

Published on *National Catholic Reporter* (<https://www.ncronline.org>)

December 13, 2013 at 10:53am

Catholic church appears before Australian Royal Commission into sexual abuse

by Stephen Crittenden

Sydney — Making its first appearance before the national Royal Commission into sexual abuse this week, Australia's Catholic church led with another of its characteristic "foot in mouth" moments.

Survivors of abuse stormed out of the Sydney courtroom in tears when the church's senior barrister, Peter Gray, commenced his opening address with a quotation from St. Mark's Gospel: "Let the little children come to me; do not stop them: for it is to such as these that the kingdom of God belongs."

Chaired by New South Wales Supreme Court Justice Peter McClellan, the six-member Royal Commission into Institutional Responses to Child Sexual Abuse was established in November 2012 by former prime minister Julia Gillard after years of mounting public pressure. At least 5,000 people are expected to come forward to tell their stories of abuse.

The Royal Commission examines "how institutions with a responsibility for children have managed and responded to allegations and instances of child sexual abuse," according to its website. The commission will also "investigate where systems have failed to protect children and make recommendations on how to improve laws, policies and practices to prevent and better respond to child sexual abuse in institutions."

The Royal Commission has been granted permission to look into any private, public or nongovernmental organization that is involved or has been involved with children, including religious organizations.

So far, the inquiry's public hearings have looked at a series of case studies involving the Scouts, the YMCA, and an Anglican children's home on the New South Wales north coast. Future hearings are expected to expose horrific levels of abuse in homes run by the state and various church organizations, including the Salvation Army.

However, 40 percent of the submissions and phone calls the Royal Commission receives concern the Catholic church.

The Royal Commission has now turned the focus on the experiences of four Queensland residents who have participated in the church's national abuse protocol, Towards Healing. Introduced in 1997, Towards Healing is a process established by the church to respond to complaints of abuse by the clergy.

The commission heard that for its time, Towards Healing had been 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," Gray told the commission.

In fact, Australia has never had a single national protocol. Cardinal George Pell, then archbishop of Melbourne, decided to stay out of Towards Healing, and to this day, the archdiocese of Melbourne has its own separate system, which was heavily criticised by a recent Victorian state parliamentary inquiry.

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Moreover, Towards Healing has been interpreted differently in each Australian diocese, and victims have ended up with widely differing compensation payouts depending on the willingness of the insurance company and the local bishop's willingness to pay up.

This week, the Royal Commission heard that 1,700 people participated in the Towards Healing process since its introduction, and that the Australian church paid \$43 million (\$38.5 million U.S.) in compensation under the scheme.

Three-quarters of the cases relate to incidents that occurred between 1950 and 1980; 43 percent involve abuse by religious brothers; 21 percent, by diocesan priests; and 14 percent, by religious priests. The Christian Brothers, followed by the Marist Brothers and the De La Salle Brothers, had the most complaints against them.

Evidence this week also revealed how shabbily some victims were treated when they brought complaints under the Towards Healing protocol.

The commission heard the story of Joan Isaacs, 60, who was abused as a 14- and 15-year-old schoolgirl by Brisbane priest Frank Derriman.

She told the commission Derriman ran a cult-like group involving herself and three other girls and lied about having a terminal illness in order to have sex with them. Derriman left the priesthood in 1970 and later married. He was convicted in 1998 and served a short sentence after Isaacs reported her abuse to police. It was only then, after years of counseling, that she agreed to participate in the church's Towards Healing process.

Isaacs was advised to be accompanied by a lawyer when she attended a Towards Healing mediation session but was told her husband was not allowed to be present as an extra support person.

Although she received a written apology from the bishop, her decision to have legal representation led to a gruelling two-year negotiation over compensation that one church official told the inquiry amounted to a "reabuse of Isaacs."

Eventually, she received an ex gratia payment of \$30,000 -- a tenth of the damages she originally claimed -- but only after she agreed to sign a deed of release containing a confidentiality clause preventing her from making "disparaging remarks" about the church or her abuser.

Isaacs told the commission she felt she had signed the deed under duress.

"I feel that the deed has silenced me in this respect, and it continues to haunt me to this day," she said. "The silencing holds the same power and control over me that was used by Frank Derriman when he abused me as a child."

She also told the commission she called former archbishop of Brisbane John Bathersby to complain that the \$30,000 awarded left her with hardly anything after her legal and health costs had been met. She said he told her, "That's your problem."

The commission heard that following her facilitation, the convenor of the church's Queensland professional standards office, Dr. Ken Robertson, wrote to the church's representative, Fr. Adrian Farrelly, at a facilitation meeting: "Many thanks for a delicate job handled well."

Senior counsel assisting the inquiry, Gail Furness, said the evidence revealed that much of the process Isaacs participated in had been "determined in advance" by the church's insurer, Catholic Church Insurances Limited (CCI).

In one of the most devastating exhibits of the week, the commission read a letter from CCI instructing Farrelly on what to say during the meeting, including the form of words to be used in his oral apology.

Farrelly was told to avoid any concession of responsibility on the part of the Brisbane archdiocese and that because Isaacs was accompanied by a lawyer, she forfeited her right to any further pastoral communication.

He was also instructed to avoid any talk of compensation.

The insurer also determined the number of counseling sessions made available to Isaacs and was consulted about the wording of the written apology signed by the bishop.

That was a decade ago. These days, CCI says it encourages apologies and doesn't regard them as prejudicing the church's right to be indemnified on the ground that an apology is an admission of liability.

On Dec. 6, just in time for her appearance before the Royal Commission, Isaacs received another letter of

apology from the present archbishop of Brisbane, Mark Coleridge.

In the letter, Coleridge says he read Isaacs' statement about her experience of Towards Healing in preparing for the Royal Commission and "very much regret your experience of the process was not positive."

Coleridge also raised the effect of the church's use of confidentiality clauses in the deed of release.

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

Isaacs was asked whether she had anything to say about this letter.

"Too little, too late," she told the commission.

[Stephen Crittenden is a freelance journalist based in Sydney.]

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