



Royal Commission into  
Institutional Responses to  
Child Sexual Abuse

**ROYAL COMMISSION INTO INSTITUTIONAL RESPONSES  
TO CHILD SEXUAL ABUSE  
AT SYDNEY**

**PUBLIC HEARING INTO**

**THE RESPONSE OF *TOWARDS HEALING***

**OPENING OF SENIOR COUNSEL ASSISTING**

1. 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.
2. 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 their expectations. The involvement of different Church authorities and those holding positions within those Church authorities will also affect individual experiences.

3. People's experiences with *Towards Healing* will be the subject of further public hearings. Those who wish to tell their story in this regard are invited to come forward to discuss their experience with officers of the Royal Commission.
4. In order to provide a context for those experiences, it is necessary to detail the current principles and procedures which make up *Towards Healing* as well as a short history leading to the principles and procedures now in place.
5. The Church's response under *Towards Healing* is stated as 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.
6. The principles which underpin the procedures are stated to include the following:
  - a. characterising any form of sexual behavior with a child or young person as abuse and as both immoral and criminal
  - b. acknowledging the effects of abuse on victims
  - c. understanding the needs of victims
  - d. noting that a significant number of offenders were themselves victims of abuse in their earlier years (although I note no authority is given for this proposition), and

- e. ensuring that serious offenders and those found guilty of sexually abusing children will not be given back the power they abused.
7. 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 the exception of those complaints relating to accused persons who at the time of the alleged abuse were priests, religious and laypersons holding an appointment from the Archbishop of Melbourne. These complaints are dealt with under a different process.
  8. *Towards Healing* has applied 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.
  9. 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 NSW combined with ACT) which is appointed by the bishops and leaders of religious institutes to advise on matters of professional standards.
  10. A consultative panel should be in place to advise bishops and religious leaders at significant stages of the process. A director of professional

standards is appointed in each State and the Northern Territory with responsibility for managing the process.

11. The process is intended to begin 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. The contact person should listen to the complaint and, if not in writing, the contact person should make a written record of the complaint which is given to the complainant to consider and, if appropriate adopt. Counselling should be offered to the complainant.
12. The complainant will be encouraged to report to the police. If he or she declines then the director is to inform the police without identifying the complainant. If the complainant takes his or her complaint to the police, and an investigation ensues, the process of *Towards Healing* should cease. The complainant should be told they can approach *Towards Healing* after the criminal justice process is complete.
13. Written complaints or the account taken by the contact person should be given to the relevant Church authority by the director. The Church authority generally is expected to put those allegations to the accused person, if that person chooses to participate in the process. The Church authority can provide the accused with a loan or offer of reimbursement for reasonable legal expenses incurred during the process. The accused is also offered a support person by the director.

14. 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. If that occurs, 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.
15. After the complaint is received, and the response of the accused obtained, the complaint is considered. If the allegations are significantly disputed, the director should appoint an assessor. Assessors should be independent of the Church authority and may be retired police officers.
16. Outcomes sought by the complainant can affect the process 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 should not proceed and the complainant can make a civil claim through the courts.
17. If that is not the case 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 'demanded by justice and compassion'. A bishop or leader must seek the advice of the consultative panel in determining how to respond to the complainant.
18. Usually a facilitation then takes place. The person who will conduct the facilitation, called the facilitator, should be agreed between the complainant and the Church authority and then appointed. The facilitator should know the ongoing needs of the complainant and the Church

authority's response to those needs. The director of professional standards should not normally participate in the facilitation process unless approval is given by the executive officer of the National Committee for Professional Standards.

19. A meeting between the complainant and the Church authority occurs. A legal representative for the Church authority should not be present unless the complainant also has a legal representative. The complainant can have a support person present.
20. At the meeting, the complainant tells their story. The Church authority ordinarily should offer an apology and then there should be a discussion of the complainant's needs. The outcome can include counselling offered through church services, payment of counselling costs, financial assistance or reparation. There is no reference in *Towards Healing* to amounts of money, how amounts are calculated or any upper limit on what may be offered by way of financial assistance or reparation. From 2000, it was specifically stated that financial assistance or reparation may be paid.
21. Church authorities take different approaches to whether they require a complainant to sign a document acknowledging that they cannot bring future legal proceedings. From 2000, 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. In the earlier version of *Towards Healing*, the protocol was silent on confidentiality provisions regarding financial outcomes.
22. The Church authority then decides what it should do with respect to the accused. The procedures largely leave those options to the Church

authority, although it provides that the Church authority must seek the advice of the consultative panel. *Towards Healing* requires that the Church authority be guided by the “*principle that no-one should be permitted to exercise a public ministry if doing so presents an unacceptable risk of abuse to children and young people*”.

23. The complainant, an accused who has participated in the *Towards Healing* process or the Church authority may each seek a review. That review is into the findings of the assessment and/or the procedures followed. The review is not into the outcomes determined by the Church authority which include any amounts paid or action taken by a Church authority against an accused.

## **HISTORICAL CONTEXT**

24. It is instructive to understand the historical context in which *Towards Healing* was developed.
25. The 1970s were a significant decade in acknowledging 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.
26. 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, NSW and South Australia dealing with child protection and children in the care of institutions.

27. In the United Kingdom and Canada inquiries were conducted in the 1980s and continued into the 1990s on child sexual abuse in care 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.
28. In November 1989 the United Nations Convention of the Rights of the Child was ratified.
29. 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.
30. Support groups for victims were formed in the early 1990s, with *Friends of Susanna* and *Broken Rites*, notable among them.
31. *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 its purpose was not clear from its name. It was called the Special Issues Committee.
32. The terms of reference for the 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*".
33. An initial protocol was developed setting out, among other things, the responsibilities of the bishops and major superiors, how to receive complaints, who to notify of the complaint, how to respond to the



complainant, the process to be followed in relation to the accused, treatment options for the accused and preventative strategies.

34. In 1992 an amended protocol was adopted by the Special Issues Committee. It applied to all dioceses and religious institutes in Australia and was intended to focus the protocol more on the victim. By this time, 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.
35. 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 orientated and simpler and relied on a contact person and encouraging victims to go to the Police.
36. The 1996 edition of *Towards Healing* and subsequent editions referred to it 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.
37. The 1996 edition concerned sexual abuse only and while the principles focused on abuse by clergy, the procedures component indicated that it related to all personnel.

38. Meanwhile, in October 1996, 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 alleged abuse.
39. The key difference between the Melbourne Response and *Towards Healing* is the assessment process. Under the Melbourne Response, a Commissioner (a Queen's Counsel) assesses the complaints and the question of compensation, which is now subject to a cap of \$75,000 is determined by a separate compensation panel. The cap in 1996 was \$50,000.

#### **REVISION OF *TOWARDS HEALING***

40. In April 1999, Professor Patrick Parkinson, with the Faculty of Law, University of Sydney, was engaged to conduct the first review of *Towards Healing*. As part of his review, Professor Parkinson sent out questionnaires seeking comments on the *Towards Healing* process and made recommendations as to amendments by the end of 1999.
41. The key changes relevant to the work of this Royal Commission that were made following his review include the amendment of the definition of sexual abuse, the extension of the scope to employees and the simplification of the assessment process. The concept of 'unacceptable risk' was introduced and if such a risk existed, persons would not be permitted to exercise a public ministry.

42. The Church authority was given the discretion to make loans or reimburse an accused for reasonable legal expenses whereas previously such advice was to be at the accused's expense.
43. The revision also centralised the *Towards Healing* process by establishing the role of director of professional standards for each state and territory office. The revised *Towards Healing* document came into effect in December 2000.
44. In mid-2003 further amendments were made to *Towards Healing* including establishing consultative panels to advise bishops and religious leaders in relation to a number of matters including the response to the complainant, whether a person constituted an unacceptable risk to children or vulnerable people and a requirement that a person who does not wish to make a complaint to police must sign a statement to that effect.
45. 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 *Towards Healing* become more proactive by focusing on the prevention of child abuse, amalgamation of *Towards Healing* with the system operating in Melbourne and amalgamation of the Jesuit's process for handling child sexual abuse complaints, be explored. In addition, he recommended that a 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.

46. 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 process and particularly that changes be made in the implementation of *Towards Healing*.
47. The submissions received to this review particularly concerned the need for national compliance and consistency and problems in the implementation of *Towards Healing*.
48. In a report to the bishops and leaders of religious institutes on the outcomes of the review, Professor Parkinson recommended a number of additional matters. One was that the Church co-operate with police investigations including the requirement that priests or members of religious orders return to the country where the alleged offence(s) occurred and that disciplinary action be taken against a priest or religious who fails to comply with such instructions.
49. 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 complainant’s 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.”
50. The revised and current version of *Towards Healing* was published in January 2010. Professor Parkinson commented that note had been taken of his observations.

51. Despite it being a significant set of principles and procedures, there has been no empirical research published in Australia or internationally which has systematically evaluated *Towards Healing*.

## **DATA**

52. 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 30 September 2013 noting that the *Towards Healing* procedure was adopted on 1 March 1997.
53. The summons also sought details regarding the redress outcome in respect of each complaint, with redress defined as including:
- a. monetary compensation being lump sum or periodic payments to a victim
  - b. financial support paid for therapeutic or medical consultations or treatment for a victim
  - c. apology or acknowledgement of wrongdoing to a victim
  - d. assurance regarding the cessation of an accused's position or role within an institution.

54. The information sought through the summons, and the summary of the data below, relates only to complainants who sought redress through *Towards Healing*. The information does not capture those cases where complainants sought redress through a civil process or pursued a criminal complaint, or through another means with the relevant Church authority, noting that some complainants did not pursue the process after the first contact.
  
55. The National Committee advised that due to the inconsistent use of databases kept, it could not confirm that the data was a complete or up to date source of information on all *Towards Healing* cases.

56. The data indicate the following for the period 1 January 1996 to 30 September 2013:
- a. 2,215 complaints were received and about 1,700 people agreed to participate in the *Towards Healing* procedure although not all of these were pursued or substantiated.
  - b. 76% of all *Towards Healing* complaints related to alleged incidents of child sexual abuse that occurred from 1950 to 1980 inclusive.
  - c. Over 60% of all *Towards Healing* complaints detailed the incident location as a school/college or orphanage.
  - d. 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.
  - e. The most common positions held by the Church personnel and employees subject to a *Towards Healing* complaint at the time of the alleged incident were religious brother (43% of all complaints), diocesan priest (21% of all complaints) and religious priest (14% of all complaints).
  - f. Of the data available, which are known to be incomplete, \$43m has been paid by all Church authorities.
  - g. The highest reported reparation amount paid for a *Towards Healing* complaint was about \$850,000. It concerned a diocesan priest who held an appointment at the time of the alleged incident with the Archdiocese of Sydney. This amount included legal costs, counselling and other costs.

## THE FOUR PARTICIPANTS IN *TOWARDS HEALING* THE SUBJECT OF THIS PUBLIC HEARING

### JOAN ISAACS

57. Following a significant period of grooming and manipulation, Joan Isaacs will give evidence that 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 illnesses.
58. 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*. However, she waited until Father Derriman was convicted of two counts of indecent assault against her in December 1998 before initiating the *Towards Healing* process. The conviction followed two committal hearings and a trial. At the time the offences were committed, the maximum penalty was imprisonment for two years. At the time of sentence it was ten years. Father Derriman was sentenced to one year imprisonment, 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.*"



59. Ms Isaacs telephoned Ken Robertson, Convenor of Professional Standards in Queensland and a person known to her. He told her in general terms of the process followed in *Towards Healing*. Then, in February 1999 she wrote to him setting out what she wanted to achieve from the process. 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.
60. It was determined that no assessment was necessary as Father Derriman had been convicted and her complaint proceeded to a facilitation. Ms Isaacs will give evidence that Mr Robertson told her to involve a lawyer, although she had not planned to do so before being told to.
61. She will give evidence that she was not adequately prepared as to what to expect from the facilitation process. She was told she could only have one person present, and as she had decided to bring a lawyer, as advised by Mr Robertson, her husband could not attend. She will also give evidence that she was not consulted as to who would act as the facilitator.
62. 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 would not be attending the facilitation. While preferring to have him present, she agreed to the Judicial Vicar, the Reverend Adrian Farrelly attending in his stead. However, unbeknownst to her, he had no authority to offer any compensation or ongoing counselling and was given instructions to express sorrow only.

63. 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.
64. 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 came to an end after the lump sum payment was made.
65. 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's insurer. He instructed Vicar Farrelly what to say during the facilitation including the form of the words used for the oral apology and that he could not speak about compensation. He also determined the limited amount of counselling available and was consulted on the drafting of the written apology for the Bishop to sign.
66. Ms Isaacs will also give evidence about the process of negotiating the execution of a deed of release after a settlement was reached. Initially she was provided with a draft deed which prevented disclosure of 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 deed which significantly extended the prohibition on her discussing her sexual abuse or any sexual abuse matters involving the Church with anyone, except essentially for medical purposes.

67. The evidence will explore whether these were consistent with the terms of the *Towards Healing* principles and procedures.
68. The evidence will be that Ms Isaacs' complaint was considered under the original version of *Towards Healing* which did not explicitly refer to financial reparation; instead it referred to complainants being understood in terms of their ongoing needs and '*given such assistance as is demanded by justice and compassion*'. However, by the time a settlement was reached, the 2000 version was operative which expressly referred to 'reparation'.

#### **JENNIFER INGHAM**

69. Jennifer Ingham was sexually abused by Father Brown in the Lismore Diocese between 1978 and 1982. She was a 16 year old girl at the time of onset of abuse and it continued into her early adult years. Father Brown took advantage of Ms Ingham's extreme vulnerability. She was suffering from bulimia.
70. Father Brown was the Chancellor of the Diocese and was removed from the office of parish priest in June 1986, principally because of his problem with alcohol and the subsequent effect that had on his 'pastoral responsibilities'. He sought an injunction in respect of that decision which was not granted by the Supreme Court of NSW and appealed to the Vatican which was similarly unsuccessful.
71. Ms Ingham will give evidence that in 1990 she had a meeting with senior clerics of the Catholic Church including Father M about the abuse by Father Brown. She will give evidence that Father M told her that he was aware that she was being abused at the time of the abuse.

72. Ms Ingham will give evidence that she also told a parish priest in 1993 and another parish priest in 2006 of the abuse at the hands of Father Brown.
73. She approached the Director of Professional Standards in Brisbane, Patrick Mullins, in 2012 about the abuse she suffered and was provided with information about the *Towards Healing* process. She found Mr Mullins very compassionate. She reported her abuse to the police as requested by Mr Mullins, however as the priest was 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 this was an experience which was positive for her.
74. Ms Ingham identified what she wanted from *Towards Healing* and told those conducting it. She wanted:
- a. A meeting with Father M to challenge him on why he took no action to stop the abuse.
  - b. A compensation package to provide reimbursement for the years of medical expenses and for ongoing treatment.
  - c. A letter of apology.
75. The pastoral aspects were immensely important to her, particularly that she should have a meeting with the bishop, not a lay person or priest.
76. Mr Mullins moved matters forward promptly with the Lismore Diocese, liaised with Catholic Church Insurance, responded to emails from Mrs Ingham in a timely way, and organised to obtain a psychologist's report at the Church's expense.

77. The evidence is expected to reveal that Mr Mullins then left the role of director and Mrs Ingham's experience, in her words, 'got murky'. The progress to the facilitation was then, to her mind, rushed. A facilitator was appointed, without prior discussion and agreement with her. 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 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 to have the Bishop attend.
78. Ms Ingham will give evidence about her experience of the facilitation. Of significance to her was that Father M was not present and it appeared that nothing was to be done about her allegation against him. 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. Further, that the Bishop and the Deacon who attended the facilitation had separately contacted Father M and that he had denied having the meeting and the conversation with Ms Ingham.
79. There will also be evidence about the significant role paid by the insurer in organising and participating in the facilitation.
80. Ultimately, her complaint was settled with Ms Ingham receiving \$265,000 plus nearly \$12,000 to cover her legal costs. Her legal costs were actually \$34,320. The Diocese contributed \$15,000 with the remaining amount coming from the insurers. There was no confidentiality clause in the deed of release, even as to the terms of settlement.

81. One month later she attended a meeting with the Bishop and then received a letter of apology. The evidence will be that Ms Ingham's complaint was considered under the current version of *Towards Healing*.

**DG**

82. The witness to be known as '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 that time. DG reported the abuse to the 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 NSW 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.
83. 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. DG attended an initial meeting with the Provincial in May 2000. DG's evidence will be that the Provincial volunteered no information regarding Brother Foster at the meeting. Following this meeting DG heard nothing more, including no offer of counselling or an assessment process.
84. 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 did not pursue a *Towards Healing* path.

85. DG made contact again with the Marist Brothers in 2001. Letters were exchanged between lawyers over the following months, then DG was advised that Catholic Church Insurance had taken the matter over and had appointed its own solicitors.
86. After medical assessments, a settlement conference took place in June 2002. Brother Turton was present as a representative of Marist Brothers, as was a lawyer representing Catholic Church Insurance. There was no facilitator or mediator, the process being run by the Catholic Church Insurance's lawyer.
87. 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.

**DK**

88. DK was a boarder at a Marist Brother College in the late 1970s. He will give evidence that during that time he was sexually abused by three different brothers, each being in the Marist Brothers.
89. 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 it was not answered and instead a voice message was given, he did not persevere.
90. Some months later DK rang the Marist Brothers head office and was put through to Brother Turton. Brother Turton was the Director of Professional Standards for the Marist Brothers at that time. This is not the

same as the director of professional standards position referred to in *Towards Healing*.

91. 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, compensation, the payment of future treatment costs, and to know how the Church was dealing with child sexual abuse.
92. DK will give evidence that he named two of the brothers who abused him. The other brother he did not name but 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 Catholic Church Insurance made a determination as to the identity of the third brother. This aspect of DK's experience of *Towards Healing* also highlights those procedures relating to the assessment of risk to children as identified in *Towards Healing*.
93. 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 him.
94. DK agreed to 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 employed by the Church as the Director of Professional Standards for NSW/ACT. Evidence from those in the Order



and the Director about whether DK was told of Mr Salmon's usual job is expected to be contrary to that of DK.

95. The mediation was on 30 March 2010 and was attended by DK, his wife, 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 and a lawyer and insurance representative for the Marist Brothers, as well as Mr Salmon as the facilitator, were present. The third brother DK had asked to attend was overseas at the time of the facilitation.
96. DK will give evidence about his experience on that day. He ultimately was paid \$88,000 including his legal costs and signed a Deed of Release, which did not require him to keep matters confidential. He received a written apology.
97. The evidence is expected to reveal that Brother Turton played a number of roles in this process including as 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.

98. The following witnesses will be called:

<b>A. Archdiocese of Brisbane</b>		
1.	Joan Katherine Issacs	<i>Towards Healing</i> participant
2.	Dr Kenneth Robertson	Former Convenor, Queensland Professional Standards Office
3.	Mary Bernadette Rogers	Facilitator, Queensland Professional Standards Office
4.	Rev Dr Adrian Farrelly	Chancellor, Archdiocese of Brisbane
5.	Laurie Rolls	Manager, Special Projects, Catholic Church Insurances
6.	Very Rev Dr James Spence	Former Chancellor, Archdiocese of Brisbane
7.	Most Rev John Joseph Gerry DD	Former Auxiliary Bishop, Archdiocese of Brisbane
8.	Most Rev Mark Coleridge	Archbishop, Archdiocese of Brisbane
<b>B. Diocese of Lismore</b>		
9.	Jennifer Ingham	<i>Towards Healing</i> participant
10.	Patrick James Mullins	Former Director, Queensland Professional Standards Office
11.	Mary Bernadette Rogers	Director, Queensland Professional Standards Office
12.	Emma Miranda Fenby	Former Special Issues Case Manager, Catholic Church Insurance Limited
13.	Michael John Salmon	Facilitator, New South Wales Professional Standards Office
14.	Rev Deacon Christopher John Wallace	Chancellor, Diocese of Lismore
15.	Most Rev Geoffrey Hylton Jarrett DD	Bishop, Diocese of Lismore

**Week 2**

<b>C. Marist Brothers - DG</b>		
16.	DG	<i>Towards Healing</i> participant
17.	Br Alexis Turton	Former Director for Professional Standards, Marist Brothers
18.	Br Michael Anthony Hill	Former Provincial, Marist Brothers
<b>D. Marist Brothers - DK</b>		
19.	DK	<i>Towards Healing</i> participant
20.	Br Alexis Turton	Former Director for Professional Standards, Marist Brothers
21.	Joseph Bucci	Former Special Issues Case Manager, Catholic Church Insurance Limited
22.	Michael John Salmon	Director and Facilitator, New South Wales Professional Standards Office
23.	Patrick Monahan	Solicitor, Catholic Church Insurance Limited
24.	Br Andrew Thomas Moraghan	Marist Brother
25.	Br Gerald Burns	Marist Brother
26.	Br Jeffrey Crowe	Provincial Superior, Marist Brothers (in relation to both DG and DK)
27.	DL	Barrister for DK in <i>Towards Healing</i>

9 December 2013