

UPDATE 25

Royal Commission John Ellis Case Sydney



21 March 2014

The Ellis case has continued over the past two days (Thursday and Friday) with the appearance of Mr John Dazell, the instructing lawyer from Corrs, in the litigation.

Mr Dazell was asked about the tactical decision to dispute Mr Ellis' claim that he was abused despite a Church report which indicated the abuse had taken place.

Justice McClellan asked Mr Dalzell about this decision and if it was in breach of his duties to not mislead the court. Mr Dalzell was also asked how he could sit behind the Archdiocese's legal counsel during the court hearing as Mr Ellis was cross examined for four days, including about whether he had been abused, when he knew the abuse had actually occurred.

Mr Dazell rejected the proposition that he had acted unethically.

Mr Dazell was also asked about the decision to dispute Mr Ellis' abuse claim and who gave the instruction to do this. Mr Dazell said there were no documents indicating Corrs had received specific instructions to dispute these facts [though he believed he had not acted without instructions].

After lunch on Thursday Dr Michael Casey, Private Secretary to Cardinal Pell, entered the witness box and commenced by giving evidence about his role and responsibilities including that he was a conduit to the Archbishop for others outside the Archbishop's office.

Dr Casey said at the time Mr Ellis first approached the Church about his abuse he had little involvement with *Towards Healing* cases but became increasingly involved over the years.

He said he agreed completely that when members of the church commit criminal actions that hurt people the church has a moral responsibility to help them and to meet their needs but that those criminal actions are not the actions of the Church.

Dr Casey said that while the Cardinal was involved in many of the significant decisions that were made in relation to the Ellis litigation day-to-day, 'ordinary' steps which were consistent with the overarching instructions were taken independent of the Cardinal.

When Dr Casey concluded his evidence after lunch on Friday, he was followed into the witness box by Monsignor John Usher, current Chancellor of the Archdiocese of Sydney.

Monsignor Usher commenced by giving evidence about events in the late 1980s when the Church leadership started to become aware of the existence and extent of child sexual abuse within the Church.

Monsignor Usher talked about the establishment of the 'Special Issues' group within the ACBC to first consider the Church's response to sexual abuse and the development of *Towards Healing*.

.../more

Monsignor Usher said he did not believe there should be an end point for the *Towards Healing* pastoral support offered to victims by the Church and that he had stopped the practice of requiring victims to sign deeds of release as part of their *Towards Healing* process.

He also gave evidence that he believed the Archdiocese should not have tried to recover its legal costs from Mr Ellis. He said the eventual decision to not seek costs from Mr Ellis took too long and left Mr Ellis very distressed.

For more information on the Truth Justice and Healing Council go to: www.tjhcouncil.org.au

For information on the Royal Commission go to: <http://www.childabuseroyalcommission.gov.au/>

Contact: Michael Salmon 0417 495 018