

Questions and Answers

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1. What are the allegations?

The allegations are complex. – I think you should refer to the Court documents rather than relying on a summary from me.

2. What is the background of the plaintiff?

The plaintiff is John Ellis . The Court documentation sets out his background.

3. Being a partner in a major law firm he is certainly more credible than the usual plaintiff in these types of cases...Is there any truth to the allegations?

Credibility is a question for the court.

The allegations concern a period of time that ended in 1986. Fr Duggan died last year and it was not possible to interview him at the time the allegations were raised.

Before Mr Ellis decided to take legal action, as is his right, the Archdiocese was working with him through the independent Towards Healing process to resolve the matter in a supportive and pastoral setting.

4. With all the publicity around these types of cases, have you ever encountered any fraudulent claims?

No. However, some claims are unsuccessful.

5. Why go to Court on this case?

Mr Ellis chose to take this matter to court, and he has every right to do so.

6. What is the court procedure for a case like this?

Mr Ellis commenced proceedings after the expiry of the limitation period therefore he must apply to the Court for leave to bring his substantive claim before the Court. This will occur on 25 July.

One of the major considerations by the court in deciding whether to grant that extension is whether the defendants have suffered prejudice as a result of the plaintiff's delay in bringing the matter before the court. In this case, Father Duggan is now dead and was not able to answer the allegations when they were raised because of mental incapacity. The delay in bringing the allegations has made it difficult for the Archdiocese to investigate them .

If the extension is granted, the case itself may then proceed to court.

7. Why is the Church defending itself when your own investigation found this happened?

The interview of John Ellis by the Church's independent investigator is now a matter of evidence before the Court. It is therefore inappropriate for us to comment on this.

8. Why are you trying to wriggle out of your responsibilities on a technicality?

The limitation period, set by parliament expired many years ago. Mr Ellis is outside that timeframe, and must apply for the leave of the court before bringing his claim.

As part of its consideration, the court will look at whether the defendants have been prejudiced by the delay in bringing this claim. We will argue that with the passage of time and the death of Father Duggan, the ability to adequately investigate the claim is limited.

9. Why is the Cardinal trying to get his name off this case – is it because of the earlier allegations about him?

In this case, Cardinal Pell was not appointed to the Sydney Archdiocese at the time the alleged offences occurred.

10. Isn't it a bit rich for the Church to be dodging its responsibility on a legal technicality?

[Same answer as for number 8.]

11. This case is obviously similar to the ones involving Peter Hollingsworth and others – will the Cardinal resign if you do not win this?

There are no similarities. Cardinal Pell was not in Sydney at the time of the alleged offences against Mr Ellis.

12. If the Court finds for the plaintiff, do you think the amount being claimed is fair?

That's a matter for the court.

13. Why didn't the Church take action against Father Duggan?

The Archdiocese only became aware of these allegations in mid June 2002 – this was after Father Duggan had retired and his health was very poor. He was no longer performing any duties as a priest, and he was not able to be interviewed.

There is no evidence of any inappropriate behaviour by Father Duggan, and this is the only complaint of this nature ever made against him.

14. Have there been any other allegations of a similar nature against Father Duggan?

No – in fact quite the contrary. Father Duggan was a man of good character.

15. I have spoken to three other men who claim to have had similar experiences with Father Duggan when they were boys – how do you react to that?

We are not aware of any such allegations.

If people have allegations of sexual abuse they should bring them to the police, or if they prefer, to the independent Towards Healing program for investigation.

16. When you did hear the allegations why did it take so long to investigate them?

The Archdiocese was first made aware of the allegations in 2002 – some 16 years after the alleged abuse ceased.

The Archdiocese became aware of Mr Ellis's claims through the independent Towards Healing process. We were working through that process with Mr Ellis in mid-2004 when he elected to move the matter to the Courts. He has every right to do this, and the Towards Healing process remains open to him once legal action has been resolved.

17. Have you just been trying to go slowly in order to allow the Statute of Limitations clauses to come into play?

No. The Archdiocese was only made aware of these allegations in 2002, 16 years after the period of alleged abuse ceased in 1986. The statutory limitation period is concerned with when the Plaintiff alleges he became aware that the injury had been suffered, and not how or when the Church responded.

18. What is the Towards Healing program?

Towards Healing is an independent process established in 1996 to investigate allegations of physical or sexual abuse in the Church, and to provide support to victims of abuse.

Towards Healing focuses on investigating complaints in a pastoral setting. Its goals include bringing, healing for the victims, assistance to other persons affected, an effective response to the accused and those who are guilty of abuse, and preventing abuse.

19. Is Towards Healing an attempt to cover up or delay action on these types of allegations?

It is a priority under the Towards Healing protocols to investigate complaints in a timely and supportive manner. The Church regards the rights of victims of sexual abuse as paramount, and this is reflected in the Towards Healing process.

20. How many people have made similar allegations through the Towards Healing program?

You will have to ask the National Committee for Professional Standards.

21. I just want aggregate information not details of individual claims.

[same answer as for number 20]

22. How many times has the Church been to Court on an abuse case?

I don't know. I can only comment on this particular case.

23. How often has the Church settled such cases and what is the average payout?

[same answer as for number 23]

24. Have you made an offer in this case?

Not appropriate for me to comment on this matter.

25. Why don't you just settle this case?

Mr Ellis chose to take this matter to court, and he has every right to do so. Prior to this decision, the Archdiocese was working with him through the independent Towards Healing process to resolve the matter in a supportive and pastoral setting. This process remains open to Mr Ellis, but it is not appropriate for the Towards Healing process to continue while legal action is afoot.

26. Are you confident you are going to win this case?

We are not going to speculate on the potential outcomes.

27. What protocols are in place to check the behaviour of priests – are there regular reviews or are your protocols solely complaint driven?

Michael Salmon can provide this information.

[There are regular reviews, and one has just been conducted – Mahoney review – MC].

28. Can we interview the Cardinal or the Church? If not, why are you hiding behind lawyers and spin doctors?

Cardinal Pell is a defendant in this matter. It is not appropriate for the Church to comment at this time.