

Our reference  
PRM/JD/CATH4300-9006837

Governor Phillip Tower  
1 Farrer Place Sydney NSW 2000  
GPO Box 9925 NSW 2001  
Tel (02) 9210 6500  
Fax (02) 9210 6611  
[www.corrs.com.au](http://www.corrs.com.au)

**CORRS  
CHAMBERS  
WESTGARTH**  
lawyers

Sydney  
Melbourne  
Brisbane  
Perth  
Canberra  
Gold Coast

3 February 2005

David Begg & Associates  
GPO Box 2155  
SYDNEY NSW 2001

**Contact**  
John Dalzell (02) 9210 6160  
Email: [john.dalzell@corrs.com.au](mailto:john.dalzell@corrs.com.au)

**Partner**  
Paul McCann

Dear Mr Begg

## **John Andrew Ellis v His Eminence Cardinal George Pell & The Trustees of the Roman Catholic Archdiocese of Sydney**

We refer to the above matter and your facsimile dated 21 January 2005 regarding our Notice Disputing Facts and Authenticity of Documents.

We are instructed to reply as follows:

The Third Defendant was appointed as an assistant priest in the parish of Bass Hill on or about 1975. At the relevant time, between 1974 and 1986, the Third Defendant was not in the service of the Archdiocese of Sydney (the Archdiocese). As you will now know, having reviewed the discovered correspondence between the Archdiocese and the Order of St Benedict, the Third Defendant was at all relevant times, a member in the Order of St. Benedict.

Between 1974 and 1990, the Third Defendant was on a period of extended leave (exclaustration) from Fort Augustus Abbey, Scotland. The Third Defendant was not granted leave to be freed from his obligations to the English Benedictine Congregation until 20 September 1990 and was not formally incardinated as a priest of the Archdiocese of Sydney until 27 December 1990.

Exclaustration is a commonly used introduction to give those serving with religious orders/institutes the opportunity of experiencing life in a diocese before any long term commitment is entered into.

Moreover, the Third Defendant did not receive holiday pay from the Archdiocese, nor was he subject to the disciplinary or promotion procedures of the Archdiocese. In all material respects, the Third Defendant was an active member of the Order of St Benedict. We direct you to the correspondence between the Abbott of Fort Augustus Abbey, Inverness-shire, and the Archbishop of Sydney as evidence of the above.

Regarding the assertion that the Plaintiff made a claim on the First and Second Defendants on 3 June 2002, we direct you to our letter dated 20 December 2004.

3 February 2005

David Begg & Associates

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Sydney**

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The Deed of Release attached to the Plaintiff's affidavit and marked "D", was provided to the Plaintiff in response to his request to review a 'sample deed' for and on behalf of the Catholic Archdiocese of Sydney.

If you have any queries, please contact John Dalzell on (02) 9210 6160.

Yours faithfully



**Paul McCann**  
Partner