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**AFFIDAVIT OF FATHER BRIAN JOSEPH LUCAS DATED 22 JULY  
2013**

<b>Court</b>	<b>Special Commission of Inquiry into Matters Relating to the Police Investigation of Certain Child Abuse Allegations in the Catholic Diocese of Maitland-Newcastle</b>
<b>Filed for</b>	Father Brian Joseph Lucas
<b>Legal representative</b>	Robert Patrick Higgins by his Partner Carroll & O'Dea Lawyers ABN 70 355 352 183 Level 18, 111 Elizabeth Street SYDNEY NSW 2000 DX 183 SYDNEY Tel: (02) 9291 7100 Fax: (02) 9221 1117 Email: cod@codea.com.au
<b>Legal representative reference</b>	HGH:123899
<b>Contact name and telephone</b>	Howard Harrison (02) 9291 7100

**AFFIDAVIT**

Name FATHER BRIAN JOSEPH LUCAS  
 Address 63 Currong Street, BRADDON ACT  
 Occupation General Secretary of the Australian Catholic Bishops Conference  
 Date 21<sup>3</sup> JULY 2013

I say on oath:

- 1 I refer to the Summons to Produce Documents addressed to me c/- Carroll & O'Dea Lawyers returnable on at 4.00 pm Friday, 19 July 2013. A copy of the summons is annexed as "A".

**In answer to paragraph 1 of the Schedule to the Summons**

- 2 When I was informed of the terms of this summons last Wednesday I travelled next morning from Sydney to my Canberra office by plane and retrieved my 1992 and 1993 pocket diaries. I understand that these diaries have been produced to the Commission.
- 3 I have been asked by my Counsel to explain why there are few entries in the 1993 diary as compared to the 1992 diary. To the best of my recollection it was about this time that I was given as a gift a personal electronic organiser and I recall that I used that device for the purposes of managing many of my appointments during 1993, rather than using my pocket diary as hitherto had been my practice.
- 4 My practice in relation to use of diaries in 1992 and 1993 before I started using the electronic diary was that I used a small pocket diary which I could carry in my shirt pocket (substituted by the electronic organiser during 1993) and I used a larger desk diary as a work book at my desk. This larger desk diary had one day to an opening. I used it to manage appointments in some greater detail and to record brief messages and reminders.
- 5 At the end of each year I kept the past year's desk diary for one more year and disposed of the previous desk diary which I had retained for one year. I believe that I have disposed of both my 1992 and 1993 desk diaries in that manner.
- 6 The electronic organiser that I refer to above is no longer in my possession. I believe that I disposed of it at some stage when it ceased to function.

**In answer to paragraph 2 of the Schedule to the Summons**

- 7 When I arrived at my Canberra office on the morning of 18 July, I contacted Mrs Jennifer Harman, the Financial Administrator of the Diocese of Armidale, by telephone and asked her to fax to my Canberra office the documents referred to in

paragraph 2 of the Summons. I did not have such documents in my possession or control but I was aware that they would be easily retrievable from the offices of the Diocese of Armidale.

- 8 Mrs Harman faxed certain documents to me which I understand have been produced to the Commission.

**In answer to paragraph 3 of the Schedule to the Summons**

- 9 I do not have any document in my possession or control relating to paragraph 3 of the Summons, either in my personal capacity nor as General Secretary of the Australian Catholic Bishops Conference.

- 10 However I have made a series of telephone calls to see if it would be possible for me to retrieve any documents within paragraph 3 of the Summons, to enable me to produce them to the Commission.

- 11 I spoke with Ms Josie Tesoriero. She is my former secretary from when I worked at the Archdiocese of Sydney as Archdiocesan Secretary from August 1990 to March 2002. Ms Tesoriero is still employed in the Chancery Office of the Archdiocese. She advised me that she recalled that there were files of confidential material relating to child sexual abuse kept in a safe in the fire proof strong room of the Chancery Office during my tenure as Archdiocesan Secretary. However she informed me that she was not aware of how those files were dealt with after I left the Chancery Office in March 2002.

- 12 I spoke by telephone with Mr Dominic Cudmore who was employed in an administrative role in the Chancery Office following my time there. He told me that he was aware of these files and that as part of his duties he had reorganised them into a different system and they were filed in a different way when the Chancery Office moved to new premises in early 2003. He was not able to recall any specific documents within paragraph 3 of the Summons:

- 13 I spoke to Father John Doherty, who served as Chancellor of the Archdiocese until about the end of 2002 and he told me that he remembered the existence of the files but was unable to advise me as to their present location.

- 14 I spoke with Monsignor Brian Rayner who served as Chancellor to the Archdiocese of Sydney after Father Doherty, until approximately 2005. He also recalled that there were files but was unable to advise me as to their present location.

- 15 I spoke with Monsignor John Usher the current Chancellor of the Archdiocese of Sydney and he told me that while he believed that the Archdiocese did have files relating to allegations of child sexual abuse he was unable over the telephone to

advise me as to the location of any specific documents which may come within paragraph 3 of the Summons.

- 16 In case I may have forwarded any such material to the Professional Standards Office, although I do not now recall that I did this, I telephoned that Office. In the absence of Michael Salmon, the Director, I spoke with Angela Kyriazopoulos who I know as a long serving employee. She told me that while she remembered the Office receiving some files from Centacare she did not believe that the Office received any files from the Archdiocese of Sydney.
- 17 I recall that when I packed my office after finishing my term as Archdiocesan Secretary I sent material relating to child sexual abuse policy and procedure arising from my role as a member of the National Committee for Professional Standards (1989-1999) and as a member of the Special Issues Resource Group (1992 – 1997 approximately) and which was not related to any particular cases to the National Committee for Professional Standards. I understand that that Office then forwarded the material to the archives of the Australian Catholic Bishops Office. That material may have been included in the material already produced by the ACBC to this Commission.
- 18 I retained in my possession some material of a personal nature consisting mostly of academic articles and other research material and publications.
- 19 As best as I can establish it, any records from the cases referred to in paragraph 3 of the Summons which I left with the Archdiocese in Sydney and which may still exist would be in the possession and control of the Archdiocese.

SWORN at Newcastle

Signature of deponent

Signed

Signed

Name of witness

Brian Mueck

Address of witness

18-111 Elizabeth St

Sydney

Capacity of witness

Solicitor

"A"

# SUMMONS TO PRODUCE DOCUMENTS



## Special Commission of Inquiry into matters relating to the Police investigation of certain child sexual abuse allegations in the Catholic Diocese of Maitland-Newcastle

Summons No. 9(b)

TO: Father Brian Lucas  
c-/ Mr Howard Harrison  
Carroll & O'Dea  
Level 19, 111 Elizabeth Street  
SYDNEY NSW 2000

**Attention: Father Brian Lucas**

You are required to attend the Special Commission of Inquiry into matters relating to the Police investigation of certain child sexual abuse allegations in the Catholic Diocese of Maitland-Newcastle c/- Crown Solicitor's Office, Level 5, 60-70 Elizabeth Street, Sydney, at **4.00pm on Friday 19 July 2013** to give evidence and to produce the documents specified in the annexure to this Summons.

Pursuant to s. 23(1) of the *Special Commissions of Inquiry Act 1983* you are not excused from answering any questions or producing any document on the ground that the answer or production may criminate or tend to criminate you, or on the ground of privilege or on any other ground.

If you have any queries concerning this Summons, please contact Ms Emma Sullivan, Special Counsel of the Crown Solicitor's Office, on (02) 9224 5029.

Signed

Margaret Cunneen SC  
Commissioner

**Special Commission of Inquiry into matters relating to the Police investigation of certain child sexual abuse allegations in the Catholic Diocese of Maitland-Newcastle**

17 July 2013

*Howard Harrison* certify:  
1. \*I saw the face of the declarant /deponent OR  
~~\*I did not see the face of the declarant/deponent because he/she was wearing a face covering, but I am satisfied that he/she had a special justification for not removing it, and~~  
2. \*I have known the person for at least 12 months OR  
~~\*I have confirmed the person's identity using an identification~~

document that was.....  
Signed *23.7.13*  
Signature Date

**ANNEXURE TO SUMMONS TO PRODUCE DOCUMENTS****Summons No. 9(b)****SCHEDULE**

1. The diaries of Father Brian Lucas for the period 1992 and 1993;
2. Copies of all documents (including correspondence, file notes and memoranda), prepared by Father Brian Lucas in relation to meetings with Father "F" (as referred to in the report of Anthony Whitlam QC dated on or around January 2013) in 1992 - 1993 (including the documents referred to in paragraphs 95 and 97 of that report); and
3. Copies of any other documents (including correspondence, file notes or memoranda) prepared by Father Brian Lucas in relation to any meetings attended by him with clergy against whom allegations of sexual abuse were made for the period 1992 to 1993.

In this Summons:

**"document"** means any record of information and, without limitation, includes emails and SMS messages.