

Witness Statement

Name	John Francis Davoren
Address	54 Mulga Rd, Oatley
Occupation	Retired
Date	7 March 2014

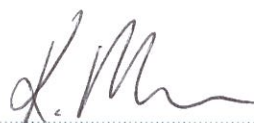
- 1 My name is John Francis Davoren.
- 2 I am currently retired.
- 3 I have made a previous statement to the Commission dated 19 February 2014 in relation to Case Study 8, the case study in relation to, amongst other things, the *Towards Healing* complaint of Mr John Ellis ("**First Statement**").
- 4 This statement has been prepared in response to and in compliance with a Summons issued by the Royal Commission. It is produced to the Royal Commission on the basis that it will be tendered and received in evidence by the Royal Commission pursuant to that Summons and on the basis that the statement will be treated as evidence pursuant to section 6DD of the *Royal Commissions Act 1902* (Cth).

My role at the NSW PSO

- 5 At paragraph 15 of my First Statement, I referred to the *Towards Healing* document in force at the time of the complaint made by Mr Ellis which was dated December 2000. It has come to my attention that the document annexed [CTJH.400.02002.0086], contains amendments from May/June 2003. These amendments post-date my time at the PSO.
- 6 A version of *Towards Healing* dated December 2000 without the May/June 2003 amendments is [CTJH.402.04001.0001].

Statement of Mr John Ellis

- 7 I have now read the statement of Mr Ellis in this case study before the Royal Commission and say the following.
- 8 At paragraph 120 of the statement of Mr Ellis sets out his recollection of a meeting held in my office before he lodged his complaint under *Towards Healing*. Mr Ellis says I said words to the effect:

"It was so long ago. Father Duggan is a very old man. The police probably won't do anything about it. Probably the best thing for you is to just put it all behind you and get on with your life. You should go away and think about that before doing anything."

- 9 I do not now recall this meeting, but I accept based on the email he sent to me on 17 June 2002 [CTJH.400.01004.0298] by Mr Ellis that this meeting took place.
- 10 I would not have said words to the effect of "Father Duggan is a very old man". I had not met and did not know of Duggan at this time and would have had no basis for making this statement. I also did not say words to the effect of "The police probably won't do anything about it." At this time, I was not aware of any issues Duggan might have been suffering with his health, nor did I know he was in a nursing home. I did not conduct any investigation regarding Duggan's health until after the complaint was made.
- 11 I refer to paragraphs 132 to 135 of Mr Ellis' statement in which he appears to be stating that he had not requested a meeting with Duggan. I refer to the email dated 22 August 2002 from myself to Mr Ellis [CTJH.400.01001.0322]. In the third paragraph, I state *"The Archbishop has agreed to the meeting between you and Fr Duggan that you spoke of, provided Fr Duggan is reasonably able to participate."* I do not now recall the terms of the conversation that I refer to in this email.
- 12 I refer to paragraph 133 of Mr Ellis' statement. I further refer to several emails where I stated that I was not sure what the next step should be or I said I would like to discuss with Mr Ellis what we should do next (see for example my email dated 15 July 2002 [CTJH.400.01001.0389] and my email of 13 September 2002 [CTJH.402.01001.0020]). There were four factors in Mr Ellis' case which together, in my mind, made this case unusual and outside the scope of the other matters I had dealt with under *Towards Healing*. Firstly, Mr Ellis said he had not told anyone about the abuse; secondly, the accused priest was not able to be interviewed; thirdly, in the many years that he had been a priest, there had been no other complaints received by the Church Authority to my knowledge; and fourthly, the complaint was in respect of conduct that was said to have commenced more than twenty-five years previously. I had not experienced another case under the *Towards Healing* protocol where all four of these factors were present in the same complaint. Whilst I do not now directly recall, I believe my reference in correspondence to what the next steps should be, was my seeking from him an idea of whether he thought there might be some way to progress the matter in circumstances where there was no corroborating evidence or whether there was some other way we could help him now that a meeting with Duggan appeared unlikely (which I understood at the time was one of his objectives from *Towards Healing*).
- 13 At paragraphs 144 and 145 of his statement, Mr Ellis sets out two conversations that he says he had with me in January 2003. On 3 February 2003, I sent an email to Father John Usher and Michael Casey of the Church Authority [CTJH.402.01001.0031]. This email refers to conversations that I had with Mr Ellis at about that time. While I no longer have any recollection of what was said during




those conversations, I have no reason to doubt that conversations occurred between myself and Mr Ellis as set out in that email.

***Towards Healing* complaint made by Mr Ellis**

- 14 At paragraph 59 of my First Statement, I refer to reviewing the correspondence sent to and by me between December 2002 and May 2003.
- 15 Having refreshed my memory from reading those documents, between January 2003 and May 2003 the following developments occurred in the progress of Mr Ellis' *Towards Healing* complaint:
- (i) I was informed that Mr Ellis' mother visited Fr Duggan and told Mr Ellis that he was responsive and seemingly well aware of his surroundings (see my email to Fr John Doherty and others dated 3 February 2003 at [CTJH.402.01001.0031]);
 - (ii) I recommended that we obtain an assessment of Fr Duggan's mental state (see my email to Fr Doherty and others dated 3 February 2003 at [CTJH.402.01001.0031]);
 - (iii) I recommended that we delay any meeting with Mr Ellis until we obtained that assessment (see my email to Dominic Cudmore dated 4 February 2003 at [CTJH.402.01001.0032]);
 - (iv) we investigated how we might go about obtaining that assessment and the Church Authority sought legal advice from Mr Richard D'Apice on the issue (email from Mr Cudmore to me and others dated 20 February 2003 [CTJH.400.01001.0304]; email from Mr Cudmore to Mr D'Apice, copied to me and Michael Casey dated 21 February 2003 at [CTJH.400.01004.0135]);
 - (v) Mr D'Apice recommended that an assessment of Fr Duggan's mental state take place but that the Church Authority could not make the decision as to whether Fr Duggan could participate in that process (email from Mr D'Apice to Mr Cudmore dated 24 February 2003 [CTJH.400.01004.0105] which was copied to me later that day [CTJH.400.01004.0170]);
 - (vi) I exchanged correspondence with Mr Ellis in which I expressed the view that no *Towards Healing* assessment could take place in circumstances where the priest was not available to be interviewed, and Mr Ellis expressed his frustration with the *Towards Healing* process, in particular in his email to me dated 21 March 2003 [CTJH.402.01001.0037] (see also my email to Fr Doherty and Dr Casey dated 19 March 2003 [CTJH.402.01001.0036]; my email to Dr Casey and Mr Cudmore dated 25 March 2003 [CTJH.402.01001.0054] and my email to Mr D'Apice dated 31 March 2003 [CTJH.402.01001.0058]);

John Davoren

[Signature]

(vii) the Church Authority sought further legal advice following Mr Ellis' email to me dated 21 March 2003 (see my email to Mr Cudmore and others dated 28 March 2003 [CTJH.400.01004.0118] and the letter from Mr Cudmore to Mr D'Apice dated 28 March 2003 [CTJH.402.01001.0050]); and

(viii) a power of attorney relating to Fr Duggan was located (see email from Mr D'Apice to me, Mr Cudmore and others dated 28 April 2003 [CTJH.400.01004.0108]).

Signature

John Davoren

Name

John Francis Davoren.

Date

7 March 2014

Witness

K. Meikle

Name

KATE MEIKLE

Date

7 March 2014