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SYDNEY ARCHDIOCESE/JOHN ELLIS

TRANSCRIPT OF TELEPHONE INTERVIEW BETWEEN PJM &  
MONSIGNOR BRIAN RAYNER

ON 24 AUGUST 2004

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PJM Can I ask whether you mind me recording this conversation, just so that I have got a record myself of what we talk about?

BR That's fine.

PJM Thanks very much. Brian, have there been any developments on this matter to your knowledge over recent weeks?

BR No, I haven't heard anything.

PJM Where do we stand at the moment with the Solicitors Begg & Associates? They wrote a very long detailed letter to you in July.

BR I think that is going to be referred to Corrs for comment. That is, I think, the only thing that we have in our place that would be a bit different.

PJM So that was the letter of the 28<sup>th</sup> of July?

BR Probably, yeah.

PJM So has that already happened? That is, has it gone to Corrs?

BR No, I think it is still waiting to be sent off.

PJM What is your plan there Brian, do you want Corrs to represent the Archdiocese in their dealings with Begg & Associates, or are happy for us to do that?

BR You are running with it aren't you?

PJM Yes, I am. I just want to make sure I don't...

BR I think we are only after another opinion, but that is all.

PJM It is a very worrying letter in the sense that somebody has spent days, if not weeks, researching all of the points to bring out in that letter as they have. I have never seen a letter like that. The one thing that I was expecting, though, was that there would be action by them in regard to limitations because they have specifically said at page 5 of that letter, that there is a date (which they describe there as the earliest August 2001), before which their client did not fully appreciate the reality of the conduct which had been perpetrated. That is obviously there for the purpose of establishing an argument under a particular section of the New South Wales Limitations Legislation. And to avail themselves of it they really have to institute their proceedings within three years of that date. So if you assume it is the end of August, I don't know

when in August they will be saying it was, but if we assume it was the end of August, I was expecting that they would institute a proceeding before the end of August. So I am expecting that and I am pleased to hear it hasn't happened yet because obviously, with every day that goes by, they have a bigger problem in regard to limitations because they will have to point to things that happened within three years of that date.

BR Yes, yes.

PJM So that was the one thing that I wanted to check firmly was that nothing had happened up there, but I am delighted that it hasn't. As far as getting documents and details of whatever instructions you are able to give us about this, is there somebody there who could put together a package of whatever you think we need to see and send it down to us?

BR On what?

PJM Things that occurred to me were first of all the number of attachments referred to in the assessment report of Michael Eccelstone which I haven't got, so I thought that might be a start. Another line of inquiry would be any documents that you have in the personnel file, if I can use that word, of Fr Duggan.

BR No, there is nothing there.

PJM Is there a file at all.

BR Yes.

PJM So what, it just contains nothing relevant at all?

BR Correspondence between the monastery up there, backwards and forwards for about ten years when he was seeking incardination and then finally we gave him incardination in the Sydney Archdiocese.

PJM When was that?

BR Might have been about '92 something like that.

PJM So what has he been doing since then?

BR He is in a nursing home now.

PJM And after 1992?

BR Oh, he might have been at Forrest Lodge, a parish somewhere around the place I'm not sure.

PJM Would there be a record in that file of his appointments in different parishes over the years?

BR Yes.

- PJM Because even something like that...it is just going to be better if I've got something to produce to them when they inevitably ask us for documents at a later stage. So, if you could just get somebody to work through that. Is there anything in writing at all that is relevant to the allegations made by this man.
- BR No, nothing.
- PJM So there is no contemporaneous complaints, or...
- BR No, no.
- PJM Nothing of that nature?
- BR Nothing at all.
- PJM Obviously one of the major problems that we have got with the matter is that Fr Duggan himself is not able to give us instructions about what happened. Do you have any input on that front?
- BR On what, sorry?
- PJM On what Ellis alleges happened? Do we believe Ellis or not?
- BR There is no corroborative evidence because Fr Duggan is suffering dementia.
- PJM Yes.
- BR So, we can't pursue it with anything. There is no form on the part of Duggan as far as we have on file or that we are aware of, and if there had been we would not have taken him into the Diocese. We would not have incardinated a liability.
- PJM Yes. Where was he before you?
- BR Sorry?
- PJM Where was he before you incardinated him into your Diocese?
- BR He was in the Benedictine monastery somewhere in the UK.
- PJM Right, and he didn't come with any past problems?
- BR No. In fact, he was described by Archbishop writing back to their superior, as a wonderful person, you know?
- PJM Well those are the sort of letters I wouldn't mind having copies of. As I say, somebody should just work through the file and pull out what they think we need. I don't anticipate that this one is going to be very difficult. Now, how old would he be at this stage?
- BR About 80, odd.
- PJM Apart from his dementia, what is his general state of health?

BR He is quite frail. I don't know if he can even walk around by himself now. He might be able to but he has no idea about anything.

PJM Yes.

BR I took Ellis there to see him.

PJM You did?

BR Yes.

PJM When would that have been?

BR Oh, might have been nine months ago, something like that.

PJM Brian, what happened in July. I see there was supposed to be a facilitation meeting scheduled on the 20<sup>th</sup> of July. Did that go ahead or not?

BR July, what date?

PJM 20<sup>th</sup>, and I can't work out from my papers what happened?

BR 20<sup>th</sup> of July, yes, it took place.

PJM And who came along?

BR Raymond Brazel, myself and that was it.

PJM Sorry, who was the first one?

BR Raymond Brazel.

PJM Where is he from?

BR He is the mediator, he is the lawyer for them. Not a lawyer, not working in that capacity. Facilitator.

PJM Yes. The solicitor who now represents Ellis didn't come along?

BR No, it was just Ellis and his wife.

PJM Was there an offer made on that occasion?

BR I think there was...yeah, there was an offer, I think about \$30,000, I think.

PJM Yes, I have seen reference to a figure of \$30,000. And what was the response?

BR They didn't give us any response.

PJM So they just said they would take it away and think about it.

BR Mmmm. They refused, they weren't keen on Michael Salmon being present, so at the last minute he was excluded.

- PJM What was the reason for that?
- BR Because they said in the Towards Healing matters that the Director doesn't need to attend or shouldn't attend those mediations. So they didn't allow it.
- PJM And then did they rush straight from there to their lawyer, was that the way it came about?
- BR I think that they must have been doing it before that because we had the reply so soon after. It couldn't have all been done that quickly.
- PJM What sort of bloke is this Ellis? I mean, I have read his history in the assessment report...
- BR He is not a strong character at all, very pedantic, slow, tedious, and I think all the time they are after money.
- PJM Yes.
- BR His wife has worked in CCER and also works for Broken Hill Diocese in some capacity.
- PJM So they are sort of insiders in that sense?
- BR Well, yes. That would be a bit of a concern I think.
- PJM Brian, obviously in the limitations applications, evidence of prejudice is going to be significant. Now, the most obvious evidence is that Duggan himself is not able to give us any instructions, but given that these episodes are said to have taken place at Christ the King Church between 1975 and 1987, is there any other prejudice that immediately comes to mind. He wasn't the parish priest there, was he?
- BR No, he would have been an assistant, and he wouldn't have been there for that entire time. But you know, this bloke is a lawyer, Ellis and he topped law I think at University and did very well at University. He still, from what I believe, got Duggan to officiate at his wedding. He has continued well into adulthood and it is not as though he wouldn't have known about these things as a lawyer.
- PJM Yes, you would think so, wouldn't you? And plus, he has got an insight into the Church through his days at the seminary too.
- BR Yeah.
- PJM Who would the parish priest have been at Christ the King Bass Hill, between shall we say...1975 and 1980?
- BR I wouldn't know without looking up the records.
- PJM It is an inquiry that could very well be most worthwhile because if we can cobble together other evidence of prejudice, and the sort of thing would be that

the parish priest under whose direct supervision he was, is no longer available or is ill, or is dead, whatever it might be. Or, if there are any other key people, key officers at the time, such as, the Vicar General and the Archbishop or Cardinal or whatever. If we could just go up the hierarchy and find out who, from then is no longer available, that would be of assistance. Does anything strike you immediately? Who was the Archbishop in '75 to '78

BR I'll just have a look, keep talking.

PJM Also, who was the Vicar General at the time, who was the Chancellor, who was the Cardinal and which of them is still around?

BR Let me see. Cardinal Freeman, he came in '71 and then the one who has been writing a bit has been Clancy to him, and Clancy he came and took over in '83. So Freeman is dead.

PJM And Cardinal Clancy?

BR He is still alive.

PJM And is he well?

BR No, I don't think he would be up to being quizzed, he is nearly 80 and a half.

PJM And who would the Vicar-General have been at the time?

BR I don't know, no.

PJM And the Chancellor?

BR It could have been Peter Ingham, yeah probably Peter Ingham. He would have been what they call the Archdiocesan Secretary. So Peter Ingham would still be alive, but they wouldn't have anything in this matter. It is only Clancy writing saying he will accept him.

PJM The point is that even if there is nothing around, if we lead evidence that these key people (who are the people that in ordinary circumstances you'd go and talk to, like I am talking to you now to say, 'tell me what happened, what did we know about this bloke, how do we defend ourselves'), these people are no longer here.

BR No, no.

PJM So, if we're setting up a case of prejudice, which I think could be a very important plank of dealing with this fellow, I think we want to go right up the chain from the parish priest at the time, through all of those offices and the relevant period being '75 to '78. I think all of those Cardinal Clancy letters I should see...

BR I'll send you the file.

- PJM We could exhibit those to an Affidavit and say look, on the face of it, these letters paint the picture of a perfectly settled and harmonious situation and we are not able to talk to the man himself (Clancy) because of his age and condition.
- BR Who else did you want the file on, the history of the PP's and the officials, there was something else you wanted as well.
- PJM The attachments to the Ecclestone investigation report.
- BR Attachments to the?
- PJM Assessment Investigation Report of Michael Ecclestone. He did the assessment under Towards Healing. It is a letter dated 24 November 2003 and it identifies by number exhibits up to tab 9D. None of those are attached to my copy, so that would be good. Prior knowledge, Brian you say that your understanding is that there was no knowledge at the time of any difficulty with this man.
- BR No, not at all. We wouldn't have taken him on in those days and incardinated him and accepting that responsibility
- PJM Yes, had that been the case. What about us conducting investigations of the various other people that he has mentioned in his lawyers' letter. There are a couple of names mentioned in this report which is a long report and also mentioned in the letter that his lawyers have written, that we may well ultimately have to interview. I think I will send you a list so that you can think about that and we can talk about it later.
- BR Ok.
- PJM Now as far as his lawyers are concerned, are you happy for me to write to them and tell them that I am acting?
- BR Well, you are aren't you?
- PJM Yes I am. I think that what I am going to do, just for your information, is just wait until the beginning of next week and write to them so that they don't get my letter before the end of August, because that August date could well ultimately turn out to be significant. So, I don't want to prompt them into doing something which they might forget to do otherwise. I'll write to them next week sometime and copy you in and I'll let you know how I get on with things.
- BR Ok, alright. We will send you that information and remember any correspondence here, address it to me and not to Dominic on any occasion, alright?
- PJM Yes, I have got that system implemented here.
- BR Thanks mate, God bless.

PJM Thanks Brian, bye bye.