

THIS IS AND THE FOLLOWING 5 PAGES IS THE ANNEXURE MARKED 'B' REFERRED TO IN THE AFFIDAVIT OF NICOLA MARY ELLIS SWORN THE 15 DAY OF SEPTEMBER 2005, BEFORE ME:

*Colman E. Ryan*

**Towards Healing meeting: 20 July 2004, 3.00pm**

**Venue:** The Polding Centre, 133 Liverpool Street, Sydney

**Present:**

John Ellis (JAE), Raymond Brazil (RB), Brian Rayner (BR), Nicola Ellis (NE)

[Note: these notes are not intended to be a verbatim account.]

Prior to the meeting, RB met with JAE and NE to discuss the content of the meeting (one page 'agenda' attached).

Michael Salmon indicated that he was going to attend the facilitation meeting; JAE queried his presence because the *Towards Healing* procedures specifically provided that the Director should not be present at the facilitation meeting; JAE would not have objected to his presence, but asked whether his attendance was for some particular reason. Michael Salmon then declined to attend.

RB: Today, long time getting to today.

JAE: Has been a long time. Have been promised a response by the Archdiocese in a spirit of justice, compassion and humility.

NE and BR also introduced.

NE: Indication that here to support JAE. Have kept at 'arm's length' because of my professional circumstances. NE here as a 'listening ear' for JAE.

RB: MS not here because of *Towards Healing* protocol prohibition although he had wanted to see things through.

BR: (yawning) Apologise ~ have been in meetings all day, so sleepy.

RB: Informal meeting. Recording can be of value but people can talk more freely if not recorded.

JAE: Request that the meeting is recorded because of transparency and emotional impact. Does not want to 'lose' the meeting.

Agreement that RB and NE would take notes of the meeting.

RB: Outline 'agenda' according to one page prepared by RB and additions / change in order as discussed with JAE and NE before this meeting. RB invites JAE to tell his 'story'.

JAE: Abuse occurred over time and space ie. many different locations. Substantial. Making connection between conduct and impacts. Realising impacts of the abuse in every area of JAE's life. Like a meteor storm. Loss of innocence; loss of sense of self; impacts on sexuality; impacts on relationships. Since disclosure, impact on health, career, kids, marriage. Severe. Initial disintegration was 'bad' but at least still had kids, job, marriage. Felt gratitude/ blessed for that. 'Came

up for air". Impacts ran much deeper than knew even then. Inexorability. Inevitability of impacts. Retained faith; courage; tenacity; powerful intellect: some compensation. This enabled JAE to function ostensibly well... Know how to 'keep going'. Lost anger, shame, inability to speak (positive / benefits of therapeutic work). Response and healing needs to be substantial; a response occurring over time and space to address all impacts.

NE: (brief comment re. severity of impacts)

BR: Not condone / was a breach of trust. Fr Duggan not able to apologise for himself and "I can't apologise for Fr Duggan". Regret that evil intention which led to fear, guilt, loss of innocence. Was 'unfair'. Can't be recaptured. Cannot tolerate the abuse at all. Everyone loses / is injured. Fr Duggan has let us all down. No doubt that the abuse has negatively affected life; 'shame'; hopes JAE will conquer / advance beyond this. Events like this should not occupy too much of JAE's time once 'decide to let it move away'. Initial disclosure takes guts and is a step towards conquering its mastery. Good move to do something about it. Not let it 'eat away'. Evil linked to shame.... over years. Then, shame / while Fr walks on water. Victims can't compare. No-one should have freedom of mind and spirit taken away from them. Inexcusable what Fr Duggan did ~ is a disgrace. Hope he has been reconciled to God if not to JAE.

Never had any reason to doubt what JAE has said. Church should be about building people up ~ Fr Duggan failed. Christ said, "Better drown in sea than show scandal to a child".

I regret; Cardinal is abhorred by these abuses; rare that claims by victims are false. Some people acquire a lot of victims. What JAE is talking about is very serious ~ offensive to Church and society. JAE brave and courageous. Acknowledge difficulty of visit to Fr Duggan. Certainly sorry that it occurred ~ corporate sorrow is different from sorrow of perpetrator, and JAE cannot have that. Fr Duggan has let you down and what he did was inexcusable. Bank metaphor ~ "teller hasn't sinned"... As advanced in years, not able to get out of dilemma (?)

3,000 priests ~ possibly 300 abusers. Affects good priests / boundaries with children. Review response: be free / not set up a prison of all of this....

JAE: Fr Duggan was a person I trusted, cared for. My sense of liturgy was fostered by Aidan Duggan. There was also an impact re. my loss of a mentor / guide. JAE acknowledges that BR has given a considered, lengthy and substantial response. JAE wanted an acknowledgement that healing will take time / substantiveness of the process of healing... JAE had previously underestimated the healing required.

RB: One of the questions that JAE has requested be answered as part of the Church's response is how Fr Duggan came to Sydney.

BR: Chronology is not very clear. Order failed because of lack of numbers. No check except for 'reference' from Superior. Was said to be of 'good repute'. Presume he was a monk who prayed all day ~ wouldn't have been like a normal Parish Priest. Assume that he was 'stuck in a monastery'... [JAE aware from

superficial internet searches that Aidan Duggan was not 'stuck away in a monastery', but was the infirmarian of a boys' boarding school where he also taught. Simple enquiry would have given BR this information...]

- BR: "I haven't seen these questions" otherwise would have prepared differently.  
 JAE: What enquiries were made in order to provide this response? [BR cagey.]  
 BR: I was told that the place had closed.  
 JAE: The school [in Scotland] closed in 1995. Understand that Aidan Duggan came to Sydney in 1975 ~ and Bass Hill was the first parish that he came to when he returned to Sydney.  
 NE: As part of the facilitation, JAE has asked what questions or enquiries have been made since JAE's complaint...  
 RB: Apologise that these questions were not put to BR.  
 BR: [BR defensive] Didn't know that detailed information had been asked for. If had been told, 'probably say no records'.  
 NE: Has there been any actual check of the records since JAE complaint was made?  
 BR: No. Can do so now..... [If so easy, why not done before ~ demonstrates level of complacency evident throughout *Towards Healing* process...]

BR leaves room.

JAE to RB: it is on the public record that AD was infirmarian / parish priest / teacher...

BR returns. They are tracking down the file re. 1975 onwards.

[File produced within 5 minutes...]

- BR: This file covers the last 10 years. There is another file. AD was ordained by Cardinal Gilroy for the Benedictines of New Norcia in 1950. In September 1974, he arrived in Sydney. He wrote to Cardinal Freeman saying that he was returning after 20 years. Abbot tried to dissuade him. Longing to share his priestly...  
 He was accepted for one year, dependent upon consultation between Cardinal and Abbot. Cardinal required a letter from the Abbot. One way ticket to Australia. Letter of November 1975 asking for holidays. A letter from Scotland re. three Australian priests bringing back the Benedictine tradition to Sydney. Letter from Fabian [Duggan] saying 'he's here'. Letter from Cardinal Freeman saying the year is up ~ shortage of priests and there would be upheaval if they were withdrawn at this time. Both [Aidan and Fabian Duggan] willing to continue in pastoral duties in diocese. Late 1975, another letter re. establishing a Benedictine / monastic vocation. Abbot ~ cannot extend year. Should incardinate. Priests to decide. Another letter re. request for holidays (date?) and again similar letter re. holidays.  
 [BR is reading through the file without showing any documents to JAE ]

1981: permission to move to Diocese from Order. No 'reference' re. 'good repute'. "We didn't take responsibility until 1981". BR: I haven't been through this file before...

1979: AD went to another parish ~ Gynea ~ letter of appointment by the Cardinal.

[BR skipping over many documents without comment aloud...]

1981: seeking extension until 1983 of permission of Abbot. 1983: asking they be freed of association with Order to come and work for Diocese. 1 March 1986: Abbot needs another letter if Cardinal wants further extension. Given by Abbot. Cardinal writes to AD to 'await decision'. 1989: Abbot writes to Cardinal saying don't... 1989: Cardinal writes to Abbot saying that AD and FD have decided not to go back to the Abbey. "Relief to have the whole thing settled". 1990: Abbot "glad to regularise the position". 1990: Cardinal willing to accept them as Sydney so long as all necessary canonical conditions are met. Abbot writes to AD acknowledging his decision to stay in Sydney. September 1990: accepted into the Archdiocese. 13 November 1990: told again that he will be accepted. 27 December 1990: formally incardinated as a priest of the diocese. 1995: went to the Little Sisters of the Poor as chaplain. Would be a separate abuse / complaint file: only complaint is that from JAE.

Church now has lots of checks / employment screening. Even if priest is here for a visit, checks are done and personal assurance / statement by priest. If longer term, there is a form that is signed by priest, Bishop, so liable for any 'cover-up'. Also employment screening. Warrant is given that there are no 'skeletons'. If thought that anything could be done differently would do so ~ takes the advice of CCER.

Redress...

Financial~ \$25,000 has been increased to \$30,000 (\$5,000 for therapy / treatment).

JAE: Conditions and reasons?

BR: Increase because BR has heard that JAE is now 'unemployed'. Led to review of the amount. Might need counselling because of loss of employment...

Deed of Release is also required ~ release from being involved in any further legal action.

It wouldn't make any sense to provide money and then person turns around and sues 'you'. "You are the only person who has had a problem with that"... The payment is ex-gratia; not compensation. Only makes sense that it is 'two ways' ie. person has moved forward and is not going to sue...

JAE: How is the sum arrived at?

BR: Is a gesture. Around \$50,000 which is the amount that can be awarded by the Victim's Compensation Tribunal. The compensation is awarded to a particular type of victim (?) Some victims don't seek any monetary compensation (well not compensation) from the Church. The response is to assist a victim to move forward. It doesn't preclude Police action but has to free up the one making the gesture from any legal action against us. Presume Deed of Release is the norm. Gesture only because cannot cover everything that a person feels they have lost. So obviously, this is not compensation. Not into compensating for financial loss etc.

"How do we come up with any figure"? There are terrible degrees of abuse.

Terrible physical violence requiring hospitalization. Gesture would be the maximum for that sort of person. Abuse over 3 to 8 years or more.... It is a personal decision that I make... Is also relevant whether the abuse continued to

an age when 'decision could have been made'. It is arbitrary, but trying to act in good faith. Culpability of Bishops who knew molester is different from that of Bishop who doesn't know that there is a problem.

NE: When you are making these decisions, do you consult with any other Church agency where there are specialists in sexual abuse, for instance, Centacare? Are you informed by expertise re. nature / sequelae of sexual abuse?

BR: I don't consult with any other agencies. There is the Professional Standards Resource Group. There we discuss the response but not the gesture, and any actions being taken against a particular priest.

RB: Response re. 'non-financial' aspects?

BR: If person accepts the gesture, Cardinal would personally meet and express regrets. Once matter is settled, then a significant Church person can apologise. Purpose is healing. We won't be going down that line if a person decides to go down a legal path. Response is conditional upon signing a Deed of Release. Otherwise it would be 'unreasonable'. Whole parameter of *Towards Healing* is that we don't receive legal action against us. There is no restriction re. talking about the process that brought about the reconciliation. I realise you have trouble suing Fr Duggan and he is not capable of being charged.

NE: It is not helpful to say to JAE that 'no-one else had a problem' [with the Deed of Release] because to my knowledge that is not true regarding the *Towards Healing* process. [BR very defensive]

JAE: I understand that the financial gesture is conditional, as of 10 days ago... I did not know that the apology was conditional upon my signing of the Deed of Release.

BR: I can express my regret personally and on behalf of the Church. Suing is 'not in the spirit of what we are discussing'. I am trying to be very sincere. I can be hurt too [tears??] I am following our practice. I didn't invent this practice. We might view things differently because of John's legal background and because of your [NE's] involvement with Church...

If you remain involved with *Towards Healing*, I would be 'delighted'. If not, I respect that you have to 'live with yourself'. I am here to explain the system as I understand it... Do what you are comfortable with... If uncomfortable with the current practice re. *Towards Healing*, you must address that as you see fit. "If I haven't expressed myself well that's because I'm dumb / not a lawyer" [BR upset].

JAE: Is assisting with the appointment of a spiritual director also conditional?

BR: Probably not. Happy to recommend / chat re. possibilities. Your right is to pursue this. It would be nice for you to have a spiritual director unrelated to us. Private matter for you. Unrelated to *Towards Healing*. Happy to have input.

RB: JAE reply?

JAE: Ensure process is de-personalised (?). Appreciation of BR personally as compared to him being a spokesperson of the Church Authority. Appreciation of BR accompanying us on visit to AD ~ timeliness and empathetic response. That visit had a positive impact as did his words today. However, surprised and disappointed at way some things were expressed in last part of meeting.

- BR: I will talk to the Cardinal and ask re. apology / expression of sorrow, but that is not the usual practice. JAE will get a call from Michael Salmon.
- JAE: The process of healing relationships is separate from legal action.
- BR: Where there is an ex gratia payment, this changes the nature of the relationship... Some people don't ask for money. [What does this comment say about BR values / beliefs re. 'taint' of money?]
- BR: The problem with an apology is because you could put the Cardinal in the box and an apology would amount to an admission. Not sure what exposing the diocese to... We are talking to try and bring healing, ie. a conclusion.
- RB: Let's look at some conclusions.
- JAE: Apology from the Cardinal and spiritual director: agreed. Apology is possible but understand that BR will have to get legal advice.
- BR: "It is not appropriate to give someone dough up front to sue us".  
Appreciate that JAE is honest... (??)
- JAE: I understand and hear, but have difficulty understanding that the gesture is 'not compensation' and a Deed being required. For an 'ex gratia' payment, I would expect that there would be formal acknowledgement of the gesture rather than a legal release. I have legal advice that I should not sign the Deed. I am awaiting a decision as to whether I should go down a legal road. I am advised that I would have a substantial claim.
- BR: Against whom? [JAE not answer]
- JAE: The length of the *Towards Healing* process may impact on the Limitation period.
- RB: Where are we at?
- BR: I have also had advice about the case if you do go forward. I am not going to influence you. Who first / second plaintiff / defendant will be etc. If goes legal, will cost someone some dough. Hasn't been a payout.... This is an open gesture at this stage ~ no specific timeframe.
- JAE: That is appreciated.

Meeting concluded.