

# UPDATE 22

## Royal Commission John Ellis Case



18 March 2014

The hearing into the John Ellis case continues in Sydney this week.

Monsignor Brian Rayner spent all day Monday and until just prior to lunch on Tuesday initially giving evidence about his role in Mr Ellis' *Towards Healing* process and then being cross-examined.

Monsignor Rayner gave detailed evidence about the decision making process involved in the Ellis *Towards Healing* process, including the degree of discretion he had in making any significant decisions in the case.

Monsignor Rayner also gave evidence about his role in a prospective financial settlement with Mr Ellis.

Just before lunch Paul McCann, senior partner at Corrs Chambers Westgarth, lawyers for the Archdiocese of Sydney in the Ellis took the stand. Mr McCann gave evidence about advice he gave and the instructions he received from the Archdiocese regarding the Ellis litigation.

He was also questioned about his firm's understanding as to whether Mr Ellis had actually been abused and if that knowledge would have influenced the advice his firm had given the Archdiocese.

In evidence given by Mr McCann about the four-day cross examination Mr Ellis went through Mr McCann conceded that parts of the examination were irrelevant and hurtful.

During Mr McCann's evidence Justice McClellan flagged a number of overseas law reform developments around the issues of the legal responsibilities of the church in relation to child sexual abuse committed by its clergy.

Justice McClellan asked him about possible law reform in two areas including whether the church should provide a legal entity for a plaintiff to sue and whether the church, by reason of its structure and the relationship it creates with those who come to it should owe a non-delegable duty of care to someone who suffers abuse at the hands of Church personnel.

The hearing was adjourned until Thursday.

For more information on the Truth Justice and Healing Council go to: [www.tjhcouncil.org.au](http://www.tjhcouncil.org.au)

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

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