

Form 4 5
P 36 r 1 6

**IN THE SUPREME COURT
OF NEW SOUTH WALES
SYDNEY REGISTRY
COMMON LAW DIVISION**

20308 of 2004

NOTICE TO PRODUCE

Filed for Plaintiff – John Andrew
Ellis

JOHN ANDREW ELLIS
Plaintiff

**HIS EMINENCE GEORGE
CARDINAL PELL
ARCHBISHOP OF SYDNEY
FOR AND ON BEHALF OF
THE ROMAN CATHOLIC
CHURCH IN THE
ARCHDIOCESE OF SYDNEY**
First Defendant

**THE TRUSTEES OF THE
ROMAN CATHOLIC CHURCH
FOR THE ARCHDIOCESE OF
SYDNEY**
Second Defendant

**REVEREND AIDAN DUGGAN
OSB**
Third Defendant

DAVID BEGG & ASSOCIATES
Suite 1404, 14 Martin Place
Sydney NSW 2000
Ph: (02) 9232 5377
Fax: (02) 9232 5388
Ref: ELL 114/04 David Begg

That the Plaintiff requires you to produce at the directions hearing in this matter on 16 August 2005, the following documents:

1. Correspondence between:

- Officers of the Chancery of the Roman Catholic Archdiocese of Sydney; and
- Lesley Hirten, Liability Claims officer, or other officers of Catholic Church Insurances Limited.

between 3 June 2002 and the present, in relation to the claim of the Plaintiff under Towards Healing or the present proceedings.


2. Applications for registration or exemptions made to NSW or Commonwealth government authorities by the Second Defendant or in the name of the Second Defendant between 1974 and the present. In particular, applications to:

- (a) NSW Department of Education and Training;
- (b) NSW Department of Fair Trading;
- (c) NSW Board of Vocational Education and Training;
- (d) Human Rights and Equal Opportunity Commission; and
- (e) Commonwealth Department of Health and Ageing.

3. Delegations from the Second Defendant under Section 9B of the *Roman Catholic Church Trust Property Act 1936 (NSW)* in force between 1974 and 1987.
4. Minutes of the Archdiocesan Council meetings between 1974 and 1987 at which appointments of, or applications by, the Third Defendant were discussed, including:
 - (a) Between March 1974 and November 1974 in relation to his appointment to Bass Hill parish;
 - (b) December 1978 to January 1979 in relation to appointment to Gympea parish;
 - (c) December 1979 to January 1980 in relation to appointment to Camperdown;
 - (d) April/May 1982 in relation to the Third Defendant's application for the position of Director of the Catholic Immigration Office; and
 - (e) May/June 1986 in relation to appointment as Administrator at Camperdown.
5. Documents evidencing the contents of The 1972 Clergy Remuneration System, as referred to in paragraph 4(i) of letter from Corrs Chambers Westgarth dated 26 July 2005.
6. Constitution of the Clergy Remuneration and Retirement Plan.
7. The Statutes of the Synod of Sydney referred to in the attached letter from the Archbishop of Sydney to the Third Defendant dated 27 December 1990.
8. [WITHDRAWN]
9. Personnel file of Father Fabian Duggan OSB.
 10. A note dated 25 September 1987 by Peter Ingham to "Dear Aidan" attached to a letter from The Council of the City of Sydney, and a handwritten letter by Father Duggan to Peter Ingham with a copy of letter sent to "the Town Hall" dated 2 August 1987 stating "we are chaplains to the Royal Prince Alfred Hospital and the Royal Alexandra Hospital for Children.--- and I am controller of a flourishing Child Care Centre of over fifty children.--- We run Chinese language classes for the children every Sunday, and also a Sunday school in the upstairs hall above the Child Care Centre." -- from Archdiocesan Archives Box C1734.
 11. Letter dated 4 August 1987 from Father Duggan to "Your Grace" concerning the attached Summary of history of Child Care Centre Camperdown dated 4 August 1987 and signed by D. Aidan Duggan. -- from Archdiocesan Archives Box C1734.

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12. Contract between the Archdiocese of Sydney and the Congregation of the Sisters of Mercy (North Sydney) ——— of Sister Ellen Reid, RSM -- under the Direction of the Parish Administrator, father Aidan Duggan, O.S.B. dated 28 February 1989——.” – from Archdiocesan Archives Box C1734.
13. [WITHDRAWN]
14. Letter from Archbishop of Sydney to Father Duggan dated 11 January 1990 re: visitation of parish of Camperdown. – from Archdiocesan Archives Box C1734.
15. Letter from Monsignor Peter Ingham to “Dear Aidan” dated 13 June 1990 re: Child Care Centre Camperdown. – from Archdiocesan Archives Box C1734.



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Solicitor for Plaintiff