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Dear Brother McDonald

Thank you for providing me with the report of the Interim National Review Panel regarding the review of process sought by Mr John Ellis (**Report**).

I have reviewed the recommendations made in the Report. I am concerned about the appropriateness of implementing several of those recommendations in circumstances where Mr Ellis has commenced proceedings and is aggressively pursuing a large damages claim against the Trustees for the Roman Catholic Church for the Archdiocese of Sydney.

From my reading of the ~~Report~~ ^{of not aware}, it would seem that the panel of Messrs Blake, Gleeson and Levy (**Panel**) were not advised that Mr Ellis had commenced proceedings in the Supreme Court. It is also apparent that the Panel were not aware that Mr Ellis has also sought to use any apologies or admissions made by or on behalf of the Archdiocese of Sydney and any criticisms of the process of his Towards Healing complaint to support his claims in those proceedings. I am concerned that the Panel would not have been able to take these factors into account when formulating their recommendations in the Report. In particular, I consider that an awareness of the current legal proceedings commenced by Mr Ellis may have impacted on the following recommendations by the Panel:

- 1 Recommendation 22(a);
- 2 Recommendation 22(b); and
- 3 Recommendation 23(a).

Accordingly, in my view, the appropriate course is that the Report be remitted to the Panel in order that they might reconsider recommendations 22(a), 22(b) and 23(a) in light of the legal proceedings commenced by Mr Ellis and the manner in which Mr Ellis is seeking to leverage what he argues were flaws in his Towards Healing complaint. I would be pleased to arrange for the necessary details of the Ellis proceedings to be communicated to the Panel should you agree with this approach.

Similarly, it would appear that the Panel was not aware of the existence or the terms of reference of the current review of the National Committee of Professional Standards being undertaken by Mr Barry Mahoney QC. In my view, with the exception of recommendations 22(a), 22(b) and 23(a), the balance of the recommendations made in the Report fall comfortably within the terms of reference of Mr Mahoney's audit. Indeed some of the recommendations made by the Panel are very similar to matters discussed in Mr Mahoney's interim report. By providing the recommendations to Mr Mahoney, this ensures that the recommendations will be considered in the context of a wider and more thorough review rather than simply in relation to one complaint.

In the circumstances, I consider that the most appropriate way for these recommendations to be properly considered would be to refer the Report to Mr Mahoney ^{QC(?)} at your earliest convenience in order for him to consider the recommendations before delivering his final report. In my view, Mr Mahoney should be made aware of the wider circumstances of Mr Ellis's complaint, including the current Supreme Court litigation and the limited amount of material before the Panel when they formulated their recommendations. Once again, I would be pleased to arrange for the necessary details

of the proceedings to be communicated to Mr Mahoney should you agree with this approach.