

*Media Release by The Royal Commission into Institutional Responses to Child Sexual Abuse
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Royal Commission releases findings on Towards Healing

The Royal Commission into Institutional Responses to Child Sexual Abuse has published two reports; ‘Report of Case Study 4: The experiences of four survivors with the Towards Healing process’ and ‘Report of Case Study 8: Mr John Ellis’s experience of the Towards Healing process and civil litigation’.

The *Towards Healing* protocol is a set of principles and procedures established by the Australian Catholic Bishops’ Conference and the Australian Conference of Leaders of Religious Institutes. It contains principles and procedures for handling complaints of sexual abuse by a priest, religious or other Catholic Church personnel. It was introduced in 1997 and revised in 2000, 2003, 2008 and 2010.

Report of Case Study 4

This report examines how the Catholic Church’s *Towards Healing* protocol responded to four people who were sexually abused by priests or religious, and have experienced significant and continuing adverse impacts from the abuse.

Mrs Joan Isaacs was sexually abused by a Catholic priest, Father Francis Edward Derriman from 1967 to 1968. Mrs Isaacs started the *Towards Healing* process after Father Derriman had been convicted of two counts of indecent dealing against her.

After Mrs Isaacs’ settlement sum was agreed on she was required to sign a deed of release which included clauses that prevented her from disclosing the terms of the settlement and required her not to make ‘disparaging remarks or comments’ about the Church Authority. The Commissioners found that these clauses effectively imposed on Mrs Isaacs an obligation of silence about the circumstances that led to her complaint, which was inconsistent with *Towards Healing* principles.

Mrs Jennifer Ingham gave evidence that she was sexually abused by Father Paul Rex Brown between 1978 and 1982.

The Commissioners found that Mrs Ingham should have been asked whether she agreed or disagreed with the appointment of Michael Salmon as Facilitator and that more could have been done by the Queensland Professional Standards Office to make clearer to Mrs Ingham that she could suggest an alternative Facilitator. However, it found that despite a lack of consultation on the matter, Mrs Ingham did not express dissatisfaction with Mr Michael Salmon’s appointment. Mrs Ingham said that she found him to be ‘both compassionate and professional throughout the facilitation’.

DG was sexually abused by Brother Raymond Foster while he was a student at a Marist Brothers college in the early 1970s. The Commissioners found that when Brother Alexis Turton was Provincial of the Marist Brothers he received a number of complaints about Brother Foster and held discussions with Brother Foster, who acknowledged that there had been two inappropriate incidents in the 1950s.

The Commissioners found that despite these complaints and Brother Foster's acknowledgement, Brother Turton did not take any further action. In addition, Brother Turton did not comply with the 1992 *Protocol for Dealing with Allegations of Criminal Behavior* from the Australian Catholic Bishops' Conference by not referring the complaints to the relevant Catholic Church body.

The Commissioners also found that the Church should provide victims of child sexual abuse with sufficient information on the options available to them, and that this must include a copy of the *Towards Healing* protocol. DK was sexually abused by several Marist Brothers, including Brother Ross Murrin, in late 1980 or early 1981 at St Augustine's College Cairns. The Commissioners found that Brother Burns, the principal of the school, received complaints from two male students in 1981 that Brother Murrin had inappropriately touched them at St Augustine's College. Despite an admission from Brother Murrin that he had inappropriately touched the boys, Brother Burns did not remove Brother Murrin from his position as dormitory master nor the complainants from Brother Murrin's dormitory. The Commissioners found that if different protective steps had been taken by the Marist Brothers, Brother Murrin's subsequent offending may have been avoided.

Report of Case Study 8

The report of Case Study No. 8 examined the Catholic Church's response to a complaint of child sexual abuse by Mr John Ellis and the litigation he subsequently commenced. As a child, Mr Ellis was sexually assaulted by Father Aidan Duggan from about 1974 to 1979. Father Duggan continued to abuse Mr Ellis into his early adult years.

The Commissioners found that the Archdiocese of Sydney fundamentally failed Mr Ellis in its conduct of the *Towards Healing* process by not complying with the principles of *Towards Healing* and not giving him the assistance demanded by justice and compassion when determining the amount of reparation offered to Mr Ellis, and by not providing him with a spiritual director.

The Commissioners also found that the Archdiocese of Sydney failed to conduct the litigation with Mr Ellis in a manner that adequately took account of his pastoral and other needs as a victim of sexual abuse.

The Archdiocese wrongly concluded that it had never accepted that Father Duggan had abused Mr Ellis. This conclusion allowed Cardinal Pell to instruct the Archdiocese's lawyers to maintain the non-admission of Mr Ellis's abuse.

The Archdiocese accepted the advice of its lawyers to vigorously defend Mr Ellis' claim. One reason Cardinal Pell decided to accept this advice was to encourage other prospective plaintiffs not to litigate claims of child sexual abuse against the Church.

The Royal Commission agrees with Cardinal Pell's evidence that the Archdiocese, the Trustees and he as Archbishop, did not act fairly from a Christian point of view in the conduct of the litigation against Mr Ellis.

Other findings included that the then Director of Professional Standards in NSW, Mr John Davoren, acted inconsistently with *Towards Healing* principles when responding to Mr Ellis's claim, and that the length of time taken to inform Mr Ellis that the Archdiocese would not pursue the costs of litigation awarded against him had an adverse effect on Mr Ellis's health. These two case studies highlight a number of issues that will be examined as part of the Royal Commission's work on redress, including the role an institution should play in assessing complaints of conduct by those associated with the institution, transparency and review processes, reparation and the role of pastoral care.