

John Ellis v His Eminence, George Cardinal Pell, Trustees of the Roman Catholic Church for the Archdiocese of Sydney and Father Aidan Duggan

1 Introduction

- 1.1 The purpose of this document is to provide a concise summary of the nature of the proceedings commenced by John Ellis in August 2004 in the Supreme Court of NSW against:
- (a) His Eminence, George Cardinal Pell;
 - (b) The Trustees of the Roman Catholic Church for the Archdiocese of Sydney; and
 - (c) Father Aidan Duggan.

2 Background

- 2.1 These proceedings involve a personal injury claim relating to alleged acts of “indecent and sexual abuse” by Father Aidan Duggan to the Plaintiff between 1974 and 1986.
- 2.2 The Plaintiff was an altar boy in the ‘Christ the King’ Parish at Bass Hill between 1974 and 1979. At that time he was aged between 13 and 18 years old. The Third Defendant was an assistant priest within that Parish during the same period.
- 2.3 The Plaintiff alleges that the Third Defendant sexually abused him in the presbyteries of various churches, in a holiday home at Umina and at clergy accommodation in Lawson, NSW. It is further alleged that the abuse continued after the Plaintiff reached the age of majority, specifically between the ages of 18 and 27 years. The Plaintiff suggests that, notwithstanding the Plaintiff’s age, these later sexual episodes were “unwelcomed and resisted”.
- 2.4 Given the length of time between the alleged abuse and the commencement of the proceedings, the time within which proceedings must be commenced by the Plaintiff in respect of the alleged abuse (the limitation period) has expired. Accordingly, the Plaintiff has applied to the Court for it to extend the limitation period.
- 2.5 It is this application that is being heard by the Supreme Court on 25 July 2005.

3 The Plaintiff

- 3.1 The Plaintiff, now aged 43 years, was until May 2004 a salaried partner in the construction team at Baker and McKenzie Lawyers. His employment was terminated following a request from the Management Committee of the firm. Currently, the exact reasons for his termination are unknown, however, it seems that there had been a number of complaints from junior staff, culminating in a petition that was signed by the staff and sent to the partners.

- 3.2 Significantly, the Plaintiff's second wife Nicola (whom he married in 2000), is also a lawyer and was employed in child protection in church agencies.

4 Father Duggan

- 4.1 Father Duggan died in 2004, after suffering from Alzheimer's Disease. He was therefore aged between 55 and 66 years at the time of the alleged abuse. Given his illness and subsequent death, Father Duggan was unable to contradict the Plaintiff's allegations.
- 4.2 Father Duggan was a family friend of the Plaintiff for many years before and during the alleged abuse. We have also been told that Father Duggan married the Plaintiff and his first wife and, indeed, baptised the Plaintiff's children.
- 4.3 There is no record of any suggestions of abuse by Father Duggan, sexual or otherwise. Further, Father Duggan has no previous police warnings or convictions.

5 The Church's involvement

- 5.1 The first formal complaint that the Plaintiff made to the Archdiocese of Sydney was in a statement of complaint dated 3 June 2002. Thereafter, the Plaintiff was involved in the 'Towards Healing' process. However, despite efforts at settling the matter, it remained unresolved.
- 5.2 As part of the Towards Healing process, an independent assessor, Michael Eccleston, undertook an investigation of the Plaintiff's allegations. Mr Eccleston interviewed the Plaintiff on 2 July 2003. However, the Third Defendant was not interviewed. Mr Eccleston also interviewed various members of the Plaintiff's family.
- 5.3 At the end of his report, Mr Eccleston concluded that "*Based on the available evidence it is more likely than not that the allegations as alleged occurred.*"

6 The Commencement of the proceedings

- 6.1 The proceedings were eventually commenced by the Plaintiff on 30 August 2004.

Corrs Chambers Westgarth

July 2005