

Legally Privileged and Confidential: Ellis

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Date: Fri, 24 Jun 2005 17:35:46 +1000

Dear Paul,

thank you for the briefing today on this matter. Danny and I found it most helpful. By way of following up on three of the matters we discussed I would like to report as follows:

1. In briefing Cardinal Pell on our discussions, His Eminence confirmed that he is happy for you to seek the assistance of Tracey Cain from Strategic in developing a media strategy for July 25, on the conditions we discussed this morning.
2. His Eminence asked me to check that the Towards Healing assessment had in fact found in favour of Ellis's allegations. Eccleson's report did find that on the balance of probabilities Ellis was abused by Fr Duggan, and Ellis has a copy of this assessment. But as provided under section 40 of the TH protocol, the Church Authority has a discretion, after discussing an assesment with the Director of Professional Standards, to accept or reject its findings. Michael Salmon has advised me that there were reservations about the assessment, not least because of Fr Duggan's incapacity to respond and the absence of any prior evidence of predatory behaviour.

As a consequence, the final position which the Archdiocese came to was that it was not possible to make a determination that Fr Duggan had abused Ellis as alleged, but because there was no reason to doubt that Ellis honestly believed he was telling the truth, and because of his evident pain, an ex gratia payment would be offered as a pastoral response.

The basis on which this offer was made would have been made clear by the facilitator of the discussion between Ellis and Monsignor Rayner, Raymond Brazil, both during the facilitated discussion and in preliminary discussions with Ellis. Mr Salmon suggests it may be useful to speak directly to Mr Brazil to confirm this (tel. **REDACTED**). I would be grateful if you could contact Mr Brazil to discuss his recollections.

In contrast to where we thought we were this morning, this information places us in a position where we can say that the Archdiocese has never accepted that Fr Duggan was responsible for the abuse Ellis alleges he suffered, either under the Towards Healing process or at law.

3. Finally, our discussion this morning concerning the proper defendant was most helpful in allaying His Eminence's concerns about how insisting on this point might be construed in media comment. Speaking of this issue in terms of the natural justice involved in requiring the plaintiff to show that those he

alleges are liable, truly are liable, may be one formulation to keep in mind if we are pressed to publicly justify our approach.

thank you again for your help today.

sincerely,

(Dr) Michael Casey
PRIVATE SECRETARY TO CARDINAL PELL