to reveal that without
engagement or communication with [DK], the Marist Brothers
and the Catholic Church Insurance company made
a determination as to the identity of the third brother.
This aspect of [DK]'s experience with Towards Healing also
will highlight those procedures relating to the assessment
of risk to children as identified as necessary in Towards
Healing.

The examination of the Towards Healing process
regarding [DK] will also focus on the steps taken by
Brother Turton and others to investigate the allegations
made by [DK] that certain brothers at the college knew of
his abuse at the time. [DK]'s evidence is expected to be
that this investigation occurred without engagement or
communication with them.

[DK] will give evidence that he agreed to
Mr Michael Salmon being appointed a mediator, on being told
he was independent and a lawyer. He will give evidence
that he later found out that Mr Salmon was, indeed,
employed or engaged by the church as the director for professional standards for New South Wales/ACT. That is the position that was established under the Towards Healing protocol.

There will also be evidence from those in the order and Mr Salmon himself that, indeed, they did tell [DK] what Mr Salmon's usual job was.

The mediation was ultimately held on 30 March 2010 and was attended by [DK], his wife and a friend, [DL], who was a barrister and whose fees the Marist Brothers agreed to cover; in addition, Brother Turton, two of the brothers [DK] had asked to attend, a lawyer and insurance representative for the Marist Brothers, as well as Mr Salmon, were present. The third brother he had wanted there was overseas.

[DK] will give evidence about his experience on that day. He ultimately received $88,000, including his legal costs, and signed a deed of release which did not require him to keep matters confidential. He also received a written apology.

The evidence is expected to reveal that Brother Turton played a number of roles in this process, including contact person, assessor, director of professional standards, representative of the church authority - that is, the Marist Brothers - as well as the person who signed the apology. Whether this and the process more generally was consistent with the Towards Healing principles and procedures will be explored in the public hearing.

They are the four matters, your Honour and Commissioners.

In relation to the first matter, in which Joan Isaacs will give evidence, there are eight witnesses. The witness list will be made available publicly. I think probably about now, that will be available for those who wish to see more detail.

THE CHAIR: Thank you. I think we need to make plain, don't we, that this is but the first chapter in what will be a number of chapters of Towards Healing. I think you contemplate that a significantly greater number of people will give evidence of their experience during the work of
the Commission in the public hearing; is that correct?

MS FURNESS: That is correct, your Honour. As I said earlier, we expressly invite people to come forward who wish to share their experience of Towards Healing or, indeed, the Melbourne Response with officers of the Royal Commission.

THE CHAIR: I think the endeavour will be to organise them at least geographically or by institution, so that you can look at particular phases of Towards Healing over the time of the Commission.

MS FURNESS: It is certainly intended, your Honour, that Queensland, being the first State that is being considered, will certainly not be the only. We will look at how the processes operated in other States and, as your Honour has indicated, at varying times, because, as is clear, the procedure did change over time and that will reflect the experiences of those.

THE CHAIR: Yes. I should also confirm that the Commissioners have already heard from many people in private sessions about their experience in relation to Towards Healing.

There are restrictions, of course, under the legislation about what we can say about that, but you can expect that some individual stories, de-identified in the words of the statute, will be published in the course of the Commission's work through interim reports.

MS FURNESS: Your Honour, I seek an order in respect of a direction not to publish. The first refers to the names of some 57 individuals. Those individuals are largely, but not entirely, victims and those associated with victims that are reflected in the documents which will be tendered. So that is the first direction.

The second direction I seek is an order that various witnesses and persons be referred to by pseudonyms. There is a list of those in this document.

Thirdly, I seek a direction not to publish information contained in annexures to some witness statements arising out of one or more of the four people being called to give evidence in this case study. Might I just indicate,
your Honour, that as has been the practice in the previous
tree case studies, these directions will be made available
to the media and, indeed, will be located in the media
room, to ensure that all is clear as to what matters can
and cannot be referred to.

THE CHAIR: Yes. You have reduced these to writing?

MS FURNESS: We have indeed, your Honour. If I could hand
up copies of each of the three orders sought.

THE CHAIR: I will make the non-publication order. The
direction relates to pseudonyms; is that right?

MS FURNESS: It does indeed, your Honour.

THE CHAIR: Very well, I will make that direction. And
the direction not to publish has a list of 57 names.

MS FURNESS: It does, your Honour.

THE CHAIR: I will make that direction.

MS FURNESS: Thank you, your Honour.

THE CHAIR: Have arrangements been made to place them in
the media room straightaway?

MS FURNESS: Arrangements will be made if they haven't
already.

THE CHAIR: Right. Can we make sure that is done so there
is no misunderstanding. I appreciate that as far as the
media is concerned, that is a very long list of names.

MS FURNESS: It is, your Honour, but there are a number of
victims --

THE CHAIR: I understand why. I just want to make sure
that everyone has access to a copy of that document and
appropriate pseudonyms.

MS FURNESS: We will ensure that happens straightaway,
your Honour.

THE CHAIR: Thank you.
MS FURNESS: Your Honour, I understand my friend representing various parts of the Catholic Church wishes to make some opening remarks.

THE CHAIR: Mr Gray?

MR GRAY: May it please the Commission. This is a searing and decisive moment in the history of the Catholic Church in Australia. The sacred place of children, their innocence and their trustfulness is central to the Christian tradition and to the Catholic faith.

Many will remember from their own childhoods the ageless words from the Gospel of Mark:

Let the little children come to me; do not stop them; for it is to such of these that the kingdom of God belongs.

And again from Mark, driving home the point:

Whoever causes one of these little ones who believe in me to stumble, it would be better for him if a great millstone were hung around his neck, and he were cast into the sea.

The Catholic Church comes before this Royal Commission acutely aware of its failures in this fundamental part of its mission. For many Catholics, the realisation that some Catholic priests and religious, of all people, have betrayed the trust of children and their parents by abusing them in sexual ways has been almost unbearable. The further bleak realisation that such behaviour was sometimes covered up, with wrongdoers protected while victims were disbelieved or treated coldly, has made an already disgraceful situation even worse.

For the vast majority of priests and religious, dedicated and selfless and innocent themselves and truly faithful to their vows and their vocations, the revelations of recent decades have been heartbreaking. But for the victims and their families, the effects have obviously been, and continue to be, shattering and devastating. Terrible wrongs have been done to them. Complex, ongoing damage has been caused, the real extent of which may not, even now, be fully appreciated.
A great poet and priest, Gerard Manley Hopkins, found words which capture something of this nightmare:

No worst, there is none ...
Comforter, where, where is your comforting?
Mary, mother of us, where is your relief?

I will say something in a moment about the way in which the church intends to participate in and contribute to the work of the Royal Commission. But first, let me repeat the unequivocal commitment made by the leaders of the Catholic Church in Australia. It is on page 1 of our written submission to the Commission. It is in the following terms:

The leaders of the Catholic Church in Australia recognise and acknowledge the devastating harm caused to people by the crime of child sexual abuse. We take this opportunity to state:

1. Sexual abuse of a child by a priest or religious is a crime under Australian law and under canon law.

2. Sexual abuse of a child by any church personnel, whenever it occurred, was then and is now indefensible.

3. That such abuse has occurred at all, and the extent to which it has occurred, are facts of which the whole church in Australia is deeply ashamed.

4. The church fully and unreservedly acknowledges the devastating, deep and ongoing impact of sexual abuse on the lives of the victims and their families.

5. The church acknowledges that many victims were not believed when they should have been.

6. The church is also ashamed to acknowledge that, in some cases, those in positions of authority concealed or covered
up what they knew of the facts, moved
perpetrators to another place, thereby
enabling them to offend again, or failed to
report matters to the police when they
should have. That behaviour, too, is
indefensible.

7. Too often in the past, it is clear,
some church leaders gave too high
a priority to protecting the reputation of
the church, its priests, religious and
other personnel, over the protection of
children and their families, and over
compassion and concern for those who
suffered at the hands of church personnel.
That, too, was and is inexcusable.

8. In such ways, church leaders betrayed
the trust of their own people and the
expectations of the wider community.

9. For all these things the church is
deeply sorry. It apologises to all those
who have been harmed and betrayed. It
humbly asks for forgiveness.

The leaders of the Catholic Church in
Australia commit ourselves to endeavour to
repair the wrongs of the past, to listen to
and hear victims, to put their needs first,
and to do everything we can to ensure
a safer future for children.

When this Royal Commission was announced, the leaders of
the church - that is, the bishops and religious leaders
from all around Australia - appreciated that this
Commission would be, as it is, a watershed in church
history and, indeed, in Australian history. They realised
that the issue of abuse within the church is so fundamental
and so serious that at least three things needed to happen.

First, the church must, wherever possible, speak with
one voice at the Commission.

Second, any of the old ways that still remained,
shrouded in secrecy, defensiveness or damage control, must
be renounced.
Third, the church should seize the opportunity provided by the momentous circuit-breaker of the Royal Commission to renew itself, to look closely at the ways in which it has responded to the issue both in the past and up to the present time, and to do so with humility and openness and generosity of spirit.

As to the second and third of these, time will tell, and the community will ultimately be the judge.

As to the first, let me say something about the Truth, Justice and Healing Council. The council was established in February this year by the peak body of bishops, the Australian Catholic Bishops Conference, known as the ACBC, and the peak body of religious, Catholic Religious Australia, known as CRA. It is the council which will represent and speak for the many dioceses and religious institutes which have authorised it to do so.

The Catholic Church in Australia is not a single discrete entity or thing. It is made up of people in complex and disparate groupings, the millions of lay people, as well as the priests and bishops and religious. There are some 34 dioceses and over 180 different religious orders and congregations.

Each individual diocese and each individual religious institute is basically autonomous and independent of every other. For example, no archbishop or bishop has any authority or control over any other bishop.

Not surprisingly, to achieve a consensus amongst so many different and independent people and bodies and groupings has, in the past, often been difficult, but on this issue, that of the tragedy of child sexual abuse, differences of view have been put aside.

The first major demonstration of that approach was the development of a uniform national protocol for responding to complaints of this kind. I will say something about that shortly.

The second is that the Truth, Justice and Healing Council has been brought into existence. Every diocese and well over 100 orders and congregations have authorised the ACBC or CRA to represent and act for them in the engagement
of the church with the Royal Commission.

The ACBC and CRA have, in turn, delegated that
authority to the council.

For practical purposes, therefore, the council will
ordinarily speak for the whole church, its dioceses, its
religious institutes, its priests and religious in the
Royal Commission. All of them are united in their support
for the principles stated in the commitment which
I reiterated at the beginning of these remarks.

Let there be no doubt about the attitude and approach
of the church to the work of this Royal Commission. The
church, through the council, intends to cooperate with the
Commission fully, without reservation.

Tens of thousands of documents have so far been
produced from all around the country. Witnesses have been
and will be made available. Bishops and archbishops and
religious leaders will participate as the Commission may
require.

The council's aim is to do everything in its power to
ensure that the Royal Commission has available to it from
the church all the material that it needs for the work it
seeks to do, so as to ensure that a light is shone on dark
places and times and events - in the words of St Augustine
nearly 2,000 years ago, to flood the path with light to
ensure that nothing is concealed or covered up in respect
of what church personnel did or failed to do, and so to
give the victims and also the church itself a better chance
to heal. In that way, in the end, something good may be
able to emerge from the awfulness and suffering which have
occurred. If it does, it will be the victims and their
families who will have brought that about.

Let me turn now to Towards Healing and to the four
case studies which the Commission will be examining this
week and next.

Towards Healing, as the Commission has heard, was
adopted in 1996 and came into operation in early 1997. It
applies across the whole of Australia, with the exception
of the Melbourne Archdiocese, where the Melbourne Response
provides a different process with similar objectives.
Towards Healing today offers to a person who has been abused by a priest or religious or other church personnel the opportunity to tell his or her story personally and directly to someone in authority in the church, who will accept moral responsibility on the part of the church for what happened to him or her, acknowledge the damage he or she has suffered, give a sincere apology and offer pastoral care and reparation of various kinds. The aim is to place the victim at the forefront of the process and to respond to the needs of each victim as an individual.

Counselling and support in many different forms are offered. In particular, each victim is encouraged to take his or her case to the police, where it involves criminal behaviour.

The adoption of Towards Healing was the culmination of many years of work. The history of its development, both in the years leading up to its introduction in 1996 and in the 17 years since then, reflects a growing recognition both of the extent of the underlying problem and of the shocking and lasting impact of abuse on victims. It also reflects a growing, if belated, determination that the church should adopt a victim-oriented approach, focusing on the needs of victims as more important than protecting the rights of accused clergy or the reputation of the church.

Especially in the context of the time, 1996, the adoption of Towards Healing was a breakthrough for the Catholic Church and for Australia. In no other country had the church developed a single national protocol or process for responding to victims of child sexual abuse, one which applied universally across all the different dioceses and religious institutes in the country. Towards Healing was endorsed and applied by virtually all parts of the church in Australia, both religious institutes and dioceses, despite the real and longstanding autonomy which each of them has.

The process was adopted by the church in Australia in deliberate preference to relying solely on canon law processes, which are not victim focused and are mainly concerned with how to deal with accused persons.

For the first time in Australia, the bishops and religious leaders established joint structures to oversee and manage the task of engaging with this issue.
The National Committee for Professional Standards, known as the NCPS, was the first and remains the only joint committee of the ACBC and CRA.

The content and approach of the original 1996 Towards Healing protocol were radically different to those of the previous national protocol which had been adopted in 1992. Since 1996, Towards Healing has also been the subject of several reviews, both internally and externally. Notable among those reviews have been those by Patrick Parkinson, Professor of Law at Sydney University and expert in this area, in 1999/2000 and again in 2008/2010.

Professor Parkinson's recommendations were accepted and adopted on both occasions in the revised editions which followed those reviews. The current edition was published in 2010.

One of the basic concepts which lay behind the adoption of Towards Healing in 1996 was that the existing processes available in our community to victims of abuse by church personnel left a gap. That gap was essentially this: often the victim either had no recourse to the criminal justice system - for example, because the wrongdoer was dead - or the victim insisted that he or she did not want to engage with either the criminal or the civil justice system - for example, because of an unwillingness to have to deal with these deeply private and intimate matters in public, as our legal system requires.

The church, having an obvious moral responsibility for the suffering of the victim, felt that it must try to put in place some system or process which would, at least to some extent, fill that gap.

Towards Healing accordingly emphasises providing victims with pastoral care and support. Its main focus has never been the provision of lump sum payments as part of any reparation. It has never sought and does not seek to set up a system of compensation or damages in the way that the civil law does.

However, by the same token, the Towards Healing protocol contains no cap on the amount which may be paid by way of reparation. Such amounts have in fact varied widely from case to case, diocese to diocese, religious order to
religious order. Some have been substantial. The Melbourne Response, as the Commission has heard, does set a cap, currently $75,000.

There can be a tension between the pastoral focus of Towards Healing and any monetary component of the outcome. For some victims, the pastoral aspect is their main concern. Some do not seek or want any payment. For others, the payment of money does matter. Sometimes that may be because of its obvious financial benefit to the victim, but also, for some victims, it is important that the church be made to pay for what has been done. Negotiation of matters concerning money needs to be sensitively handled because of the potential of the subject matter to dilute or pollute the pastoral aspects of the process.

In a number of the cases to be considered in these hearings over the next two weeks, that tension is apparent and could have been better handled.

I pause because I see the time, your Honour. Is it preferred that I continue or that we break?

THE CHAIR: How much longer do you anticipate?

MR GRAY: Probably about 10 minutes.

THE CHAIR: I think we might take the short adjournment.

SHORT ADJOURNMENT

THE CHAIR: Yes, Mr Gray.

MR GRAY: Commissioners, the way the church has approached this question of monetary reparation is one of the aspects of Towards Healing that has been criticised by some victims and also by others. The Royal Commission will no doubt look closely at this aspect, among many others, and the church welcomes that investigation.

The church and the council have already been giving these matters serious attention, and the council's written submissions to the Royal Commission refer to some of the possible ways forward which the council is considering.

Towards Healing is not perfect. The council's written
submission to the Royal Commission frankly acknowledges that to be so and comments on some of the more significant criticisms. It is quite plainly inconsistent in implementation and variable in the outcomes it delivers. That is in part a reflection of the application of the process across the country by so many different independent church bodies as outlined earlier.

It is highly dependent on the individuals involved from the wide range of church authorities which use it. Those individuals might include, in any given case, the relevant State director of professional standards, the contact person, the assessor, the facilitator and the church authority representative, usually the relevant bishop or religious leader. All of these are human beings. Inevitably, some have more aptitude, more skills, more sensitivity than others.

In all of the four cases to be examined in these current hearings, various elements of the process did not work as well as they might. These are also things which are to be examined and reflected upon by the Commission and by the Australian community and, again, the church welcomes that examination.

The Towards Healing structures have other imperfections, including, on one view, insufficient transparency and accountability and insufficient reliable data. Those deficiencies and the ways in which they might be improved will also no doubt be the subject of scrutiny. Again, the council’s written submission to the Royal Commission addresses these matters and refers to the steps which have been and are being taken to improve the situation in these respects.

On the other hand, what is unarguably true is that Towards Healing has delivered real and valuable pastoral support to many, many people and has also provided victims with various forms of reparation, including financial assistance, which, in some instances, has been substantial.

It is also true that those many truly constructive outcomes from the process, notwithstanding its imperfections, have been the result of the thoughtful, considered and conscientious efforts of the concerned and caring people in the church who designed and implemented it. Many of those people have given years of their own
lives to trying to help to heal some of the terrible damage that has been caused by the shameful conduct of others.

The council has been working with both the National Committee for Professional Standards and the State Professional Standards Offices to compile and consolidate more thorough and more comprehensive data across the church with a view to enabling the church and the whole community to see and assess the full picture of both the problem and the way that it has been approached. That task has not yet been completed and we can only give preliminary figures at this stage.

Overall, as the Commission heard this morning, some 1,700 people have engaged with the church through the Towards Healing process, with complaints or allegations of child sexual abuse, most of which took place in the 30 years between 1950 and 1980. Some of those people have unfortunately been disappointed with the process and critical of it, and inevitably some of those criticisms will have force. But for many, many people, Towards Healing has been a source of compassion and support, which has been of real value to them.

Some of those 1,700 people have not pursued their complaints, for various reasons, and a small number of complaints have been found not to be substantiated. But a very great many either have not been disputed or have been substantiated. The data so far compiled indicates that at least $43 million has been paid to victims of child sexual abuse through Towards Healing.

I stress that the figures that I have just mentioned relate only to Towards Healing. They do not include, for example, figures in respect of the Melbourne Response or in respect of cases where the victim has engaged with the church in other ways outside Towards Healing or amounts that have been paid by some religious institutes.

I turn now to the four individual case studies which are to be considered in these hearings over the next two weeks.

The four cases are obviously a small fraction of the 1,700 people who have been through Towards Healing since its inception in 1997. These four examples tell a variable story, with some cases relatively well handled in some or
even most respects, and others much less so. One of the cases, as we see it, is not really a Towards Healing case at all but an example of someone who chose to approach the church outside Towards Healing.

THE CHAIR: Mr Gray, I know I have allowed you to make an opening, but an opening is designed to lay out where the evidence is going to go, not to express conclusions about it. Conclusions are a matter to be assessed after the evidence has been given.

MR GRAY: Of course.

THE CHAIR: Some of the things you have said express conclusions not only in relation to the four but overall. The task of this Commission, and for which we look for support from your clients, is to first of all bring forward the facts and then come to the conclusions which might follow from those facts.

Now, I don't want to stop you from where you are going to go, but everyone listening to what you have had to say should understand that insofar as you have expressed conclusions, which you have, they are not conclusions which the Commission at the moment is able to assess in any way at all. They perhaps are bold but nevertheless relevant submissions at this stage of the process, you might think, but from the Commission's point of view, they are matters that have to be looked at at the end of the evidentiary process.

MR GRAY: Thank you, your Honour. My clients fully accept everything your Honour has just said and will bring forward the evidence through the witnesses to enable that to be done.

THE CHAIR: Thank you.

MR GRAY: I will say something briefly about each of the four cases. All four of them are cases where the abuse had taken place some 30 or so years before Towards Healing was engaged.

In the first case, that of Mrs Isaacs, Mrs Isaacs brought her complaint to the Archdiocese of Brisbane in the very early days of Towards Healing. She first made contact with the archdiocese in 1996, slightly before Towards
Healing had actually come into existence. She later
commenced the Towards Healing process in early 1999. The
abuse itself had occurred in about 1968/1969.

The pastoral response from the church, on the
evidence, was prompt, in March/April 1999, and seemingly
valuable and constructive. But the question of monetary
payment was put aside to be dealt with later and
separately. Lawyers and insurers dominated what took place
thereafter, and a long, drawn-out series of communications
ended in ways which the victim, understandably, found
deeply unsatisfactory and distressing.

The next two cases, chronologically, those of [DG] and
[DK], involve one of Australia's largest religious orders,
the Marist Brothers. The first case, [DG], was brought to
the Marist Brothers in 2000. It concerned abuse which had
taken place in the early 1970s. The victim did not, as we
understand it, want to adopt the Towards Healing process.
He preferred to engage in a different process, having some
features that were similar to Towards Healing but others
that were not.

The Brothers willingly agreed to proceed in the way
that the victim preferred. The end result was a settlement
conference in early 2002 conducted by the lawyers acting
for the victim and the Brothers respectively, with little
involvement from the victim or from the representative of
the Marist Brothers. Unfortunately, this meant that the
conference included little pastoral content and left the
victim feeling that he had been marginalised from the
process.

Nearly a decade passed between this first Marist
Brothers case to be examined by the Commission in this
hearing and the second. That second case was that of [DK].

His complaint was brought forward in late 2009. It
concerned abuse which had taken place between 1976 and
1981. This case did proceed as a Towards Healing case.
A facilitated meeting took place in March 2010 in the form
that the Brothers understood the victim to wish for. At
the time, 2010, the Brothers had the impression that the
process appeared to have worked relatively well, but it
subsequently emerged that the victim had concerns about
aspects of the facilitation and, as a result, his
confidence in the integrity of the process has been
The fourth case, that of Ms Ingham, concerns a victim who came to Towards Healing very recently. The abuse in question took place between 1978 and 1982. Ms Ingham contacted the Queensland Professional Standards Office in 2012, and for her the Towards Healing process only concluded in June this year.

This case is an example of how Towards Healing is applied today and it seems to be one of those which has led to some valuable and constructive outcomes for the victim. As the church would see it, this case tends to demonstrate the progress and improvements that have been made by the church over the years of experience in applying Towards Healing. Even in this case, however, criticisms can still be made of some aspects of the process.

Towards Healing is the focus of these hearings, but the church's response through Towards Healing is only a part of any victim's story. The first part, of course, is the story of the abuse itself. What happened to each of these four people was disgraceful and inexcusable and criminal, and the church profoundly apologises.

Then there is the story of who knew what and when and whether attempts by victims to report their abuse to the church were heard and acted upon appropriately. To a greater or lesser extent, these four case studies illustrate some of the ways in which this aspect of the response to child sexual abuse can arise for consideration.

Finally, there is the story of the Towards Healing process itself as it may be experienced by each individual victim. The four cases, we would submit, do help to demonstrate some important features of Towards Healing.

Firstly, they demonstrate how flexible the process can be in its application to different cases and how responsive it can be to what the victim wants.

Secondly, they demonstrate the importance of an effective facilitation meeting, which is the core of Towards Healing, and the importance of senior church leaders being personally involved in that process and apologising personally and directly to victims.
Third, they show that each individual church authority involved looks at each case individually, bringing its own approach to that case. These four cases have quite different outcomes, reflecting the variability in outcomes across Towards Healing.

Fourth, if the church authority is insured, the role of insurer can be important. In the council's written submission, the council has drawn attention to how the role of Catholic Church Insurance, or CCI, in particular has changed over the years in relation to sexual abuse claims. Whereas initially CCI took a fairly traditional insurer's position - for example, a reluctance to make admissions or apologies - in more recent times CCI's stance has been to encourage early settlements and not to treat the giving of apologies as prejudicing an insured's right to indemnity.

Fifth, they are examples of the way in which lawyers can affect the process. Over time, the simple fact is that Towards Healing has become increasingly legalised on both sides. One result of that development may be that some of the pastoral value of the process has been reduced.

Overall, though, these four cases reflect changes over time. During the nearly 17 years Towards Healing has been operating, the protocol has been amended several times, procedures have been improved and levels of knowledge and understanding have increased. These four cases, which span most of that 17-year period, generally tend to reflect those changes, developments and improvements over that time.

Finally, I stress on behalf of the Truth, Justice and Healing Council that the church is open to change. While recognising the fine and devoted work of the many genuine and idealistic people who have committed themselves to working to assist victims of child sexual abuse both through Towards Healing and in other ways, the church also recognises that this is a time for another thorough-going review of Towards Healing and consideration of other options and approaches.

The views of all those participating in this Royal Commission, especially those of the victims and their families, will be carefully and respectfully listened to and considered. These are difficult issues and the church acknowledges that it does not by any means have all the
Today is a necessary day of reckoning for the Catholic Church. The title of the council for which I am privileged to appear is the Truth, Justice and Healing Council. The first of those is truth. This is a time for truth. The church is committed to the pursuit of that truth. The council and, through it, the church are here today, and for as long as it may take, to hear the voices of victims from whom the church has much to learn and to whom it has not listened as well as it should in the past; to make known and to explain the role of the church in the history of these events but not to excuse it; to search for and help reveal the truth and not to hide it; to admit what has happened in the past and to commit to do everything possible in the future to protect and ensure the safety of children.

This is a time for us all, as the Commission's Chair has said, to bear witness to what has happened. We must hear and heed the stories of victims. The church will cooperate fully in the Commission's historic task. May it please the Commission.

THE CHAIR: Thank you, Mr. Gray. As I said when I interrupted you, and as I'm sure you appreciate, there are, in what you had to say, a great many conclusions, both good and bad.

If you are to invite us to reach those conclusions, then you will have to do, as I am sure you understand, what you can to assist Ms Furness to bring the evidence to us so that we can, if you still urge them, make the conclusions which you submit we should make.

There should be no misunderstandings. The task of this Commission is to bring forward the evidence and, from that evidence, draw conclusions, good or bad, about the behaviour of individuals and institutions in the course of the history of this issue.

MR GRAY: Your Honour, we do indeed understand that, and we do indeed intend to cooperate in just that way.

THE CHAIR: Thank you.

MR KEIM: Your Honour, I rise again to repeat my
application for leave to appear before the Commission. As suggested by your Honour, I have taken the opportunity to speak to Ms Furness and she has provided some information, for which I am indeed grateful.

THE CHAIR: I was told at morning tea that you already have leave to appear. Is that right? I have granted a number of applications in chambers. I am not sure of the list.

MR KEIM: I don't know, your Honour.

THE CHAIR: My understanding is that you have been granted leave.

MS FURNESS: Your Honour, as I understand the position, my friend's client was written to by those assisting the Royal Commission, and it may have been indicated in that letter that were an application to be made, it would be favourably received, but I'm not sure that an actual application has been made.

THE CHAIR: Well, can you help me there? Has an application been made? Can you tell me?

MR KEIM: Has a written document been filed, your Honour?

THE CHAIR: No, no. Have you made application for leave? There is a provision under the Act for me to grant you leave to appear for an individual or an institution. Has such an application been made?

MR KEIM: Only orally this morning, your Honour.

THE CHAIR: Who do you therefore seek leave to appear for?

MR KEIM: I appear on behalf of Father Francis Mulcahy.

THE CHAIR: And just that one person?

MR KEIM: Yes, your Honour.

THE CHAIR: And the interest that you seek to address through leave is?

MR KEIM: An allegation is made by Ms Ingham that a meeting took place in 1990. Father Mulcahy says that no
such meeting took place. That's obviously an adverse allegation in the case of my client, because Ms Ingham also alleges that therefore no action took place. That's the interest.

THE CHAIR: Okay, I understand. Ms Furness, is that the evidence that you expect will come forward?

MS FURNESS: It is, your Honour.

THE CHAIR: Very well. In that event, would you have any issue if I granted leave for Mr Keim to appear?

MS FURNESS: I have no issue, your Honour.

THE CHAIR: Very well, you have leave to appear, Mr Keim.

MR KEIM: Thank you, your Honour.

I also make an application for non-publication with regard to my client's name. I make that on two bases, or there are two reasons why I say that is appropriate. The first reason is that, in speaking to Ms Furness, I understand that counsel assisting does not, at this stage, intend to call one witness who is alleged to have been present at the meeting - in fact, the then bishop for the Diocese of Lismore - and I'm also advised by Ms Furness that records which I say are relevant are not to be sought by Commission staff.

Those records are diocesan records referred to by a deacon, Deacon Christopher Wallace, which indicate that certain things that are alleged to have been known to my client and expressed by my client at the meeting would not have been known to church officials at that time. And the other records which I say should be obtained but I'm advised are not to be obtained are the clinical records of a Dr Dooley, whose report is mentioned in the records of the Commission but who was treating the complainant, if I can use that term, in 1989 and 1990 and since that date, so they would be relevant to whether such a meeting took place or not.

THE CHAIR: I'm not sure how they would be relevant to that issue.

MR KEIM: Because the complainant - I think I remember
this correctly - indicates that she discussed the alleged meeting with her doctor at that time.

THE CHAIR: The doctor may or may not have recorded that fact in the records.

MR KEIM: Yes.

THE CHAIR: That will not necessarily help one way or the other, will it? It will only help if it is recorded.

MR KEIM: It is important circumstantial evidence, I would suggest.

THE CHAIR: Its relevance might be adverse to your client. Are they the three matters?

MR KEIM: No, the second matter which I say is relevant to the request for a non-publication order is that, at this stage, counsel assisting is unable to say whether the Royal Commission will be asked to make findings, including adverse findings, regarding my client with regard to that meeting. If it is not to be explored, if the Commission is not to be asked to make findings, then it would be unjust, in my submission, if my client's name was published in the meantime.

They are the matters, your Honour, which I say are relevant.

THE CHAIR: Ms Furness, what is the position in relation to the three evidentiary matters?

MS FURNESS: In relation to Archbishop Satterthwaite, as I understand the evidence that Ms Ingham will give, she does not and cannot name him as a person who was there; she doesn't name anyone other than church officials and Father Mulcahy, so there is no evidence that the archbishop was there and therefore no evidence warranting any further action by the Commission. That was the first matter.

In relation to the second matter, diocesan records, there is a statement which will be tendered from a Mr Wallace - I can't currently recall his religious title - as to the efforts he employed to discover who else may have been present at that meeting, and that evidence will be before the Royal Commission.
THE CHAIR: You mean he has looked at records, has he?

MS FURNESS: He has looked at records. He has spoken to people who, from those records, he thought might have been in attendance at that meeting and has not ascertained the name of any person who, on subsequent discussions, said they were at that meeting. However, the records that he searched --

THE CHAIR: So there is no record of that meeting as such?

MS FURNESS: There are two issues, if I may, your Honour. Firstly, Bishop Jarrett, as I understand it, will say that he has searched, and there are no records of the 1990 meeting, so there are no diocesan records, as it were.

Secondly, Mr Wallace undertook to contact a range of people who, from looking at records as to who was where, when, may have been at that meeting, and came up with a blank.

Now, in relation to the third matter, concerning Dr Dooley, I'm not aware what material my friend is referring to in relation to Mrs Ingham.

THE CHAIR: As I understand it, it is just that the doctor may have recorded in his clinical notes, in the course of his treatment, that he was told of such a visit.

MS FURNESS: Certainly we don't have Dr Dooley's clinical records. We have Dr Dooley's report, which was in 2012/2013, but I would not propose to seek records on the basis of the submission my friend has just made.

THE CHAIR: No. What about the question of adverse finding?

MS FURNESS: I'm not in a position to say anything about adverse findings, your Honour, as no evidence has been called yet.

THE CHAIR: Mr Keim, you heard the position in relation to the evidentiary matters.

MR KEIM: Yes, your Honour. There are three things I wanted to say, your Honour. Firstly, in document
CTJH.102.05002.0042, an email from Ms Ingham, she says, in the last paragraph on the first page:

I had the total support of my daughter's father. He is still a very dear friend. He attended at the meeting in the early '90s when we met with the then bishop and another priest to tell them of my abuse.

Then it goes on to talk about my client's reaction at that time. So when my learned friend says that the witness can identify nobody there, she has identified two people there.

THE CHAIR: I'm sorry, I'm not following. Ms Furness understood you to be referring to whether or not the archbishop was there.

MR KEIM: Yes.

THE CHAIR: But you say there is evidence that the complainant's husband was there?

MR KEIM: No, no, no. I'm sorry, your Honour, I don't mean to be disrespectful. The email, which is a Commission document, says, describing that meeting, "We met with the then bishop", who must be Archbishop Satterthwaite. That's my point.

When my learned friend says, "The complainant cannot identify anybody else there", her own documents, which are part of the Commission's records, indicate that the bishop was there. Therefore, in my submission, he is a relevant witness and should be called.

THE CHAIR: Have you approached him to see what he can say?

MR KEIM: I have --

THE CHAIR: Ms Furness tells me that our inquiries don't indicate anything relevant he can say.

MR KEIM: My friend advised your Honour that he was contacted and said that he can recall no such meeting. But since that is evidence in my client's favour, then, in the circumstances, he should be called to provide as much detail as he can with regard to those circumstances in
order to indicate - I notice that my learned friend is
shaking her head. I may have misheard her. But it is
certainly true that in Mr Wallace's statement, he says he
contacted the bishop.

In fact, if I can take your Honour to that statement, that
statement is STAT.0088.001.00015_M. Mr Wallace says
at paragraph 85 on page 13:

I spoke to Bishop Satterthwaite on the
telephone. He said he had no knowledge of
the incident. I did not contact ...

And then he goes on to talk about other persons that he had
contact with.

THE CHAIR: Mr Keim, these are all evidentiary matters
that can be taken up in the course of considering the
position in relation to this particular complainant.

MR KEIM: Yes, your Honour.

THE CHAIR: And they are relevant, of course, to any
possible finding that might be made. But that finding, of
course, will only be determined after all of the evidence
has been received.

MR KEIM: Yes.

THE CHAIR: If, in the course of looking at this issue,
you have concerns that the position of your client is not
being fairly put before the Commission, that's the time to
raise them. And if, at the end of the evidentiary process,
you believe that the evidence, because it is not balanced
or fair, cannot support any particular finding suggested by
counsel assisting, that's the time for you to put that
submission to us. This application at the moment is an
application, as I understand it, to suppress the name of
your client.

MR KEIM: Yes, your Honour.

THE CHAIR: That is an unusual course for a royal
commission to take, which, as you know, operates in public
so far as it can. In relation to the position we are
presently in in relation to your client, I see no reason
why the fact that there may be a dispute further down the
track about whether or not the evidence was sufficient to support any finding justifies the suppression of your client's name. That would be a most unusual course for a royal commission to take.

MR KEIM: I don't mean to question your Honour's ruling in that regard."

THE CHAIR: Well, you don't have to - I haven't ruled yet. What I am putting to you is that you are asking in advance for the suppression of your client's name in circumstances where, at the moment, all I know is that there is going to be some evidentiary dispute about what occurred at a particular meeting. That's all.

MR KEIM: The reason why I say that there is potential unfairness, your Honour, which would justify this unusual order is that the Royal Commission is being asked to go into an investigation of this particular matter with no indication as to whether or not that matter adverse to my client is properly to be investigated and whether findings will be sought with regard to that and in circumstances where relevant witnesses and relevant evidence is not being sought.

I know that I can seek afterwards, in accordance with the practice direction, to say, "Well, this also needs to be pursued and this also needs to be pursued", but in circumstances where counsel assisting doesn't seem to have a clear view one way or another, it would be unfair to publish my client's name at this stage until it is clear that the matter is either going to be fully investigated or the matter is going to be regarded as simply a side issue to the main issue, which is the conduct of the Towards Healing process and protocols.

That's the reason why the application has been made, your Honour.

THE CHAIR: It may be, Mr Keim, that the finding that is made, if one is made at all, will be entirely favourable to your client. In those circumstances, I can't see any reason why this Commission, at this point in time, should prohibit publication. As I say, it is a most unusual course for a royal commission to take, and I see at the present time no relevant consideration which would bring about the necessity to suppress your client's name.
If you have a concern that the process of the Commission, as it unfolds, is unfair to your client, then I would expect you to tell me and we can discuss further what steps should be taken to deal with that issue if it arises.

MR KEIM: Yes, your Honour.

THE CHAIR: Ultimately, I have the capacity to direct that there be further inquiry made, and if it is appropriate and in the interests of fairness at that point in time that that should happen, then I will make the appropriate order.

MR KEIM: I have raised the issues which I wanted to raise. Thank you, your Honour.

THE CHAIR: Very well. The application is rejected, Mr Keim.

MR KEIM: Thank you, your Honour.

THE CHAIR: But as the matters in relation to your client unfold, I would expect you to advance his interests in the appropriate way.

MR KEIM: Yes. May I withdraw at this stage, your Honour, and come back on Wednesday morning?

THE CHAIR: Yes.

MR KEIM: I will seek to clarify those evidentiary matters to general counsel in writing.

THE CHAIR: Thank you, Mr Keim. Thank you, Ms Furness.

MS FURNESS: Your Honour, I tender a bundle of documents that can be referred to as the "Towards Healing general tender bundle".

THE CHAIR: Towards Healing general tender bundle?

MS FURNESS: Yes, case study 4, so it might be best marked 4-1.

THE CHAIR: We have a document that is marked tender bundle volume 1; is that the same document?
MS FURNESS: Perhaps if your Honour reads the front cover
of that, it might assist those assisting your Honour.

THE CHAIR: "General tender bundle volume 1".

MS FURNESS: The "volume 1" is perhaps unnecessary, but
yes, the general tender bundle.

THE CHAIR: All right, this will become exhibit 4-1.

EXHIBIT #4-1 TOWARDS HEALING GENERAL TENDER BUNDLE

MS FURNESS: May I also tender a tender bundle in respect
of Joan Isaacs, which might be conveniently called the
Joan Isaacs tender bundle.

THE CHAIR: That has also been marked "volume 1", but
I assume it is one volume.

MS FURNESS: Yes. There are some problems with volumes
creeping into indexes, your Honour.

THE CHAIR: That tender bundle will be exhibit 4-2.

EXHIBIT #4-2 JOAN ISAACS TENDER BUNDLE

MS FURNESS: Your Honour, I call Joan Isaacs. Ms Isaacs'
statement may be found in the other folder, which is called
"Statement folder", at tab 1.

<JOAN KATHERINE ISAACS, sworn: [12.30pm]

<EXAMINATION BY MS FURNESS:

MS FURNESS: Q. Your full name is Joan Katherine Isaacs?
A. That's correct.

Q. And you are a retired school teacher?
A. I am.

Q. Mrs Isaacs, I understand that you have some hearing
difficulties; is that right?
A. That's correct.

Q. And it would help you if we all spoke up?
A. It would, and a little bit slowly.
Q. Certainly.
A. Thank you.

Q. Ms Isaacs, you have prepared a statement for the Royal Commission dated 23 October 2013?
A. That's correct.

Q. You have a copy of that with you, do you?
A. I do.

Q. I understand that there are some matters in that statement that you would like to clarify; is that right?
A. That's correct.

Q. Can I ask you, then, to turn to paragraph 7, which is on page 2.
A. That's correct, yes.

Q. Do you see the last sentence refers to "the other girl fathered Frank Derriman's child". Do you see that?
A. I do.

Q. I think that should read that "the other girl was pregnant with Frank Derriman's child"?
A. Correct.

Q. Similarly, at paragraph 9, on the same page, the last line of paragraph 9, again, there is a reference to "fathered his child"; do you see that?
A. I do.

Q. That should read "who subsequently had his child"?
A. That's correct.

Q. The third matter is on page 17, at paragraph 54. In relation to that last sentence, where you refer to the payment of legal fees, you would like included after that the words "and Health Commission fees"; is that right?
A. That's correct.

Q. Then if I can turn back to paragraph 15 - do you see paragraph 15? That's on page 4.
A. Paragraph 15, yes, I have that.

Q. There is reference there to contacting a person in respect of Towards Healing. Do you see that?
A. Yes.

Q. Then in paragraph 16 you say that you went through the Towards Healing document fairly thoroughly?
A. That's correct.

Q. Now, I think you have reflected upon the document that you went through thoroughly. Can you tell us what document you are referring to there?
A. That was the 1996 protocol that I first got from Father Spence, and I thought that there was mention of compensation in that document. But when I went back over it, there was no specific mention of compensation, but I realised that I had a newspaper article and some other references about Towards Healing, which specifically said that compensation was on the table. One of those was a Courier-Mail article and one of those was an article from Broken Rites, and I think it was Bishop Geoffrey Robinson said specifically that Towards Healing had compensation on the table.

Q. I think you are referring to the summer 1998/1999 newsletter of Broken Rites?
A. That's correct, yes.

Q. And that referred to Bishop Geoffrey Robinson having said that the protocol included just and fair compensation?
A. That's right.

Q. Broken Rites sourced Professor Robinson's statement from The Courier-Mail on 12 December 1996?
A. That's correct, and I still have that article.

MS FURNESS: I don't think I need to tender those documents, your Honour, but should subsequently the need arise, I will.

THE CHAIR: Yes, thank you.

MS FURNESS: Q. With the amendments that have just been made to your statement, are the contents true and correct?
A. They are.

Q. Can I invite you, Mrs Isaacs, to read your statement?
A. Yes.

Q. And can I say with that invitation, if you find it
"This statement, made by me, accurately sets out the evidence that I am prepared to give to the Royal Commission into Institutional Responses to Child Sexual Abuse. The statement is true and correct to the best of my knowledge and belief.

Where direct speech is referred to in this statement, it is provided in words or words to the effect of those which were used at the time, to the best of my recollection.

My full name is Joan Isaacs. I was born on 19 January 1953 in Queensland. I am currently 60 years of age.

From 1967 to 1968, I was sexually abused by Father Francis Derriman who was a priest of the Archdiocese of Brisbane and chaplain of Sacred Heart Sandgate for those two years. I was aged 14 to 15 at the time of the abuse. Frank Derriman created a cult-like group which included myself and three other children. Frank Derriman used the Peanut comic as a platform and used the surname 'Brown' in reference to himself, the three other children and me. I believe that this conduct by Father Derriman is what would today be called grooming.

Frank Derriman initially wrote letters to me and told me that he was suffering from a fatal lung condition and would soon die. On a number of occasions he told me that I needed to have sex with him before he died. He told me that he could have sex with me once I attained the age of 16, so I was terrified of turning 16 to the point of being suicidal. On one occasion he acted out a fit in front of the 'Brown' group. I understand that Frank Derriman is still alive.

Frank Derriman was convicted of child sexual assault against me in 1998 and received an eight-month custodial sentence.

I maintained friendships with the other three children in the 'Brown' group. Two girls out of the group have told me that Frank Derriman also sexually abused them. One of them took steps to have him criminally charged in respect of her sexual abuse and the other girl was pregnant with
Frank Derriman's child at the age of 17 years.

My friend Ian, who later became my husband, was in my circle of friends when I was in high school. I told him that I was being sexually abused by Father Derriman and he told my mother. I then went with my mother to see Father Doyle, who was the parish priest of Zillmere. I provided Father Doyle with one of the letters that Frank Derriman had given me. Father Doyle read the letter and said, 'This letter was written at 5 to 6 on the Tuesday morning. He should have been getting ready for mass. Why is he writing this letter to you?' He then said, 'How come you're going to Holy Communion through all of this?' I told him that Holy Communion had helped me through the awful period. I then realised that Father Doyle did not think I should have been attending Holy Communion because he believed I was committing awful sins with Frank Derriman. When we left, Father Doyle said to me, 'It is time for you to look for someone your own age.' Up until this point I had not thought the abuse was my fault, but then I started to feel that it was and I started to feel really ashamed.

Shortly after my meeting with Father Doyle and before the end of 1968, Frank Derriman was transferred to another nearby parish. He remained ministering as a priest whilst at this parish and maintained a relationship with one of his victims - the one who subsequently had his child.

In 1969, Ian, together with two friends, had a meeting with Father Fleming at St Leo's College of the University of Queensland. The two friends were siblings of another girl who had been sexually abused by Frank Derriman and part of the 'Brown' group. They disclosed our sexual abuse to Father Fleming. There was no indication that any action was taken against Frank Derriman following this meeting.

I have suffered in many ways as a result of the sexual abuse by Frank Derriman. I have had recurring depression throughout my life, which has involved suicidal ideation and insomnia. Prior to the abuse, I was one of the top students in my class, and both during and subsequent to the abuse, my results deteriorated significantly and I consequently struggled to attain my employment qualifications. I have also had serious difficulties in my marital relationship. During my working life, I wasn't able to work full time at times, even though I was working
as a qualified teacher, because of my depression and other
difficulties. I feel that my life has taken a whole
different track to what it would have taken had this not
happened.

There were four main reasons that motivated me to take
action nearly 30 years after the sexual abuse by Frank
Derriman. Firstly, I commenced work as a teacher in the
Archdiocese of Brisbane to find that a priest, Father Ron
McKiernan, was deputy director of Catholic education, who
I knew had sexually abused a number of children whilst
a resident at Sacred Heart Presbytery, including a very
good friend of mine. Father McKiernan was later convicted
Frank Derriman for the first time in nearly 30 years, on
the beach with a young woman and a child. I felt really
traumatised by knowing that nothing had changed in his life
and he was still interested in young women. I started to
have terrible thoughts of my abuse and of the future of the
child who was with him. Thirdly, I was contacted by an old
friend of mine who was part of the 'Brown' group and had
been sexually abused by Frank Derriman. Fourthly, I was
still a practising Catholic at the time and I learnt
through the parish that the bishops conference were
developing a protocol about dealing with abuse victims.

On 23 August 1996 I wrote to Father Spence, who was
a priest of the Archdiocese of Brisbane and on 2 September
1996 he sent me one of the very first booklets about
Towards Healing.

Despite making inquiries regarding Towards Healing,
I did not initiate the process until 1999 following the
criminal trial against Frank Derriman. I felt that if
I pursued a complaint with the police and he was found
guilty on any of the charges, Towards Healing would be
a much easier process to go through, because I wouldn't
have to prove anything any more.

I had been provided with a pamphlet at our parish that
listed persons I could contact for Towards Healing and
I knew several of the persons listed. In January 1999,
I decided to call Dr Ken Robertson, who was on the list, as
my husband knew him to be a genuine man, having previously
worked with him, and I thought him trustworthy.
I understood Ken to be the convener, the direct overseer of
the personnel who worked on Towards Healing. I spoke to
Ken and he told me in general terms what the process involved.

On 12 February 1999, about a month after my phone call with Ken, I wrote to him and set out what I wanted to achieve in the process, which was an apology, counselling and compensation. I had been through the Towards Healing document fairly thoroughly, and these were the outcomes that were mentioned. I particularly wanted an apology not just for the sexual abuse but also for the inaction by the church after myself and others notified church officials that Frank Derriman was sexually abusing children when I was still at school. That inaction meant that other people went on to suffer greatly because Frank Derriman continued to abuse children.

In March 1999, about a month after I wrote to Ken Robertson, I telephoned him again. I told him that I had been through a criminal trial, Frank Derriman had been convicted and I was prepared to give some information regarding the criminal case. During the conversation, I agreed to provide my police statement and my victim impact statement. In hindsight, I regret giving the church this document. It contained very personal information about the ongoing effects the abuse has had on me. I really wanted to believe that the church meant what I thought it said, which was 'Towards Healing is here, come to us, we know you've been hurt, we want to help.' Unfortunately, this was not my experience.

I had been told by Ken Robertson during a phone call, 'Joan, this is off the record, but don't go anywhere near the church without a lawyer.' Before this telephone conversation, I did not intend to get a lawyer involved in the process. I organised for Peter Deed to be my lawyer.

On 8 March 1999, I sent Ken Robertson my police statement, my impact statement from the criminal trial and also a statement dated 9 March 1999 that I had prepared for the Towards Healing process, detailing my psychological, emotional and sexual abuse and my reporting of the offences to church authorities at the time of the abuse. I said that, 'Peter Deed also wishes it to be known that a full psychiatric report will be made available in the near future.' I acknowledged in the letter the difficulty in providing the documents to the church authority about 'very personal and painful aspects of my life. I trust that the
church will treat this information with the dignity and
respect that it deserves'.

On 19 March 1999, I received a letter from
Bishop Gerry, who I understood to be second in charge to
Archbishop Bathersby. I was told Bishop Gerry was to do
with Towards Healing. At a later stage I called Archbishop
Bathersby, and he said, 'I don't deal with that sort of
thing. It's Bishop Gerry that does that sort of thing.'
I was happy to deal with someone at Bishop Gerry's level.

The letter stated that Bishop Gerry was unwell and
that as he was recovering from surgery, he was not sure
when he would be available. However, he gave me the option
of waiting until he got better to meet with him or meeting
with Dr Adrian Farrelly, who was the Judicial Vicar.
I would have preferred to meet with Bishop Gerry, but after
the many years of trauma I wanted the Towards Healing
process resolved as quickly as possible. So I felt it was
the best option to go with Dr Adrian Farrelly.

On 1 April 1999, I was sent a brief letter from
Ken Robertson that summarised who would be involved in the
process, what would be discussed and where it would be
held. Aside from this letter, no-one explained to me what
the facilitation process would entail.

Before the facilitation I asked whether or not my
husband could attend the meeting with me and I was told,
'Definitely, no, you can only have one person there.'
I cannot recall who said this, although I know it was not
Ken Robertson. It may have been that Peter Deed had asked
on my behalf and then he had relayed the response back to
me. I recall having read the Towards Healing booklet that
mentioned that if there is a priest who comes under
investigation, he can come to a meeting with a support
person, so I was very angry about that. However, as I was
told to bring a lawyer, I thought that this should be the
person who attended.

On 20 April 1999, the facilitation took place at
Centacare in Fortitude Valley, Brisbane. Bernadette Rogers
was the facilitator. I had not met or spoken to her before
the day of the mediation. Dr Farrelly attended and
represented the Archdiocese of Brisbane, and I attended
with Peter Deed as my solicitor. I understood that I was
to pay for the costs of Peter Deed as I had not asked that
the Catholic Church pay and no-one proposed that they would.

My expectation leading up to the facilitation was that I would be dealt with warmly, the people involved would accept what I had to say, they would understand that what I had said in the past was true, that I had been let down in the past and I would be able to move forward and get that apology. I also expected to receive counselling and compensation. Compensation was not a big part for me, but I just knew that I might get words that were empty if I didn't go that step and ask for compensation and I thought that this would be paid for by the Catholic Church.

We initially sat in allocated seats in a large empty room and I felt very much cornered as I could not see the door. I asked to be seated so that I could see the door, as that was really important to me. The seats were changed accordingly. My intention during the facilitation was not to detail the abuse, but I did give them a picture of my abuse initially, because I think reading about abuse is very different from hearing and seeing somebody talk about their experience.

As soon as I finished, Bernadette Rogers said, 'Now we will move on to the agenda of apology', and I said, 'No, I don't want to move on to the apology. I have told you all what happened to me and I want you, Dr Farrelly, to tell me how you felt listening to me', and he made a couple of comments, one of which was, 'It just churns my guts.' Dr Farrelly made some other comments and specifically said, 'I don't know how you survived what you survived', or words to that effect.

I felt that Dr Farrelly really got in his heart and in his stomach what happened to me. It turned his stomach to hear that story and I felt that was a genuine comment, and that gave me some satisfaction to know that that's what it did to him. After his initial comments, I said that I was willing to move on and Dr Farrelly did say at the time, 'I'm offering you an apology. I'm very sorry you've had to go through all of what you've been through', and I said, 'Thank you for that, but it's not good enough for me. I would like it in writing.' I wanted an apology signed by the Bishop. Dr Farrelly said that he was not sure whether that could happen, and I said, 'Well, that's what I'm
asking', and that matter was left up in the air, but I made it clear that that's what I wanted.

The facilitation then moved on to the subject of counselling. The first thing that was offered to me by Father Farrelly was to see a counsellor associated with Centacare, and I said, 'No, I won't do that.' I had known some of the people who worked in Centacare and I also knew that some of the counsellors were ex-nuns or priests, and there was no way I was going to put myself in that position. I said, 'I have been seeing a counsellor at my own expense for quite some years. My wish is that the church pays for my ongoing counselling from here.'

Dr Farrelly then said that he would look at authorising ten counselling sessions for me and that the bill had to go directly from my psychologist, Lynn O'Donoghue, to Bishop Gerry. I was content with this offer as a starting point. My understanding from what was said by Dr Farrelly was that this was an interim offer and after ten sessions, they would review it. I was not told of any criteria regarding a review.

The issue of compensation was then raised. Dr Farrelly said that he did not have the authority to make an offer with regard to compensation. He told me that as soon as this meeting was finished, he would go directly to Bishop Gerry and report to him on everything that occurred in the meeting and there would be negotiations put in place for compensation. I understood that there would be further discussions between Peter Deed and the church about the quantum of compensation. At that stage I had no idea what sort of amount would be considered or how it would be determined.

Prior to the facilitation, I had not been told that Dr Farrelly did not have the authority to negotiate compensation. The letter I received regarding the facilitation had compensation as part of the agenda and I hoped that it would be resolved at the facilitation. I had no understanding of how long the negotiations between Peter Deed and the church might take, but I thought maybe a couple of months.

At the conclusion of the facilitation, I was in the car park with Peter Deed and he said to me, 'Joan, I have read all your documents and I understand what happened, but hearing you speak today I realise just how damaged you are
through all of this. On the outside you look very strong, but you're very damaged by what's happened', and he said, 'I want to put together a very good compensation request for you.' I understood from Peter that I would be seen by a psychiatrist and an accountant to assess the impact of my abuse both psychologically and financially. Peter was also to arrange for a barrister to assess the aspect of damages. I have still got my diary that documented my facilitation experience and the comments made.

Bernadette Rogers sent a copy of the facilitation record to Peter Deed, dated 27 April 1999, which provided that we had agreed that the negotiations regarding compensation were ongoing.

On 28 April 1999, I sent a letter to Dr Farrelly outlining the suggestions I had for the Catholic Church when dealing with victims who were going through the Towards Healing process. This was requested by Dr Farrelly at the conclusion of the facilitation. My suggestions and comments were as follows:

(a) Towards Healing is 'at least an admission that abuse existed within the Catholic clergy'.

(b) Towards Healing would have been a great deal more meaningful if there had been 'some active assistance to me during and after the legal proceedings of 1998'. I acknowledged that some victims may no longer wish to have anything to do with the church. I said that the church's initial response still seems to be 'one of primarily self-protection rather than that of assistance to those affected'.

(c) I said that I have seen the church take on many social justice issues, such as reconciliation with Aboriginal people - not to minimise their suffering - but that many of the church's 'children have been severely damaged by the clergy and their calls to be heard have fallen on deaf ears'.

(d) I said that 'I have continued to be hurt by many of the church's recent public reflections on the issue of abuse', because their comments have focused on perpetrators and their families, the bishops, et cetera, who are seeking support 'during the difficult time THEY are experiencing'.
(e) Finally, I said that 'I would like to see both Bishop Gerry and Archbishop Bathersby take a more active role and meet personally with more victims. It would take a great deal of courage to do this. However, this approach would be seen by many as a more genuine and meaningful response'.

I also acknowledged in my letter that the church has been badly affected and that I wanted the church to be a strong and healthy institution but that 'can only be achieved if the problem is truly seen for what it is and is aggressively confronted'.

On 30 April 1999, Bishop John Gerry sent me a letter of apology. The letter said, 'I hope you find some assurance in what you now know of the efforts that the church is making to ensure that no other vulnerable young person suffers as you did', and, 'I do hope that the positive outcome of that meeting with Father Farrelly that you have acknowledged to Dr Ken Robertson will flow into deeper and deeper healing experiences as time goes by'. When I read the letter, the first thing I thought was that it had been written by a lawyer, not by Bishop Gerry. The letter acknowledged what happened and said sorry for what happened, but that the church had no role to play. That was my understanding when I read the letter. This made me feel as though the Catholic Church were completely distancing themselves from Frank Derriman to protect themselves from any responsibility and maybe litigation.

On 25 May 1999, Father Farrelly sent me a letter that said he was just back to the office after attending meetings overseas and thanked me for my suggestions, which he said he would forward to Archbishop Bathersby and Bishop Gerry. He states that he spoke with both of them after the meeting and 'shall do what I can to see that action is taken about your suggestions. I left Australia on 25 April 1999, so I trust you understand the time taken to reply'.

On 31 August 1999, Peter Deed sent me a copy of my lengthy submission in respect of my compensation claim for me to look over. On the same day, Peter Deed sent a copy of my submission to the lawyers for the Brisbane Archdiocese. Subsequently, Peter wrote a number of further letters to the church's lawyers and also telephoned them frequently seeking a response.'
MS FURNESS: Your Honour, I notice the time. Would that be convenient? I understand that Ms Isaacs also has some difficulty sitting for any lengthy period.

THE CHAIR: Would you prefer that we stop and come back after the lunch?

THE WITNESS: If it is suitable to your Honour.

THE CHAIR: It is a matter for you. We will sit on if you would prefer.

THE WITNESS: Do you think it will take me long to finish to page 18? I have another six pages.

MS FURNESS: Would you like to continue?

THE WITNESS: I probably wouldn't mind finishing this little bit, this statement. Is that all right?

THE CHAIR: You stop whenever you wish.

THE WITNESS: Thank you. I think I'm up to paragraph 38:

"On 14 September 1999, the church's solicitor sent a letter that stated, 'In relation to your client's claim for monetary compensation, as opposed to support that can be provided under the Towards Healing arrangements the church has in place, we are endeavouring to ascertain whether any ex gratia payment can be made'.

On 27 October 1999 the church's solicitors sent a letter to Peter Deed outlining that the parties had 'different understandings with respect to the Towards Healing process and protocol'. The letter stated that 'civil legal liability does not exist on the part of any church institution for criminal or other alleged wrongful or disgraceful activities' of a person acting outside of the scope of their duties and it is 'our expectation that ex gratia compensation will not be paid.' This letter contradicted what Dr Farrelly said at the end of the facilitation, which was that discussion concerning the aspect of compensation would be ongoing. It also differed from my understanding of the Towards Healing procedures document."
At this point Peter suggested to me that I commence civil action against both Frank Derriman and the Catholic Church. Peter said that he did not want to engage in a civil action on my behalf, but he thought initiating the action would precipitate closure for me. I agreed with Peter’s suggestions and he continued to engage with the Brisbane Archdiocese on my behalf. Accordingly, on 6 January 2000, Peter sent me a copy of the notice of intention to defend and defence that had been served by the Brisbane Archdiocese.

Throughout this time I continued to have sessions with my psychologist, Lynn O'Donoghue. During the first session following the facilitation I told Lynn 10 sessions would be paid for by the church and she needed to send the accounts directly to Bishop Gerry. From April 1999 to February 2000 I had nine sessions. In a session in early 2000 that I had with Lynn I asked her if she had been paid. Lynn said, 'No, I've received no payment.' I was upset and angry that she had not been paid. If I hadn't mentioned it, I'm sure she would have let it ride, because she wasn't going to ask me for payment. I asked Lynn to prepare an account and on 17 February 2000 I wrote a letter to Bishop Gerry asking for payment and attached Lynn's account. I was just devastated that I had to write a letter asking for payment for Lynn's fees.

On 25 February 2000 Bishop Gerry sent me a letter which said that the Archdiocese would pay for the nine sessions, but that I only had one more session to go and I would need to undergo a professional assessment again from an independent psychiatrist before they determined if I really needed any more counselling. The letter also said that in the facilitation I had said that I did not need regular counselling. This really upset me, as I had gone to great lengths in the facilitation to tell them that I had had counselling for quite a number of years. Accordingly, I wrote to Bishop Gerry on 3 March 2000 and raised payment of the counselling fees. I also said in reference to the facilitation that the specific details regarding compensation 'could not be finalised that day due to the fact that you, as Bishop, were not able to be there. Had this come to fruition as promised, it would have provided me with the opportunity to pay for ongoing counselling myself.'

On 7 April 2000, Lynn wrote a report directly to
Bishop Gerry saying how important it was that I continue
counselling, which I had been undertaking for a long time.
On the same day I wrote to Bishop Gerry enclosing the
report. On 2 June 2000 Bishop Gerry wrote a letter
stating that he had waived 'any detailed professional
assessment' and said I was able to access ten more
counselling sessions.

On 20 April 2001, the church's solicitor wrote to my
solicitor and I was offered an ex gratia payment of
'$30,000 "all up"'. No separate offer was made for legal
costs. I was not really involved in the negotiations that
led to this offer, although I was aware that Peter sought
a figure of around $340,000 from the Brisbane Archdiocese.
Another letter, dated 30 April 2001, referred to the offer
of $30,000 as a 'top of the limit' figure.

I was not happy with the offer. At that point, I had
already incurred $8,000 for legal costs for the civil claim
in respect of Frank Derriman. An offer was put to me by
Frank Derriman's lawyer, through Peter Deed, that they
would waive costs in relation to the case if I signed
a contract to say that I would never pursue him again.
I could not allow Frank Derriman to take back the control
that I felt I had gained from the criminal trial. So
I refused to sign the contract, and, accordingly, had to
pay the $8,000 to Frank Derriman's solicitor.

Just after I was offered the $30,000, I telephoned
Archbishop Bathersby and asked him, 'Do you know that after
two years of stonewalling I have accrued nearly that amount
in legal fees? I will have very little left.' Archbishop
Bathersby then said, 'That's your problem'. I was utterly
defeated and decided to accept the offer to get out of this
terrible situation.

I continued to attend counselling and by that stage my
counselling sessions did not only focus on the sexual abuse
experienced as a child, but on the trauma and anxiety which
I experienced as a result of the Towards Healing process.

In early June 2000 I had a session with Lynn and asked
her whether she had been paid for the second set of
sessions. Lynn said she had not been paid. This made me
very angry again and prompted me to telephone Bishop Gerry
on 6 June 2000. As well as the counselling issue, I spoke
to Bishop Gerry about compensation. He said, 'I have no
control over it because it is a legal matter', and I said,
'Legal people take their direction from a source.' Bishop
said, 'But I have no assets and I am not at liberty to use
the assets of the Diocese', and 'The reason we couldn't
settle this is because the insurance people will not come
into this case.'

On 13 June 2001 I was provided with the first draft of
the deed of release by the church's solicitors. This draft
was sent to me by the church's solicitors on the basis that
'this Deed still has to be approved by our client'. Peter
Deed went through the deed with me and ticked the relevant
paragraphs that I agreed to. He also marked amendments to
changes that I wanted. Particularly at paragraph 8
I wanted the word 'disparaging' in respect of remarks to be
made against the Archdiocese of Brisbane to be changed to
'untrue', as I wanted to be able to discuss my Towards
Healing process with significant others.

On 22 June 2001, I was provided with a second draft
that included a clause that I was not to discuss the aspect
of my abuse with anyone, including my husband and children,
clause 9. I immediately refused to sign the second draft.
I spoke to my psychologist, Lynn O'Donoghue, about this
draft deed, and she wrote a letter dated 5 July 2001
highlighting her concerns if I was silenced from discussing
my abuse. I then, on 7 July 2001, wrote to Archbishop
Bathersby explaining my concerns. I would never have
signed that second draft.

On 13 July 2001, the church's solicitors wrote to
Peter Deed and said they were 'disappointed that we cannot
reach agreement on the terms of settlement, particularly as
we do not see there is any prejudice to Mrs Isaacs and in
fact the substance of the new clause 9 is to her
advantage.' The letter then referred to the 'various
people we have to secure instructions through (which we
indicated to Mr Deed is not anyone in Queensland).’ I did
not understand the reference to those not in Queensland as
my matter related to the Archdiocese of Brisbane. I found
the letter to be particularly threatening, where it said:

  From a personal point of view, we think
  that would be a shame because we cannot see
  any basis upon which the action can succeed
  and the consequence of that would be a cost
  order against Mrs Isaacs.
On 10 August 2001, I signed the deed of release which was the first draft I received. As I refer to above, this deed did not allow me to make 'disparaging remarks and, therefore prohibited me from discussing my experience with the Towards Healing process or other victims' experience with the Catholic Church. I feel that the deed has silenced me in this respect, and it continues to haunt me to this day. The silencing holds the same power and control over me that was used by Frank Derriman when he abused me as a child.

The deed also prohibited me from discussing the amount of compensation or bringing a civil claim against the Brisbane Archdiocese in respect of the abuse of Frank Derriman.

I had also incurred $12,000 for legal costs for the advice and representation provided by Peter Deed in respect of the Towards Healing process and civil claim, so I was out of pocket, all up, a little over $20,000. After the payment of legal fees and Health Commission fees, I bought $5,000 worth of Coles Myer shares and a sewing machine, and after that I had little or no money left from my settlement.

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. Father Costigan said, 'The bishop said that you shouldn't have brought a lawyer to the meeting because it changed everything.' 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. I also wrote to Archbishop Bathersby and informed him of our decision to no longer donate to the church and the reasons behind our decision.

On 5 September 2000, Archbishop Bathersby wrote to me and said, 'I'm genuinely sorry that you feel that the church has a "bias against abuse victims"'. He also confirmed that mine and my husband's names would be removed from the register.
THE CHAIR: Thank you. We will take the luncheon adjournment.

LUNCHEON ADJOURNMENT
UPON RESUMPTION

MS FURNESS: Your Honour, I tender Ms Isaacs' statement.

THE CHAIR: Yes, that will become exhibit 4-3.

EXHIBIT #4-3 STATEMENT OF JOAN ISAACS DATED 23/10/2013, BARCODED STAT.0077.001.0001_R_M

MS FURNESS: Q. Ms Isaacs, you also provided, as an annexure to your statement, a statement that you had prepared in relation to the impact of the abuse, and I think that can be found in tab 13 of exhibit 4-2. I understand that your solicitor typed that statement for you; is that right?
A. Yes.

Q. And he typed it from a document that you had prepared yourself?
A. Yes.

Q. Which is similar, but without some typographical errors that he introduced; is that correct?
A. That's correct.

MS FURNESS: If a copy of that document, which is tab 13, can be provided to those with leave, and I invite Ms Isaacs to read that statement.

THE CHAIR: Has it been provided to those with leave?

MS FURNESS: I think it has been provided. Some of those with a particular interest have received it and others will receive it now.

THE CHAIR: Before we read it, can we make sure they have it.

MS FURNESS: It replaces tab 13.

THE CHAIR: I have other copies here. Do you need those to distribute?

MS FURNESS: Perhaps those who don't have a copy and wish a copy can indicate, and Ms Fletcher can provide a copy.

THE CHAIR: Tab 13 is different.
MS FURNESS: It's different but very similar.

THE CHAIR: Is it?

MS FURNESS: Yes.

THE CHAIR: Very well.

MS FURNESS: Thank you, your Honour.

THE WITNESS: Thank you.

"The following are examples of the abuse suffered at the hands of Father Francis Edward Derriman in 1967 and 1968 while he was a Catholic priest at Sacred Heart Parish, Sandgate and I was a 14/15-year-old schoolgirl.

Psychological abuse through: changing my name to Junkie Brown; being made part of a new 'family' that 'belonged' to him so that my own family ties would be weakened; using special symbolic references and words that reinforced the fact that I 'belonged' to him; by corresponding with me through letters left in my school desk so that he maintained 'control' even when physical access was not possible; informing my mother that I was mentally ill so that I would not be believed when I disclosed his abuse; informing my friends that I was mentally ill so that my peer relationships would be weakened; using manipulative tactics so that I would assist him (unwittingly) in bringing another girl student into his influence (this girl I later learned was also sexually abused by him and became pregnant to him); taking me into isolated and unsafe places so that he could molest me; depriving me of my liberty and locking me in his car; 'stalking' me when I tried to break away from his control; celebrating the date (25 June) which is the birth date of the baby who is the ANTI-CHRIST in the book Rosemary's Baby; repeatedly telling me I was frigid when I rejected his sexual advances; telling me that I was unworthy and could not be trusted because I did not want to have sex with him.

Emotional abuse through: using a fake terminal illness to maintain emotional control; acting out 'dying scenes' in front of me; using emotional blackmail to attempt to gain sexual favours, eg, 'I need to have sex
with a woman before I die'. 'If you don't have sex with
me, I'll kill myself and you will know always that it was
your fault'; telling me he would be going to hospital and
I would never see him again; telling me that I must keep
his serious illness a secret from everybody; being told
I was loved yet at the same time being threatened and
abused; being told that if I loved God, it would be okay to
have sex with him because he was God's representative.

Sexual abuse through: exposing me to inappropriate
sexual discussion; exposing me to the contents of the book
Lolita to 'soften me up' for sexual contact; writing
letters with strong sexual overtones to me at school;
indulging in sexual discussion in the confessional;
referring to others (nuns) in a sexual manner; having me
come to the presbytery to pack his underpants into
a suitcase before he went to hospital; stroking my face or
putting his finger in my mouth when I received Holy
Communion; direct sexual contact (this occurred in a number
of places, my home, my bedroom, his car and the presbytery)
(subsequently two of three charges of indecent assault were
proven in a court of law).

Further damage was done through the church's
inappropriate dealings with me at the time and their
inaction in light of the many complaints:

When I asked to see Father Doyle at the time of the
offences, he commented about the inappropriateness of my
going to Holy Communion while all this had been happening.
He also commented that it was time that I went to find
someone of my own age.

My future husband and two friends, whose sister was
also being abused by Derriman went to see Father Doyle also
a short time later. The persons mentioned above also went
to Archbishop O'Donnell, who was overheard commenting to
his secretary, Francis Douglas, 'Well, he's at it again!'

My future husband again reported the offences in 1969
to Father Brian Fleming who was at St Leo's College,
St Lucia campus, and was told, 'Well, these things happen!'

A friend's mother made two personal complaints direct
to Archbishop O'Donnell at the time about the
inappropriateness of Derriman's dealings with her own
daughter.
MS FURNESS: Thank you, Ms Isaacs. That document is part of the tender already, your Honour.

Q. Do you still have your statement with you?
A. Yes, I do.

Q. Can I just ask you to turn to paragraph 18.
A. Yes.

Q. Do you have that?
A. I have that.

Q. Do you see in paragraph 18 you refer to a telephone conversation with Ken Robertson --
A. That's correct.

Q. -- where he told you to obtain a lawyer. Now, at the time of that telephone call, had you indeed obtained a lawyer?
A. This was referenced to the first telephone call I made in January, and in that first telephone call I had not wanted to bring a lawyer. I hadn't even thought about it. I had thought that my husband would come with me to the Towards Healing facilitation meeting. But subsequent to what he said, I decided that I should take a lawyer.

Q. I think you first met with the lawyer on 12 February 1999; is that correct?
A. That's correct.

Q. How did you decide to use Mr Deed as your lawyer?
A. I had heard of him from a friend and that friend was also one of the people who was abused by Frank Derriman.

Q. And that friend recommended that you use Mr Deed for the purposes of the Towards Healing facilitation?
A. She and her brother had made contact with someone called John Warner, and he suggested Peter Deed.

Q. And you organised Peter Deed on the basis of, firstly, their recommendation and, secondly, the discussion you had with Mr Robertson; is that correct?
A. That's correct.

Q. If I can ask you to turn to paragraph 22 of your statement, you refer there to a letter from Mr Robertson
that summarised who would be involved in the process.
A. Yes.

Q. Do you see that?
A. Yes.

Q. Then you produce a letter, which is now tab 17 of the
tender bundle. If that could perhaps be put on the screen.
Do you see that?
A. Yes.

Q. That's the letter that you were referring to?
A. Yes, that's the letter.

Q. And that refers to those who will be in attendance; do
you see that?
A. That's right.

Q. And there is a reference to a facilitator,
Ms Bernadette Rogers?
A. Yes, I see that.

Q. Had you been asked, prior to receiving this letter,
whether you agreed to Ms Rogers being the facilitator?
A. No. From memory, I was just told that Ms Bernadette
Rogers would be the facilitator.

Q. Were you told in this letter or prior to receiving
this letter?
A. I am not sure, but I think I just got it with the
letter.

Q. You referred earlier to deeds that you were given in
draft form as part of the negotiation of the settlement.
Do you remember that?
A. I do.

Q. I'd like to take you to those two deeds. Again,
they're in the tender bundle. The first draft I want to
take you to can be found behind tab 121, and that will come
up on the screen.
A. Yes.

Q. Do you see that document?
A. I can.

Q. That's the document you signed, and if we scroll down
to page 0079 at the top, you will see your signature there, Ms Isaacs?
A. Yes, that looks like the one.

Q. Now, this is the first draft you received, is it not?
A. It is, but without the changes that I had first requested when I saw the first draft.

Q. So if we can turn back to page 0077, where clause 7 appears at the foot of that page, do you see the clause there?
A. Clause 7?

Q. Yes.
A. I can see it, yes.

Q. That clause is that you would:

Agree the terms of settlement are to remain strictly confidential and are not to be made known publicly or to third parties except for the purposes of enforcing the terms of the settlement. If asked by any third party about the matter, the parties are at liberty to disclose only that "the dispute has been resolved and the terms are to remain confidential" or words to that effect. The requirement for confidentiality extends to the Releasor's lawyers or other agents.

Then if we can turn to the next page, do you see it goes over to clause 8?
A. Yes.

Q. In which you agree:

... not to make (or cause to be made) disparaging remarks or comments about the Releasees (or any one of them) in relation to the subject matter of the Proceedings or this settlement ...

A. Yes.

Q. Was that the clause that you had some issue with initially?
A. Yes, I did. When I was initially given the first
draft, I particularly took exception to the words
"disparaging remarks". After what I'd been through in the
two years, two and a half years, there wasn't a lot left
that was nice to say about the church, so it really left me
in a position where I couldn't say anything. So I had
wanted that taken out, and just put "untrue".

Q. And you conveyed that wish to your lawyer?
A. I did, with the first document.

Q. Do you know whether he conveyed it to those acting for
the church?
A. I'm not sure whether he did, but when I was presented
with the first deed, it was quite clearly told to both of
us that it was a draft and it hadn't been sanctioned or
approved of by their client. So before I knew anything
else that this had been, the changes had been, taken to the
church's lawyers, we were given a second draft, and they
said the first draft was not accepted by their clients.

Q. That's what you were told?
A. Yes, that's what I was told.

Q. If we can turn, then, to the second draft, which is
behind tab 105 of the tender bundle, if we can have that on
the screen. If we can turn to clause 7, which is on
page 0049, do you see clause 7 remains the same or close to
the same as the first draft?
A. Yes.

Q. And clause 8, the next clause, is the same or similar
to the first?
A. Yes, that's correct.

Q. Then if we scroll down to clause 9, you see clause 9
says:

Notwithstanding the confidentiality
requirements of [the two previous clauses]
you shall be at liberty to make
confidential disclosure of any sexual abuse
issues and/or any consequential matters
arising therefrom which are the subject of
confidentiality under this release,
discharge and indemnity, for:-
(a) genuine therapeutic treatment purposes;
and/or
(b) if ... compelled ...

Do you see that?
A. I do see that.

Q. What was it about that clause that you had an issue with?
A. Well, it was my understanding that that prevented me from ever talking about any of the sexual abuse issues or any matters arising from those issues except for genuine therapeutic purposes or if I was subpoenaed to a court of law and I was compelled to do so. So my understanding was that I could speak to no-one about anything that had happened to me.

Q. And it was on that basis that you rejected the second draft?
A. I would never, ever sign a document like that.

THE CHAIR: Ms Furness, clause 10 - its terms would operate to reinforce that, a concession of a power to injunct.

MS FURNESS: Yes, and clause 10, I think your Honour will find, is in the same form or similar form to the first draft.

THE CHAIR: Yes.

MS FURNESS: Q. You received recently, I understand, Ms Isaacs, a letter from the Archbishop of Brisbane - that is, the current Archbishop of Brisbane, Archbishop Coleridge; that's right?
A. That's correct.

Q. And you wanted to say something about that letter?
A. Yes.

MS FURNESS: Copies of that letter have been distributed, I understand.

THE CHAIR: Well, I'm not sure about that. I have many copies in my hand at the moment. If anyone is requiring a copy, there are multiple copies.
Q. The letter is dated 5 December 2013. When did you receive it?
A. I received it last Friday.

Q. Would you like to read the letter for us?
A. Yes, I would.

Dear Mrs Isaacs,

In preparing for the Royal Commission, I have read your own statement about your experience of Towards Healing.

I very much regret your experience of the process was not positive.

One of the issues you raise in your statement concerns the nature and effect of the confidentiality clauses (clauses 7 and 8) contained in the deed of release which you were required to sign when your financial settlement was agreed in 2001.

I am disappointed that the clauses were considered necessary at that time. In my view they should not have been included. Therefore, I want to let you know now that the Archdiocese of Brisbane no longer requires you to observe the requirements of those clauses.

I can only hope that this belated gesture will assist you to move further on the path to peace and healing.

With every good wish, I am

Yours sincerely,

Archbishop of Brisbane.

Q. What do you want to say about the letter?
A. Too little, too late. I was waiting and waiting, and I heard the opening address from the church this morning about how sorry they were for everything that happened, and I went back to my letter and I couldn't find "sorry" anywhere.
I believe that I signed my deed of release under duress. I was silenced for the last 12 years. It has been so difficult to live like that. I believe when I actually signed it that the bishops conference had already talked about these silence clauses should not be included.

I also know that when the Royal Commission started, this was one of the reasons that I needed to stand up - because I needed to be free of these chains before I died, and I found out from you that you negotiated with the church to release people from silences, anyway.

In spite of this, if I hadn't received this lovely letter that said he was releasing me from it, I would still be here today. There's a time in your life when you have to stand up for what is right, and the time for me is now.

MS FURNESS: Thank you, Mrs Isaacs. I have nothing further.

THE CHAIR: Does anyone have any questions?

MR GRAY: I have no questions.

MS RANDAZZO: No questions, your Honour.

THE CHAIR: Very well. Thank you for coming. You may step down. You are now excused.

THE WITNESS WITHDREW

THE CHAIR: Yes, Ms Furness. Do we need to mark the letter separately as an exhibit?

MS FURNESS: I'll tender the letter, your Honour.

THE CHAIR: Exhibit 4-4.

EXHIBIT #4-4 LETTER TO MRS ISAACS FROM ARCHBISHOP OF BRISBANE, DATED 5/12/2013

MS FURNESS: Your Honour, I call Dr Kenneth Robertson.
<KENNETH PATRICK ROBERTSON, sworn: [2.35pm]

<EXAMINATION BY MS FURNESS:

MS FURNESS: Q. Would you tell the Royal Commission your full name, address and occupation?
A. My full name is Kenneth Patrick Robertson. I am retired.

Q. Dr Robertson, you prepared a witness statement in relation to this matter dated 15 November 2013?
A. I did.

Q. Do you have a copy of that statement with you?
A. I do.

Q. Are the contents of that statement true and correct?
A. To my understanding, they are.

MS FURNESS: I tender that statement.

THE CHAIR: Yes, that will become exhibit 4-5.

EXHIBIT #4-5 STATEMENT OF KENNETH PATRICK ROBERTSON, DATED 15/11/2013

MS FURNESS: Q. Dr Robertson, you were the inaugural director of professional standards for the Catholic Church in Queensland from its commencement - that is, the commencement of Towards Healing - until June 2003?
A. That's correct.

Q. When you were first asked to undertake that role, were you given any information about the intent and purpose of Towards Healing in addition to the documents which comprised it?
A. I can't remember that I did get any information other than the document.

Q. Did you yourself undertake any researches into the area of sexual abuse in the clergy to help you understand the role you were taking on?
A. No.

Q. Did you ask for anyone to provide you with any such researches?
A. No.
Q. Were you provided with any training as to how to perform the position of director?
A. I was as I went along performing the function, but not before I took over the job.

Q. There was no-one in the job, as it were, when you began?
A. That's correct.

Q. So other than the processes and principles set out in Towards Healing, is it fair to say that you developed your own practices?
A. That's correct.

Q. You say in paragraph 18 of your statement that you identify one weakness, in your view, and that is that there was little attention given to training of directors. Do you see that?
A. I see that, yes.

Q. What were you referring to in relation to training in that regard - training in what areas?
A. Training in the areas you just asked the question.

Q. Research?
A. Research into sexual abuse, the statistics of sexual abuse, the grooming of sexual abuse - those types of particular things.

Q. Was that information that you've subsequently acquired either through your work with Towards Healing or in other means?
A. I picked it up piecemeal, I would say. I had no great knowledge of the background of, for instance, the grooming aspect. I had no great knowledge about that aspect.

Q. When you began in the position, were you told what sort of data you should keep?
A. No, I wasn't told.

Q. What data did you decide to keep?
A. I decided to keep - I had a background of administration. I decided that I would set up a filing system and keep the data that would relate to the particular case I was handling. However, I found as I went along that it wasn't only the letters I wrote or the
letters that came in to me; many of the discussions were by phone, and that's where I didn't keep a lot of data.

Q. So you kept the correspondence to and from and the documents attached to that correspondence?
A. I would have, 90 per cent of the time. Some may have got away.

Q. But you didn't routinely make file notes of your telephone discussions?
A. I did make file notes of a lot of my telephone discussions, yes.

Q. But perhaps not all of them?
A. Perhaps not all, that's quite correct.

Q. In relation to the outcomes of the cases that you dealt with, did you keep data about those matters?
A. Yes. I kept data in relation to - my role was to implement the Towards Healing process, and I kept data to indicate that I did implement it or why I didn't implement it. That was basically the criterion on which I kept the data.

Q. So when you say "did or didn't implement it", when you didn't implement it, what were the types of cases that you didn't implement?
A. For instance, I would get some contacts by phone and I would talk to the person by phone. I met several people also. And if they decided that they didn't want to go on with it after I explained what the process was, and that, I probably didn't keep any data on that.

Q. So when you say "didn't implement it", that was not of your choosing; that was the choice of the person who had contacted you?
A. I didn't make the choice whether a person was going to - whether I was going to implement. That was done by the contact report or by the mere fact that it was sexual abuse and the person wanted to come, wanted to go through Towards Healing.

Q. Did you keep records of the outcomes of the cases that indeed went through Towards Healing?
A. See, we're talking about 15 years ago, and that, and my memory isn't - my memory isn't good enough to remember exactly what I kept, or how much I kept, but I would have
probably kept the outcome of most of the cases.

Q. By "outcome", are you referring to the amount of money paid?
A. I had nothing to do - the Towards Healing in my day didn't talk about - there was no mention of compensation or reparation, and that, so there was no purpose in my - well, I didn't know the amount of money that was being paid.

Q. So in terms of outcome, what was the outcome that you would have recorded, if it wasn't the money?
A. The outcome that I would have - the final part of the outcome that I would have recorded would have been the result of the facilitation, and that's where I would have stopped.

Q. What would the result of the facilitation be if it didn't include the payment of money?
A. Well, from my point of view, the main aspect of the facilitation - the main aspect of the whole process was looking at, I suppose, the pastoral care aspect of the person that came through. My criteria was that it wasn't the actual story; it went beyond - below - beyond that, it went to how the person was affected by what happened to them. So - I think I've probably said enough.

Q. I'm seeking to understand what outcome it was that you recorded on those occasions when you recorded an outcome?
A. Okay. I would have recorded such outcomes relating to the pastoral care, probably the amount of counselling that was approved. It went on - if compensation had been mentioned, I would have probably looked and said, "Well, it's gone lawyer to lawyer", and that's where I would have stopped there. The church apology would have been recorded, an apology from the particular person who was making the apology. Other than that, that's where it would have stopped.

Q. You were in that position for about six years?
A. I was.

Q. And during that time there was a review of Towards Healing, was there not?
A. There was, yes, by Patrick Parkinson.

Q. And the result of that review, you're aware, aren't you, is that in December 2000 there was reference to

Transcript produced by Merrill Corporation
reparation in the Towards Healing document?
A. Yes, that was one of the changes in the new - in the December 2000 protocol.

Q. From your recollection of those six years, after that change in 2000 - and that is between 2000 and 2003 - did you notice any differences in the sorts of outcomes you were recording then as to the ones you recorded in 1997 to 2003?
A. It's a strange answer I'm going to give - yes and no. Yes, in this sense, that I think after that, or even prior to that, I had a much more - there was much more emphasis on the particular victim, on what was going to happen to the victim. Can we rebuild the devastation that sexual abuse has on victims? What can we do? So I would say that, yes - and I've lost the question again, sorry.

Q. I was comparing the first three years, which was during the original version of Towards Healing, and your second three-year period, which was after the December 2000 amendments came into effect.
A. Okay.

Q. And asking you whether you noticed any change in the outcomes that you were recording?
A. I don't know whether I did. If there were changes in the outcomes, it was because there were changes in me, and I think there were changes in me. I'd become much more sensitised to the hurt of victims. Does that answer your question?

Q. If that's the answer you wish to give me, Dr Robertson, it answers my question.
A. Thank you.

Q. There was a consultative panel in place at some time during your rein; is that right?
A. No, we didn't have a consultative panel. We had the resource group. The Professional Standards Resource Group was the closest we had to that.

Q. You were a member of that group, were you?
A. I was the chairman of that group.

Q. How did you use that group?
A. The group itself was made up of people who had a background in law, people who had a background of
counselling, people who had different and various backgrounds, and that, and they were distributed right across the State - Cairns, Rockhampton and so forth. The resource group I used when I would have - well, for a start, the resource group met probably five or six times a year, and that, and it met for a full day. With that resource group, the cases that would come in and I was dealing with, we wouldn't use the actual names. We might use probably an initial, or something like that, but I would discuss particular aspects of the case, getting some information from, as I say, the people who had a background in counselling, people who had a background in law, and that type of thing. So, as well as that, some of the resource groups became contact people in their particular area.

Q. The information and advice that you received from the members of that group - how did you use that in your role as director in respect of individual victims?
A. It was, for instance - let me think for a moment. How did I use that?

Q. Mmm.
A. Well, I would use it - I'd have the questions, I'd take it there and I'd ask a question. At that particular time, I'd ask the question for a particular purpose, and probably I would want a discussion also on it. And out of that discussion, among the resource group, I would come up and say, "Well, look, I think we would go this way. What do you think?" Or, "We should do this. What do you think?" That's the way it sort of worked.

Q. You refer in paragraph 18 of your statement to your observation that the various directors and church authorities operated differently from each other in various ways. Was that a matter discussed at the resource group?
A. Not particularly. It would have been mentioned, I'm sure, because the convenors and the directors from all the States met twice a year, and during that time one of the most valuable aspects of that meeting was the discussion we'd have among ourselves. Now I've lost your question again. I'm sorry about this.

Q. You've identified your observation, at paragraph 18, that various directors and church authorities operated differently from each other in various ways.
A. Yes.
Q. If perhaps that paragraph can come up on the screen, that observation is part of a sentence describing the weakness, in your view, that there was little attention given to training.
A. Right.

Q. Is it the case that you also saw as a weakness the observation of difference? Do you see that in paragraph 18?
A. However, one weakness in my view was that there was little attention given to training of directors, and I also observed that the various directors and Church Authorities operated differently from each other in various ways.

And your question on that again is?

Q. Did you also consider that that observation was a weakness in the operation of Towards Healing in your time?
A. Yes, probably I did, but also the aspect of acting differently is the flexibility that is required in the Towards Healing so that we could go the direction that would be focused more on the needs of the victim. So the differences, to a certain extent, were necessary. Sometimes the differences I considered - and I can't even tell you one, if you're going to ask for an example now; I can't remember - there shouldn't have been differences.

Q. Those cases where you considered there shouldn't have been differences, and this is necessarily after the fact, what did you do to seek to bring about a change to that?
A. I would express an opinion in the forum, and I can remember one particular situation where I spoke at length on the contact people, the role of the contact people, and at that particular stage, as far as I can remember, I was focusing on the contact people also being the support person for the victim. And that was one that there was some sort of - quite a deal of discussion on.

Q. Did that change bring about more consistency in the way that complainants, even given their individual circumstances, were treated?
A. I think the consistency - there was some consistency
brought by those statements in the early part of Towards Healing, certainly probably in the first 12 months or 18 months, because we were all new at the game.

Q. When you first dealt with Joan Isaacs, the original or 1996 version of Towards Healing was in operation, was it not?
A. Well, I didn't become director until the Towards Healing came in, so I wouldn't have dealt with Joan Isaacs until the Towards Healing came in.

Q. You first dealt with Ms Isaacs in 1999, didn't you?
A. In 1999, that's correct.

Q. And in 1999 the version of Towards Healing that was in effect was the 1996 one, was it not?
A. That's correct. Well - yes, that's correct.

Q. The amendments were made in December 2000?
A. Yes.

Q. Subsequent to the 1996 version that you originally dealt with when you dealt with Mrs Isaacs?
A. Right.

Q. Perhaps if we could have that on the screen, that can be found behind tab E of exhibit 4-1. You'd be familiar with this document, Dr Robertson, I take it - the 1996 version of Towards Healing?
A. I was very familiar with it; 15 years away from it has lost some of the exactness I would have had then.

Q. Can I ask you to have a look at page 0112, which is page 4 of the hard copy, "Healing for the victims".
A. Will it come up on the screen? Thank you.

Q. It might be easier to look at that - it's in tab E of that volume. For those looking on the screen, paragraph 15 is the first paragraph I wish to draw your attention to. Tab E is what you're looking for.
A. I've got tab E.

Q. If you turn to page 4, which is the page number at the bottom right-hand corner?
A. I have that.

Q. Do you see that?
A. Yes.

Q. And do you see that paragraph 15 refers to:

A compassionate response to the victim must be the first priority in all cases of abuse.

Do you see that?
A. I see that, yes.

Q. That would have been your understanding throughout the time that you were working as convenor and then director, that that was what was required?
A. Yes, that was definitely my understanding. It has always been my understanding.

Q. Then if you could turn down to paragraph 17, if we could scroll to that on the screen, there is reference there to:

Whenever it is established, either by admission or by proof, that sexual abuse did in fact take place, the Church authority shall immediately enter into dialogue with victims concerning their needs and ensure they are given such assistance as is demanded by justice and compassion.

Do you see that - paragraph 17?
A. 17, yes.

Q. And you were conscious that that paragraph and those principles applied to the work you did; that's right?
A. I'm quite unsure. I'll just go through it again, if you don't mind.

Q. The key principle, can I suggest, is that such assistance as is demanded by justice and compassion is to be ensured, but don't let me stop you from reading the paragraph again, doctor.
A. Yes, I've read it. The question, if you don't mind, please?

Q. You were aware, were you not, that the sentiments contained in paragraph 17 applied to the work you were
doing as a director or convenor?
A. Very much so.

THE CHAIR: Q. Doctor, I have the impression that your knowledge of the impact upon victims increased as you went about your work; is that correct?
A. That is correct.

Q. I assume that you came to learn fairly quickly of the impact upon the psyche and psychological well-being of victims, did you?
A. I certainly did.

Q. Did you come to learn of the need that some people who suffer in that way have for very significant counselling or other psychiatric assistance?
A. Yes.

Q. Did you come to appreciate quickly that many people would need far more than ten episodes of counselling if they were to have their problems adequately addressed?
A. I would have, yes.

Q. When you came to apply the words that Ms Furness has just taken you to, in terms of the need for a person to have assistance as is demanded by justice and compassion, did you understand that that meant that the church would be required to meet the obligation for counselling, whatever that person's true need might be?
A. Yes, certainly.

Q. And that might be far more than ten episodes; would that be right?
A. Yes.

Q. It might be lifelong?
A. It could be lifelong, yes, I agree with that.

Q. Did you recognise that when you were doing your work?
A. I did recognise that.

Q. Was that accepted by those who were involved in the processes of administering Towards Healing under your supervision?
A. I don't think it was always accepted. I think they got around it this way, by giving - approving ten sessions and then asking for a review and approving another ten
sessions, a review, ten sessions. That's the pattern that
developed.

Q. Secondly, I assume you came to learn fairly quickly
that because of the impact upon some people, their
employment prospects would either be impaired or entirely
taken away because of the illness which they acquired; did
you understand that?
A. I understood that.

Q. Now, what did you then do to make sure that, in
justice and compassion, people who suffered in that way
were given a just outcome?
A. Under the pastoral care aspect of the Towards Healing,
I would have recommended counselling, I would have looked
at the necessity of getting a genuine apology or anything
else that the victim asked for at that particular stage.
As far as any other reparation, and that, I wouldn't have
gone much further than the counselling.

Q. Do you accept that if a person's employment prospects
were entirely taken away by reason of the impact of the
abuse, the church, if it was to be just and compassionate,
had to do something about repairing that situation for that
person?
A. I would have accepted it then and I accept it now,
yes.

Q. Well, what did you do to try and make sure that
happened?
A. I recommended counselling and I would have assumed
that as the counselling, the ten sessions, came to an end,
more counselling would come on, and surely in the
counselling process somewhere along the line, there would
have been some statement by the counsellor that, "This
person is unable to maintain a job or a position", and then
I would hope at that particular stage that any reparation
that was suggested would have come to fruition.

Q. Reparation in the sense of replacement of the loss in
money terms that that person had suffered?
A. Yes, reparation in all terms.

Q. I'm particularly interested at the moment to talk
about those people who lose their opportunity of
employment.
A. Yes.
Q. Do you understand that in many other situations in life, those who are responsible for taking that opportunity away have to pay a redress or what the law would call damages? Do you understand that?
A. I do.

Q. Well, what did you see as the just approach by the church to someone who lost their opportunity of employment by reason of the abuse they suffered?
A. That they would have had to give some form of compensation because of it.

Q. Did you understand, when you were doing this work, that for many children who are abused while they're still school children, their education is either severely truncated or, in fact, almost destroyed by the abuse that might happen to them?
A. I certainly understood that.

Q. And you understood, therefore, that those people would have their employment opportunities, apart from their other development in life, severely compromised by what happened to them when they were a child?
A. Yes.

Q. What did you do or say to those who you were working with as to the just approach in dealing, under the Towards Healing process, with such a person?
A. I have difficulty answering that because, in my role, I would have discussed the situation as it was then, and that. Now, as that was discussed, I would certainly have inferred [sic] to the fact, now, when does this finish; does it go on indefinitely? If I had the understanding that this person wasn't going to be able to work, I would have said there would have to be some reparation for that.

Q. You spoke before of your objective being to meet, your words, "the needs of the victim".
A. Yes.

Q. Did you see one of the needs of some victims to be a recompense for their loss of employment opportunity?
A. I don't know whether I saw that farsighted, but I would have understood that, yes, it could occur. Whether I said that or not I'm not sure.
THE CHAIR: Yes. Yes, Ms Furness.

MS FURNESS: Q. Continuing back to the Towards Healing protocol that was in place at the time that you were dealing with Mrs Isaacs, can we have page 0121 on the screen, and that's page 13 of the hard copy document in front of you, doctor.

A. Is this E still?

Q. That's still tab E.

A. Yes.

Q. You're familiar generally with that section 7 on outcomes relating to the complainant and/or the victim?

A. Right.

Q. Are you reading it to yourself, doctor, are you?

A. I am. Do you want me to read it aloud?

Q. No. I want to direct your attention specifically, if I can, to paragraph 7.2:

In the event of proven guilt, whether through admission ... or a finding of a civil court or through a Church assessment, the Church authority and the victim shall mutually agree on a Facilitator from the approved panel.

Do you see that?

A. Yes, I do.

Q. In 1999, you had an approved panel, I take it?

A. I would have - I did, yes.

Q. And on that approved panel were names of facilitators that the church would have been content to use as facilitators?

A. That's correct.

Q. The paragraph then continues to what the facilitator shall then do, do you see that, in 7.2.1 and following?

A. Yes.

Q. The work of the facilitator was separate from your work as convenor or director, was it not?

A. That's correct.
Q. Your job, if I can put it in these terms, was to receive the complaint; if necessary organise a contact person to meet with the complainant; and obtain the complaint in writing, if it wasn't already in writing; carry out an assessment with the assistance of the church authority; and then, if all of those matters pointed to it proceeding to a facilitation, the facilitator would then handle that part of the process? Is that a summary?
A. That is correct, yes.

Q. With that in mind, and turning to Joan Isaacs' experience, from your statement you accept, I believe, that she first telephoned you in January 1999, and while you don't have any recollection of that call, you don't doubt that it took place?
A. I don't, no. She would have.

Q. And then on 12 February 1999 she sent you a letter, which was exhibited to her statement. I'm at paragraph 27 of your statement now, doctor.
A. Right. Yes.

Q. That's correct?
A. That's correct.

Q. At that stage, February 1999, she told you that Father Francis Derriman, who had abused her, had been convicted?
A. Yes.

Q. Now, were you aware of Father Derriman's conviction prior to Mrs Isaacs telling you of it?
A. No.

Q. No?
A. No, I hadn't even heard of Father Derriman.

Q. There was a deal of publicity, I'm told, in the Queensland papers at the time of Father Derriman's conviction. That didn't come to your attention?
A. It possibly did, but it didn't register a lot.

Q. So when --
A. I'm talking about, this was before I - it would have come in the paper prior to getting contact from Joan Isaacs. Now, if it had come in the paper and Derriman...
was mentioned, it didn't mean anything to me. Had it appeared in the paper after the letter or the phone call, it would have meant a lot to me.

Q. Well, leaving aside the letter and the phone call for the moment, can I suggest that, as a director of professional standards for the office of Queensland, had there been anything in the paper about a priest convicted of child sexual abuse charges, you would have been extremely alert?
A. Yes, I would have read it, and that, and at the time I probably did, probably read it, and I was probably alert to the name, but I can't - I can't remember the feelings I had when I read about Derriman.

Q. Let's leave aside your feelings for the moment, Dr Robertson. What were your obligations in respect of priests when it became known to the church that they had been convicted of child sexual abuse and were practising as a priest, that is, without having had their faculties removed?
A. My obligation would have been to - if I knew where the priest was, my obligation would have been to discuss it with the particular church authority.

Q. To what end?
A. To the end, "Where is he now? What's he doing now? Is he in charge of children?" Or something to that effect.

Q. So you understood that to be your obligation?
A. It would have been my obligation.

Q. And you weren't aware of Father Derriman having been convicted prior to Joan Isaacs writing to you and telling you of that fact?
A. No, I don't think I was. Let me correct - put it this way. Had I seen anything in the Courier-Mail or one of the papers about a priest, Father Derriman, I would have - it would have gone into my memory to a certain extent. I don't think - I wouldn't have followed it through at that stage.

Now, when Joan Isaacs contacted me and the name came up, and that, perhaps it did register again, but at that stage I was going to get the documentation from her.

Q. Am I correct in understanding your evidence that you
now recall that you were not aware - it did not come to
your attention through whatever means - that
Father Derriman had been convicted of child sexual assault
or indecent assault prior to Joan Isaacs writing to you; is
that right?
A. Well, I don't know, to be honest. It goes back a long
time, and that. What you said before, if it were a priest
there, it would have registered, and that. But when
Joan Isaacs put in her complaint, I would have become
particularly interested in Derriman.

Q. After Joan Isaacs put in her complaint, what did you
do with the information you then had that Father Derriman
had been convicted?
A. When she put in her complaint, I think at that
particular stage is what I said before, when she put in her
complaint, I can't remember whether she mentioned
Father Derriman. I think she would have, certainly in the
phone call, and that, but I can't remember the phone call.
But in the letter itself, on the 12th - and could I have
that letter?

Q. Yes. If we can have tab 10. It's not a very good
copy, unfortunately, doctor, but do you have the hard copy
in front of you now?
A. I have - what document would it be under?

Q. Were you just provided with a document?
A. Wait on, I've got this one in front of me, at any
rate. I can read it.

Q. Perhaps if I could just ask that correct tab be put in
front of the witness. It would be easier just to give the
witness the document. It's up on the screen now, doctor.
A. Yes, I can see it on the screen.

Q. Are you comfortable reading it on the screen?
A. I can read it on the screen, yes, thanks. I think
I can read it better on the screen than on this.

Q. Do you see that's a letter addressed to you from
Joan Isaacs dated 12 February 1999?
A. Yes.

Q. And it refers to her having been a complainant in the
trial against Francis Edward Derriman?
A. Right.
Q. And that he was subsequently convicted and gaoléed for indecent dealings against her. Do you see that?
A. I see that.

Q. So you were told of his name and the fact that there had been a conviction. Do you see that?
A. Yes.

Q. Now, can you tell the Royal Commission what you did in respect of that knowledge that there was a priest who had been convicted, as you were aware from that letter, of indecent dealings, when you received it in February 1999?
A. I would have sent a copy of that letter to the bishop, but that wasn't until ten days later or so.

Q. In respect of your obligation, as you've described it in evidence, as to what action you should take when such a matter came to your attention, did you have discussions with the bishop about what should be done in respect of Father Derriman?
A. I can't remember having discussions with the bishop on that particular - at that particular time, but from my past practices, I would have had some discussions. I would have said, "Well, where's Derriman now?", or something to that effect.

Q. Would you have made a note of those discussions with the bishop about, "Where's Derriman now?"
A. Not necessarily.

Q. It would have been an important thing to record, wouldn't it, doctor?
A. Well, yes, it would have been, but I don't know - I didn't - from what evidence I have now in front of me, I didn't make a note of it.

Q. But do you now have a recollection of having spoken to the bishop about Father Derriman?
A. No.

Q. Is it the case that you don't know one way or the other whether you spoke to the bishop about Father Derriman?
A. Yes, it could be the case, but I couldn't imagine myself sending this to the bishop and not asking him about Derriman, where Derriman was.
Q. So what do you now recall that you found out, either through the bishop or elsewhere, about what the church was doing about Francis Derriman being a priest when he had been convicted in the circumstances we've heard described?
A. I can't recall anything about Derriman, the discussion with the bishop.

Q. Leaving aside the discussion with the bishop, can you tell the Royal Commission now what, if anything, you learnt during your time from 1999 to 2003 about what happened to Father Derriman, given the conviction?
A. I don't think I learnt much at all, because I can't remember anything about it.

Q. Were there other priests other than Father Derriman that you followed up as director when they had been convicted of indecent assault or something similar in respect of children?
A. Except in conversation with the bishop at the time, I can't - I wouldn't have followed up if I knew about another priest who was convicted; I wouldn't have followed it up - followed that up with a letter. It would have been a conversation with the bishop on it.

Q. Between 1999 and 2003, who did you believe, in the church, had an obligation to take action in respect of a priest who was convicted in similar circumstances to that of Francis Derriman?
A. The church authority.

Q. Who in the church authority?
A. The bishop or the archbishop.

Q. So the bishop or the archbishop, in your mind, was the person responsible for doing anything in respect of a father in this or similar circumstances?
A. Well, I would - if I discussed it with the bishop, it would have been Bishop Gerry, because the archbishop had handed it over to him - with Bishop John Gerry. I'm sorry, the question again, if you don't mind?

Q. The question was in relation to who you believed had responsibility to take any action in respect of a priest in a similar position to Francis Derriman?
A. Right. And I said the bishop or the archbishop.
Q. And your obligation began with advising them, were it to come to your attention; is that right?
A. When you say "my obligation", I would certainly have done it, yes, but I would have assumed that they would have - they would have read the paper or they knew the situation better than I, so it's quite likely I would have discussed it with them, and that's where it was.

Q. The position you held was director of professional standards; that's right?
A. That's correct.

Q. And "professional standards" means the conduct of the clergy, among other things?
A. The professional standards certainly involved the conduct of the clergy in the abuse issues.

Q. And your role in relation to the matters we've been discussing concerning Francis Derriman was limited, as you've said, to either raising it or not with the bishop, because probably they would know more about it than you would; is that right?
A. That's correct, unless - I would have become much more involved had the particular priest been convicted through a case that Towards Healing held that I was dealing with.

Q. So in your mind, you confined your role to dealing with priests through the Towards Healing process?
A. That's correct.

Q. Of course, we know that Father Derriman was indeed a priest who came to your attention through the Towards Healing process?
A. He did.

Q. But you can't tell us of anything you did or anyone else did in relation to Father Derriman after it came to your attention through his involvement in the Towards Healing process?
A. I can only say - I can't remember it, but I can only say that I would have discussed that with the bishop once it became part - certainly once it became part of this case.

Q. And I think you accepted there's no note of that discussion?
A. No, there's no note.
Q. Just turning back to Joan Isaacs, you have seen the letter that she wrote to you, which is currently on the screen. Do you see in the third paragraph of that letter, and I'll read it because it's not clear:

In spite of being informed about Derriman's activities at the time, the Catholic Church made no attempt to help me as a victim. Archbishop Bathersby in a media statement released on 19 October 1998 stated that the needs of victims are "a priority". No attempt has been made by the current Church hierarchy to either contact me or to assist me since my trial in December.

Do you see that?
A. I see that, yes.

Q. This is, of course, December 1998. Was there anything in place within your directorate about identifying victims from newspaper articles and the like, where there was a trial concerning a priest, and offering pastoral or other care to that person?
A. Not to my knowledge.

Q. Should there have been, doctor?
A. Yes, I think there should have been.

Q. Is there one in place now, as far as you're aware? I appreciate you retired in 2003.
A. I couldn't say. I imagine that with the reprints and that, there could be, but I don't know.

Q. But in the six years that you were in that position, there was nothing in place?
A. There was nothing there, no, nothing --

Q. And you accept there should have been?
A. I think there should have been, yes.

Q. After you received the letter dated 12 February, you spoke to Joan Isaacs and there was an issue at the time that Bishop Gerry had an operation and was unwell; do you recall that?
A. That's correct, yes.
Q. And there was a question about who would attend in his stead if she was not to await his health having recovered to such a stage where he could attend the facilitation?
A. Yes.

Q. Do you now recall the circumstances in which Bishop Gerry's replacement came about?
A. No, I can't recall them, but it would have - it would have come as a result of - I think probably when you say do I now recall how Father Adrian Farrelly took Bishop Gerry's place, I can't even recall what operation Bishop Gerry had.

Q. I'm not asking you to recall that, doctor. Do you recall now why Dr Farrelly was selected?
A. No, I didn't select Dr Farrelly. He was selected. He was put up to replace Bishop Gerry.

Q. So it was a matter for the church authority to decide who would attend; is that right?
A. That's correct.

Q. And you accepted their selection?
A. I did, subject to the victim accepting it.

Q. I think you accept in your statement that it was your practice to inform victims that if they were seeking compensation, they may wish to engage a lawyer, as it was likely that the church would engage a lawyer in such cases?
A. Yes.

Q. That's in paragraph 34. That was your practice at the time?
A. It was my practice, yes.

Q. You knew by that stage, did you not, that, indeed, she was seeking compensation, because she said so in her letter?
A. That's correct, that's right.

Q. So it's likely you said to her, using words that no doubt you can no longer recall, that she should get a lawyer?
A. Yes.

Q. And she indeed did do that, didn't she?
A. Either then or - some time she got a lawyer. I'm not sure of the timeline.
Q. At this time, that is 1999, did you understand that the victim was limited in who she could take to a facilitation; that is, she could only take one person?
A. Think the protocol at that time said they could have one, they could have one support person.

Q. In the event that you had been asked whether her husband, Ian, could come as well as her lawyer, what would you have said?
A. I would have contacted the church authority and said, "I recommend that her husband be allowed to come".

Q. That didn't happen, did it, because you weren't asked?
A. I wasn't - well, I can't remember being asked, but I would have, because I knew her husband, and I knew - he was a principal of a school that I was involved with, and because I knew him and the type of person he was, I would have certainly recommended that he be allowed to come.

THE CHAIR: Q. Why would it have mattered that you knew him? Did you not think that any person was entitled to have their spouse come to a Towards Healing meeting?
A. I'm sorry?

Q. Did you not think that any person was entitled to have their spouse, whether you knew them or not, come with them to a Towards Healing meeting?
A. Yes, I would have thought that the spouse was entitled to come.

Q. Irrespective of whether you knew the spouse?
A. Irrespective of whether I knew him. But what I'm saying is I did know him and I would have certainly gone to - I was trying to reinforce the fact that I would have certainly supported it.

Q. So it's fairly clear that somewhere in the system there was a slip-up for Ms Isaacs?
A. Yes.

MS FURNESS: Q. Well, it was a slip-up that shouldn't have occurred, wasn't it?
A. Well, I don't know whether the slip-up was there or whether the slip-up occurred with just Mrs Isaacs accepting that her husband couldn't come. Well, I don't know who said to her that he couldn't come.
Q. You understand that Mrs Isaacs' evidence is that she now doesn't know how she was told that he couldn't come, but most certainly that was the message that reached her, that he couldn't come?
A. Yes. I don't know who told her that.

Q. No. But if it was somebody associated with the church, it would have been the wrong thing to say, wouldn't it?
A. It would - well, in a situation like that, yes, it would have been the wrong thing to say.

Q. Regardless of whether the protocol said you can only bring one support person, no proper authority looking to mete out justice and compassion would have said to Mrs Isaacs, "You can't bring your husband", would they?
A. That's correct.

Q. Previously we had paragraph 7.2 on the screen. That's the outcomes relating to the complainant and/or the victim. That is tab E that you might still have. If not, it's coming up on the screen now, Dr Robertson. Do you see - I took you to this a moment ago - that in the event of proven guilt the church authority "shall mutually agree on" a facilitator with the victim. Do you see that?
A. I see that, yes.

Q. There is no doubt that there was proven guilt in the case of Father Derriman, is there?
A. That's correct.

Q. It is also the case, is it not, that you chose the facilitator and didn't seek or obtain the agreement of Joan Isaacs to that person?
A. I can't - generally it was my practice to discuss the facilitation to some extent with the victim, and certainly I would have - I would feel that I discussed with her that the facilitator that we're putting up is Mrs Rogers. I would have rung the facilitator, I would have rung Adrian Farrelly, at that time, the church authority, and I would imagine I rang Mrs Isaacs, talking about the facilitation and who was coming. I would have rung her to get what days were available, and that.

Q. You would have rung her to discuss aspects of the facilitation, including availability, wouldn't you?
A. I would have, yes.

Q. Do you accept her evidence that she was not consulted about the identity of the facilitator?
A. I don't want to deny her evidence in any respect, but I find it difficult to understand that I didn't talk to her about it.

Q. There is no note, is there, Dr Robertson, of you having done so?
A. No.

THE CHAIR: Q. Dr Robertson, I appreciate the difficulty you might have in remembering the circumstances of one individual. You must have dealt with many in your time in the job. Is that right?
A. I did, yes.

Q. But do you accept that for a person who has gone through the process, their memory of how they were treated during that process is likely to be deeply embedded?
A. I certainly do.

Q. Does that encourage you to say to Ms Furness that you can accept what Mrs Isaacs has to say?
A. It encourages me, but I find it difficult, in myself, to think that I didn't discuss with her, with Joan Isaacs, the facilitation, because it was so imperative, and I was particular in those areas.

MS FURNESS: Q. You also understand, don't you, Dr Robertson, that Joan Isaacs felt unprepared for going to the facilitation; you understand that from her evidence?
A. I understand that from her - yes.

Q. And that she felt she wasn't provided with sufficient information for her to understand what was going to happen?
A. Yes.

Q. Do you take responsibility for any of that, Dr Robertson?
A. It would have been my responsibility, yes.

Q. And notwithstanding what you believe you said or didn't say to her, you accept that it wasn't such so as to give her the comfort of that understanding?
A. I have difficulty in accepting it, really.
Q. You have difficulty in accepting that?
A. I have difficulty in accepting that I didn't explain the facilitation to her. I think if I could refer you to --

Q. Is this part of your statement, doctor, you wish to refer me to?
A. This is part of my statement, yes.

Q. Certainly. What paragraph would you like me to have regard to?
A. 55, "Reflections".

Q. Yes.
A. Will I read it?

Q. Certainly, if you wish to.
A.

On looking again at my letter dated 1 April 1999, I can understand that Mrs Isaacs might well have understood it as meaning that the whole subject of "compensation" would be fully resolved at the facilitation meeting. On reflection, I should have made it more clear to Mrs Isaacs that whether a monetary payment would be made and if so in what amount would not be able to be resolved at the facilitation meeting.

Now, what I'm saying is that I would have discussed the facilitation meeting with her. Now, to the depth, I'm saying that I would have discussed who was going to do the facilitation and so forth, and so, get the date and who would be there. I could have not - I could have left her not understanding about the compensation. I mightn't have said to her - I might have given her the impression that the compensation issue was going to be solved at the meeting. I don't know. That's what I'm saying there. On reflection, I could have done that.

Q. Can I ask you to look at tab 17, which will be put up on the screen, and perhaps we can give doctor a hard copy of that document. Do you see that, Dr Robertson?
A. Yes.
Q. That's your letter to, "Dear Joan", 1 April 1999?
A. Yes.

Q. Re our telephone conversation concerning a meeting between [her] and Father Adrian Farrelly. The following arrangements have been made ...

Do you see there, in "Attendance", Mr Peter Deed is referred to as "Support Person".
A. Yes.

Q. You knew he was her lawyer, didn't you?
A. I did know.

Q. And Bernadette Rogers is referred to as "Facilitator"?
A. Yes.

Q. And the agenda is set out.
A. That's correct.

Q. "Should relate to the needs set out by the victim"?
A. Yes.

Q. And what is set out there, if I might suggest, doctor, unequivocally, is:

Apology; counselling; compensation.

A. Yes.

Q. There is no doubt, is there, that you understood that compensation was clearly on the agenda, and you told Joan Isaacs that?
A. Yes, that was one of the three aspects she asked for in her letter of the 12th, and that, and I put, "Agenda - Should relate to the needs set out by the victim". Now, the word "relate" there is where the problem seems to have occurred.

Q. When you say a "problem", what's the problem, doctor? The agenda is: "Apology; counselling; compensation", is it not? What else is there on the agenda other than apology, counselling and compensation?
A. Well, could I - you're asking questions about an agenda. There would be lots of other aspects on the
agenda - listening to her story if she wanted to say, quite a few other aspects, but these three were the ones that she asked for in her letter of the 12th that I set down, and that, and what I'm saying is that I used the word "relate" for compensation, apology and counselling, because they had to be discussed and agreement reached on them at the facilitation or the mediation situation.

Q. You knew, when you wrote this letter, which is dated 1 April 1999, that whether a monetary payment would be made and, if so, in what amount would not be dealt with or resolved at the meeting, didn't you?
A. I did know that, yes.

Q. And yet you wrote to her, creating an expectation in her that compensation was on the agenda; isn't that right?
A. Yes.

Q. Why did you do that, doctor?
A. Because I - I used the term probably - I come back to the term "relate", because while I knew that the compensation was asked for and it would be discussed, I didn't want to give the impression that it would be solved, amount and everything.

Q. Well, you did by that very document. That's precisely what you did, isn't it, doctor?
A. If I might say, I didn't say that these would - I used the term "relate". "Relate" in this sense means there will be discussion relating to the apology. Whether it will be agreed on I'm not saying. There will be discussion on counselling. Whether it will be agreed on I'm not saying. There will be discussion on compensation. Whether it will be agreed on I'm not saying. Because that was the - that was the facilitation meeting. I was setting out an agenda for a meeting.

Q. And you expected Mrs Isaacs, who had had the courage to come forward after 30 years, following two committals and a trial where Father Derriman had pleaded not guilty, to read this agenda as being that the word "relate" should talk about something other than what it states on its face, that is, that those three matters were on the agenda to be dealt with? Is that what you're saying?
A. I expected that those three matters, yes, would be on the agenda to be dealt with.
THE CHAIR: Q. Doctor, I understand what you're saying is that you now accept that you framed an agenda which meant that there would be a discussion of those three matters; is that right?
A. That's correct.

Q. A facilitation of such a discussion would normally be understood to be intended, if possible, to reach an agreement about those matters, would it not?
A. It would be, yes.

Q. And I take it, therefore, the assumption you would expect someone receiving such a letter to make would be that the person who was there on the church's behalf would have the authority to reach an agreement through the facilitation process; correct?
A. Not quite correct, I'm sorry.

Q. Why not? What's the point in having a facilitation unless both parties have a capacity, if they can, to agree the outcome?
A. Generally, the facilitations are - there was sort of - put it this way, compensation would be discussed and the agreement would be that the compensation issue would certainly go forward, but it would be at a lawyer-to-lawyer level, not a definitive ending aspect of the compensation.

Q. So this was just a part facilitation; in other words, you never expected the facilitation to reach an agreement, is that right?
A. I didn't expect the facilitation to reach an agreement on the compensation issue; that's correct.

Q. Now, why didn't you tell Mrs Isaacs that?
A. Well, actually, that's what I apologised for in the statement I read in 55.

Q. You apologised in the sense you say you should have told her; is that right?
A. I should have told her that it wouldn't be - that's correct.

THE CHAIR: Very well.

MS FURNESS: Q. In paragraph 45 of your statement, you say it was not your practice at the time to say to victims that the church authority would pay for lawyers to be
present at the facilitation. Do you see that?
A. I see that.

Q. And Towards Healing didn't provide for that to happen. Now, it is the case, isn't it, that Towards Healing, in this edition, was indeed silent on whether that would happen or not; isn't that right?
A. In this edition, it didn't say anything about it, that's correct.

Q. It didn't say anything about it?
A. No.

Q. It didn't say you could do it or you couldn't do it?
A. That's correct.

Q. So it didn't prevent you from making that offer, did it?
A. No, it did not.

Q. However, you say, if a victim asked you whether his or her legal fees might be paid, you'd put it to the church authority?
A. I would.

Q. So you relied upon the assertiveness of a victim to take forward to the church authority a proposal that they pay the fees; is it a proposal or just a comment?
A. No, I would have - if victims - if a victim had said to me, "Will the church authority pay for this?", I would have said, "I will find out for you." In this situation, the victim didn't ask me would the church authority pay for this, and I didn't go ahead. I didn't ask the church authority will they pay for it.

Q. On other occasions when you had had an assertive victim who did ask you, were you ever knocked back by the church authority?
A. I can't remember that. I can't even remember asking the church authority.

Q. You see, Towards Healing, in the 1996 version, said that "the church authority shall bear all ordinary and reasonable expenses of the process of facilitation"; you're aware of that?
A. I am aware of that.
Q. And you interpreted that to mean the cost of the facilitator; that's right?
A. Yes, I did.

Q. And the cost of any contact person or assessor who had been used leading up to the facilitation?
A. That's correct.

Q. And the cost of any hiring of rooms and the like?
A. That's correct.

Q. But it didn't extend to the cost of a lawyer being accompanied by the victim in circumstances where it was your practice to say to a complainant who wanted compensation, "Bring a lawyer"; is that right?
A. That's right in this case.

Q. Do you think that was fair?
A. No. It was unfair.

Q. It was unfair not to have had a discussion with her about the payment of fees?
A. It was, yes.

Q. And it was unfair not to have paid those fees?
A. Yes. I made a mistake.

Q. Now, can I turn to tab 33 of the tender bundle. This is Ms Isaacs' tender bundle. It'll come up on the screen, doctor. This, I take it, is a "with compliments" slip from you. Do you see that?
A. That's my handwriting, yes.

Q. And it's addressed to "Adrian". We can take it, can we, that that's Adrian Farrelly?
A. Yes.

Q. And perhaps you can read for us what you've said?
A. All I've got is this.

Q. Yes. Can you read what your handwriting says, doctor?
A. Adrian,
Many thanks for a delicate job handled well. Regards.

Q. What part of the job was delicate?
A. Every aspect of a facilitation meeting is delicate. You're dealing with two different sides.

Q. So that wasn't specific to Joan Isaacs; that's the sort of message you'd send after any facilitation, is that right?
A. Yes, I would have, something in that line, because if the facilitation meeting went - and I had - I was under the impression that the meeting went well, and that, and so I was thanking him for the job he did.

Q. There are no components of it now that you can recall that were particularly delicate?
A. Well, I think in dealing with a victim who's very hurt, any aspect of a facilitation has to be delicate.

Q. Did you have any obligations, in your mind, following on from a facilitation, to see whether or not the matters which were said in the facilitation to need to occur actually occurred?
A. Yes, I would have, yes.

Q. You understand in this case what was said in the facilitation by Adrian Farrelly was that there would be negotiations around compensation?
A. That's correct.

Q. Did you do anything to satisfy yourself as to the conduct of those negotiations?
A. No, I did not.

Q. Did you consider it part of your obligation to do so?
A. Once it had gone - once the facilitation had been completed and it went lawyer to lawyer, I didn't consider it was any other part of my job.

Q. When you say "lawyer to lawyer", you're talking about a lawyer for the church, aren't you?
A. No, I'm talking - I knew that Joan Isaacs had a lawyer and I knew the church would have a lawyer.

Q. Yes, so "lawyer to lawyer" means the church authority's lawyer dealing with the complainant's lawyer?
A. That's correct, yes.

Q. And you considered that once it got to that stage, it was none of your business?
A. That's correct.

Q. Did it come to your attention at any time over the
two years it took for those negotiations to conclude that
they were ongoing?
A. As I mentioned in my notes, on 1 October I received,
I think it said, a phone call from Mrs Isaacs.

Q. I beg your pardon?
A. On 1 October, "Advised Joan Isaacs to talk to
Bishop John".

Q. What was that about?
A. I can't remember.

Q. What year was that?
A. That would have been 1999, wouldn't it? The other
dates refer to 1999, I think.

Q. Do you recall being aware in 2000 that the matter
hadn't settled?
A. No.

Q. You have in your statement a paragraph under the
heading "Reflections". Are there any other matters you've
reflected upon following --

THE CHAIR: Ms Furness, just before we come to that.

Q. You told Mrs Furness that once it passed to the
lawyers, you considered yourself to be out of the equation?
A. I did, yes.

Q. Once it had passed to the lawyers, did you think that
you had discharged, as far as your duties were concerned,
the church's obligation to provide justice and compassion
for the victim?
A. Yes, I considered that once the facilitation had taken
place and there was agreement on the compensation being
considered, being discussed and negotiated, as well as the
other two aspects had been fulfilled, that I was finished
with the situation.

Q. We discussed before whether justice and compassion for
a victim included an appropriate monetary compensation.
A. Yes.
Q. I take it you didn't consider that to be part of the process that you were required to supervise?
A. I considered that the process that I considered I had to do had been done. I assumed, I suppose, that the negotiation between lawyers, and that, would bring to fruition an outcome that would be acceptable.

Q. As far as the lawyer is concerned that we're talking about here, is that the lawyer for the church's insurance fund?
A. I don't know.

Q. I'm sorry, you don't know?
A. No, I don't know.

Q. Well, in passing the matter over to lawyers, are you saying to the Commission you did not know who that lawyer was instructed by?
A. I assumed it was the church lawyer.

Q. What do you mean by "the church lawyer"?
A. The lawyer who the church would have employed to handle that particular negotiation.

Q. What did you understand to be the instructions to the church's lawyer, in the exercise of justice and compassion, to provide as an appropriate level of monetary payment; what did you understand those instructions to be?
A. I would have understood that the instructions would be as set out in the Towards Healing document.

Q. Could you show me where, apart from clauses 15 and 17, those instructions can be found?
A. No, referring to - I would support you in your argument with justice and compassion.

Q. So your understanding would be that the church's lawyer was required to negotiate a just and compassionate monetary outcome; is that right?
A. The people who were instructing the church's lawyers would emphasise that.

Q. You've heard Mrs Isaacs give her evidence today and I assume that you have read her statement, or statements; is that right?
A. I have.
Q. Do you think she got a just and compassionate outcome?
A. No.

Q. Why not?
A. 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. I don't think that - I don't think that the negotiation with regards to the monetary outcome was handled well at all. But if I may say so, I had difficulty in the Towards Healing process handling the pastoral care aspect and then the other aspect of the monetary payment that often follows going in the same breath into a different forum. My feeling would be that the Towards Healing document should stop at the pastoral care aspect and there should be another body that handles - with the boundaries set and everything, that handles the monetary aspect of it.

Q. Now, as far as the church's insurer is concerned, do you have any knowledge of the role which the insurer played in any negotiation with any person going through the Towards Healing process?
A. No, none at all.

Q. Did you know that the church's insurer had an interest in those matters?
A. I knew that the church insurer, yes, and I - even in one of my letters I think I said that to Bishop John: "You should find out from the insurance the aspect or the amount of compensation they're prepared to pay."

Q. You'll have to help me there. Do you say that you were aware that instructions were given by the insurer as to how much could be paid?
A. I knew that the insurer paid something; whether they paid the lot, or whatever it is, I knew that they paid something in situations such as this, but I didn't know how much, what percentage they paid, but I knew they did pay some.

MS FURNESS: Q. Perhaps if tab 11 can be put up on the screen, your Honour. This is a letter from you, Dr Robertson, to Bishop John?
A. Yes, this is the letter that I sent the copy of the 12 February letter with.

Q. We understand "Bishop John" to be Bishop Gerry?
A. That's correct, yes.

Q. You indicate what Mrs Isaacs wanted, that is, "Apology, ongoing counselling and compensation"?
A. Yes.

Q. You suggest that the bishop find out what the insurance will pay in the form of compensation; do you see that?
A. Yes.

Q. So you were aware, were you not, that compensation was indeed truly on the agenda; isn't that right?
A. Yes, I was probably aware of that, yes, but I wasn't certain of that.

Q. What you were seeking to have the bishop find out was what the insurance people would pay, because they were the ones footing the bill; is that right?
A. That's correct.

Q. So you knew there was insurance involved and you knew that they were going to pay some form of compensation?
A. I knew that insurance became involved in those situations and that they paid some amount; I don't know how much.

Q. I asked you earlier about the data you kept and you indicated - and I'm sure if I'm wrong, the transcript will show that - that compensation wasn't something that happened - my words, not yours, doctor - in the early days of Towards Healing, probably the first three years of your involvement. Do you remember that evidence?
A. Yes.

Q. But then there was a change, which may have been in part because of the changed nature of the protocol?
A. Right.

Q. Was it the case that you kept information about the compensation paid by the insurers in those latter three years?
A. Would you please repeat the question?

Q. Was it the case that you kept data or information about the compensation paid by the insurers in those last three years of your job?
A. No, no, I kept nothing. I had nothing to do with the insurance. All I knew was that they - the church was insured in situations such as this and that the insurance would pay something, or they could pay something.

Q. I was about to ask you earlier in relation to the "Reflections" part of your statement, doctor.
A. Yes.

Q. If we could have that back up on the screen, paragraph 55. Given the evidence you've given to the Royal Commission today, is there any expansion you want to give on the reflections that you've had in respect of yours and the church's dealings with Joan Isaacs?
A. Just repeat that, please?

Q. Given the evidence that you've given today at the Royal Commission, is there any expansion you want to give on the reflections of yours and the church's dealings with Joan Isaacs?
A. No, except probably to just emphasise that I was hoping that my witness statement may help or contribute to a deeper understanding of our - of the process, of the devastation that sexual abuse has on the victims and on the victims' families. That's about all.

MS FURNESS: Nothing further, your Honour.

THE CHAIR: Any questions?

MR PRATT: No, thank you.

THE CHAIR: Anyone else, any questions? Mr Gray?

MR GRAY: I have a few questions, your Honour.

THE CHAIR: How long will you be?

MR GRAY: Probably five or ten minutes.

THE CHAIR: We'll keep going.

<EXAMINATION BY MR GRAY:

MR GRAY: Q. The first question is this, doctor: so far as you recall at the time, that is, up to April 1999, did you understand Mrs Isaacs to have suffered any impact on
her educational achievements?
A. I didn't know for certain, but with what she went through - I knew what she went through, and I - I'm an educator and I couldn't see that it wouldn't affect her.

Q. Similarly, so far as you recall at that time, April 1999, did you know whether she had suffered any impact in relation to her employment potential or career?
A. Well, I'd have to give the same answer. She was absolutely devastated, she had to wait 30 years. So, of course, it would affect her employment.

Q. Secondly, on a different topic, there were some questions dealing with Francis Derriman himself and what happened to him after he was convicted. Do you remember questions about that? I wonder if exhibit 4-2, tab 9, could be brought up. Doctor, these were the sentencing remarks when Derriman was convicted and sentenced, being one of the documents that Joan Isaacs sent you with her letter of I think 8 March. Do you remember that?
A. I can remember the letters. I can't remember what the document says.

Q. The letter says that it enclosed, among other things, this document.
A. Yes.

Q. If you would turn to page 6 of these remarks at tab 9, there is a paragraph that has the word "rehabilitation" towards the bottom of the page. Do you see that the sentencing judge describes briefly in that paragraph what had happened to Derriman since 1970?
A. Yes.

Q. And that he had left the church in 1970 and had married and was living in Victoria and working as a social worker. Do you see that?
A. I see that, yes.

Q. Then if exhibit 4-2, tab 15 could be brought up, do you recall this is the letter from the bishop, Bishop Gerry, to Mrs Isaacs of 19 March, talking mainly about the fact that he wasn't able to attend the facilitation. Do you remember that letter?
A. I do.

Q. In the first paragraph, he says to Mrs Isaacs that he,
the bishop, had received copies of the papers that
Mrs Isaacs had provided to you, Dr Robertson. Do you see
that?
A. I do.

Q. So you had sent on to the bishop all the material that
Mrs Isaacs had sent to you; is that right?
A. That's correct.

Q. Which included those sentencing remarks with that
identification of what had happened to Derriman; correct?
A. That's correct.

Q. Then next, on a different topic now, in relation to
Mr Deed, the lawyer, being at the facilitation meeting, did
you understand Mr Deed to be at the meeting as Mrs Isaacs'
lawyer or as her support person?
A. I understood - I knew he was a lawyer, but
I understood he was going to be her support person.

Q. Do you mean that you understood he was there in that
latter capacity or --
A. As a support person, yes.

Q. And then finally, at the same exhibit, 4-2, tab 33,
you were asked to look at that "with compliments" slip
where you thanked Adrian Farrelly for "a delicate job
handled well". Do you remember being asked questions about
that?
A. I do.

Q. I wonder if tab 46 of that exhibit could be brought up
on the screen, if that's possible. I think you've told the
Commission in your statement that that handwritten document
is in your handwriting and that it's a series of notes
against various dates in 1999; is that right?
A. That's correct.

Q. One of them is a note for the date April 29, which is
nine days after the facilitation. Do you see that?
A. No. Can you push it up?

Q. Towards the bottom. It's the third-last one.
A. It just needs to go up. A bit further up. That's it.

Q. Would you be able to read what your note says for that
date, 29 April?
A. "April 29. Rang Joan - meeting went well, impressed with Dr Farrelly - feels a great sense of relief - advised that the process is now complete & the question of compensation will now be settled at the lawyer level".

Q. In that note, first of all, the first part, "meeting went well, impressed with Dr Farrelly", was that a note of what you had said or a note of what she had said?
A. I think - I wasn't at the meeting.

Q. No.
A. So it would have been what she had said.

Q. And similarly, presumably, the next part, "feels a great sense of relief"?
A. She would be the only one who would feel the great relief.

Q. What about the last part, beginning, "advised that the process", et cetera?
A. "Is now complete & the question of compensation will now be settled" - yes, I would have said that, yes.

Q. To her?
A. To her.

Q. And when you did say that to her, if you have a recollection at all, do you recall what her response was?
A. No, I can't remember that at all.

Q. Lastly on this same point, at tab 23 in that exhibit 4-2 - in fact, before I go to that, just on that handwritten note that I just asked you to look at, when Mrs Isaacs told you in that conversation that the meeting had gone well, that she was impressed with Father Farrelly and that she felt a great sense of relief, was that in your mind when you wrote what you wrote on the "with compliments" slip to Father Farrelly?
A. It would have been, yes. Otherwise - that was the report of the meeting that I would have acted on.

Q. And then in this tab 23, this is a diary note which Mrs Isaacs attaches to her statement to the Royal Commission, being a diary note that she made on 22 April, two days after the facilitation meeting. Of course you hadn't seen that back in 1999?
A. No.
Q. But you've seen it in the last month or so in the course of getting ready for the hearing today; is that right?
A. That's correct.

Q. When you did read it, that is, Mrs Isaacs' note of 22 April, did that serve to confirm the impression you had that as at the date of the facilitation and shortly after it, Mrs Isaacs was pleased with the process?
A. Yes, it does.

MR GRAY: Thank you.

MS RANDAZZO: Your Honour, I only have a couple of questions, if I may, to clarify a couple of aspects.

<EXAMINATION BY MS RANDAZZO:

MS RANDAZZO: Q. Doctor, as at 1999 when you were contacted by Mrs Isaacs, were you aware at that stage that Francis Derriman had ceased to be a priest many years previously?
A. No, no.

Q. Even had you been aware of that, do you agree that it would have made no difference to the process of Towards Healing, such as it was, continuing to be engaged in?
A. No, it would have made no difference, no.

MS RANDAZZO: Thank you.

THE CHAIR: Yes, Ms Furness.

MS FURNESS: Just one matter. I would like to tender a letter from the Archbishop of Brisbane to Frank Derriman dated 29 September 2011. I will hand up three copies. This letter did not make it into the tender bundle. It has only recently come to my attention. It is a letter from the archbishop, writing to Frank Derriman as one of the priests ordained for the Archdiocese of Brisbane but who, for various reasons, decided to leave active ministry and it reflects that Frank Derriman had never sought to return formally to the lay state and was a priest still, and contacting him to, firstly, confirm in writing as to whether he was willing to initiate the process of returning to the lay state, and if he didn't wish to initiate that
process, indicating that the archbishop shall ask the Holy Father, through the Congregation for Doctrine of Faith to begin the process of a formal return to the lay state.

THE CHAIR: Yes. You want to tender that?

MS FURNESS: I do, thank you.

THE CHAIR: Exhibit 4-6.

EXHIBIT #4-6 LETTER FROM THE ARCHBISHOP OF BRISBANE TO FRANK DERRIMAN DATED 29/09/2011

MS RANDAZZO: Your Honour, may I address your Honour in relation to this exhibit, briefly?

THE CHAIR: Yes.

MS RANDAZZO: It is not something that has come to my attention, certainly, until just this moment. Certainly, on behalf of Mr Derriman, I have no instructions in relation to it. It may be that I will need to get some instructions and address it at a later stage, if necessary, but --

THE CHAIR: You can let us know if there is anything you want to say further about it.

MS RANDAZZO: If anything arises out of it, yes, your Honour.

THE CHAIR: Thank you. Otherwise, Dr Robertson is now finished?

MS FURNESS: He can be excused, your Honour.

THE CHAIR: Thank you, Dr Robertson, you are excused.

<THE WITNESS WITHDREW

THE CHAIR: And we will adjourn until 10 o'clock tomorrow.

AT 4.15PM THE COMMISSION WAS ADJOURNED TO TUESDAY, 10 DECEMBER 2013 AT 10AM
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