

Statement of Anthony Townsend

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

On 15 February 2013, I say:

Preliminary matters

1. My full name is Anthony John Townsend and I am an Inspector of Police with the NSW Police Force (NSWPF).
2. This statement is prepared by me for the sole purpose of responding to a summons dated 12 February 2013 issued on 13 February 2013 by the Special Commission of Inquiry (established by way of letters patent dated 21 November 2012 and varied by letters patent dated 11 January 2013) for me to produce a statement in relation to a number of defined issues. This statement is produced by me to the Special Commission of Inquiry pursuant to the said issued summons unwillingly and only on the basis that, without exception, section 23(2) of the Special Commissions of Inquiry Act 1983 applies to restrict the use of this statement and the documents referred in it, and attached to it. Pursuant to section 23(2) of the Special Commissions of Inquiry Act 1983 I object to the information contained within this statement, and the attachments to the statement, being used in any criminal, civil or other proceedings or inquiries or investigations of any kind.
3. I was attested as a Police Officer on the 3rd of June 1983. Since my attestation I performed General Duties at No. 4 Division - Phillips Street and subsequently The Rocks Police Station. In 1987 I was rotated to the Court Unit and subsequently took up a position as a Trainee Police Prosecutor and was transferred to the Prosecuting Branch. In 1988 I was transferred to the Northern Region and moved to Newcastle to continue as a Trainee Prosecutor. In 1989 I qualified as a prosecutor and I worked as a prosecutor in the Newcastle, Central Coast and North Coast areas. I was promoted to the rank of Sergeant in 1996 was appointed as the Head of Court for the East Maitland Court Circuit which included Raymond Terrace, Cessnock and Kurri-Kurri Courts. I performed my duties as a Prosecutor in the Local, Childrens and Coroners Court jurisdictions. I attained qualifications as Legal Practitioner in 1997 and was admitted as a Legal Practitioner to the Supreme Court of New South Wales in 2000.
4. In 2001 I commenced a rotation as a General Duties Supervisor at Raymond Terrace Police Station which was part of the then Lower Hunter Local Area Command. In 2002 I was officially transferred into this position. Whilst at Lower Hunter I also relieved as a Duty Officer at the rank of Acting Inspector.
5. In early 2009 I was seconded into the Northern Region Office at Newcastle to relieve as the Staff Officer for Assistant Commissioner Lee Shearer. Later in the year I relieved as the Professional Standards Manager and subsequently as the Operations Manager for Northern Region. I relieved in these positions as an Acting Inspector. On 18 October 2009 I was promoted to the rank of Inspector as the Operations Manager for Northern Region, the position I continue to hold.

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6. In my role as the Region Operations Manager I am responsible for a strategic approach to operations across the Region and management of scarce resources and Major Crime.

Northern Region Command

7. The Northern Region includes the following Local Area Commands:
- (a) Brisbane Water LAC
 - (b) Central Hunter LAC
 - (c) Coffs-Clarence LAC
 - (d) Hunter Valley LAC
 - (e) Lake Macquarie LAC
 - (f) Manning-Great Lakes LAC
 - (g) Mid North Coast LAC
 - (h) Newcastle City LAC
 - (i) Port Stephens LAC
 - (j) Richmond LAC
 - (k) Tuggerah Lakes LAC
 - (l) Tweed-Byron LAC
8. Newcastle City is the largest Command within the Region in terms of staff and Crime. It was formed in 2008 when the then Newcastle and Waratah Local Area Commands merged together. Lake Macquarie is one of the larger Commands within the Region although has less staff than Newcastle City. It also has significant crime issues and a challenging geographical area covering both the eastern and western sides of Lake Macquarie. It has one of the lowest Police to Population ratios in the state. Port Stephens is a new Command that was formed in July 2008 after the former Lower Hunter Command was effectively split in two (Central Hunter LAC was the other LAC that was created). Port Stephens Local Area Command covers the Port Stephens LGA and includes parts of the Dungog and Great Lakes LGAs. It is one of the smallest Commands in the Northern Region in relation to staffing however does have, like all the Commands within the Region, significant Crime issues.
9. As the Region's Operations Manager I co-ordinate the operational intelligence and planning process across the Region as well as providing support and advice to the Local Area Commands on operational issues. I also oversee all Major Operations and investigations in the Region. Where the resources are beyond the capacity of a Local Area Command I collaborate with other Commands and Specialist units to acquire what is necessary to effectively manage Major Operations and investigations. I also manage the Regions Scarce Resources such as the State Protection Support Unit, Operations Support Group, Surveillance Operatives, Land Search Co-ordinators, Undercover and Street Level Operatives and the Technical

Support Unit. I also supervise the Northern Region Unsolved Homicide Unit, Regional Domestic Violence Coordinators and the Regions Alcohol Related Crime Coordinator. I am required to review and approval any requests for assistance made to the State Crime Command.

Relationship with Detective Chief Inspector Fox

10. My relationship with Detective Chief Inspector Peter Fox over the years is one that I would describe as professional and courteous. I have had numerous dealings with him as a Prosecutor, Supervisor, Duty Officer and in my role as the Northern Region Operations Manager.
11. Detective Chief Inspector Fox was a Detective at Cessnock Police Station during the period of time when I was a Prosecutor. In that capacity, I would have provided him with legal advice and prosecuted matters where he was either the OIC or a witness. I also had contact with him when I was a General Duties Supervisor and Acting Duty Officer which would have involved in supporting some of the investigations in which he was involved in.
12. In 2009 I came into contact with Detective Chief Inspector Fox in my capacity as the Operations Manager. One of my responsibilities as the Operations Manager was to liaise with, provide assistance and coordinate with the Crime Managers in relation to resourcing of investigations, operations and other systems and management issues. Detective Chief Inspector Fox was the Crime Manager of Port Stephens Local Area Command and took up this position in July 2008 when the Port Stephens Local Area Command was formed. Prior to this he was the Crime Manager at the Lower Hunter Local Area Command which was devolved after the Port Stephens Local Area Command was formed. Like the other Crime Managers within the Region I regularly liaised with him in relation to Major Investigations, Operations, and resourcing. I also coordinated the bi-annual Crime Managers Conference and the resourcing major Cross Border Operations within the Region and other parts of the State. I would describe our working relationship as professional, friendly and cordial.

Strike Force Lantle

13. I first became aware of Strike Force Lantle when the then Crime Manager at Newcastle City Local Area Command, Detective Chief Inspector Brad Tayler, forwarded a file to me in May 2010. The file had a covering report as well as a report from Detective Inspector Dave Waddell, who was the Crime Manager of Lake Macquarie Local Area Command. The file contained material that had been compiled by a Newcastle Herald Journalist Ms Joanne McCarthy in relation to the sexual abuse of children primarily by former Catholic Priest Dennis McAflinden and that senior members of the Catholic Church may have been involved in a cover up of his offences. The file had been initially sent to Lake Macquarie Local Area Command and Detective Inspector Waddell was of the view that the Lake Macquarie Local Area Command should not undertake the responsibility for investigating the allegations. He set out a number of reasons for this view which are outlined in the report marked "A". Annexed to this statement and marked with the letter "A" is a copy of the said report.
14. The file was forwarded to the Newcastle City Local Area Command. Detective Chief Inspector Tayler, was of the view that the nature of the investigation may have been beyond the expertise and resourcing of the Newcastle City Local Area Command. He set that view out in a report of 20 May 2010. Annexed to this statement and

marked with the letter "B" is a copy of that report. He felt that it was more appropriate that the matter be forwarded to the State Crime Command. I carefully reviewed the file so I could provide informed advice to the Northern Region Commander, Assistant Commissioner Carlene York to whom I reported to. I reviewed all the documents in what was a voluminous file. I wanted to ensure when I came to report to the Region Commander (Assistant Commissioner York) that any information and opinion I gave was as accurate and informed as possible. I had to conduct this review and prepare my report at the same time I was required to perform the normal duties associated with my position which at best is extremely challenging.

15. After having reviewed the material contained within the file, I formed the opinion that it was not beyond the expertise of police officers within the Newcastle City Local Area Command to undertake the investigation. Annexed to this statement and marked with the letter "C" is a copy of the report prepared by myself and dated 12 July 2010 which was forwarded to the Commander of the Northern Region, Assistant Commissioner York. Part of my duties as Operations Manager is to provide written advice to the Region Commander on complex issues. I considered it necessary that sufficient background be provided to the Commander relating to the allegations that had been documented as well as providing my comments in relation to the issues they raised. The report provided advice as to the options that I considered were available to the Commander when considering the matter. As to which option was to be accepted, this was a matter for the judgment of Assistant Commissioner York.
16. The 12 July 2010 report contains the following notations made by the Commander of the Northern Region. I note they are dated 1 September 2010:
- Initial statements to be taken to ascertain the extent of the brief and then assess the appropriateness of potential involvement of SCC. Commander to identify an appropriately skilled investigator to undertake initial tasks. Then the files and report provides some comprehensive background. Consideration might be taken in utilising SCC in an advisory capacity to assist if matter is transferred at appropriate time.
17. On 18 August 2010, I was CC'ed into an email sent to Superintendent Craig Rae, the Commander of Lake Macquarie Local Area Command, by Detective Inspector Waddell making representations that it was not appropriate for Lake Macquarie to take carriage of the investigation. I commented on the contents of the email and I forwarded it to Inspector Fay Dunn, the Staff Officer to Assistant Commissioner York, on 25 August 2010. Annexed to this statement and marked with the letter "D" is a copy of those emails.
18. Prior to 1 September 2010 it was my understanding that a decision had been made to allocate the investigation to the Lake Macquarie Local Area Command and that the above email was initiated by Detective Inspector Waddell after he had become informally aware that they were to be allocated the investigation.
19. It was my understanding that Assistant Commissioner York formally signed off on my report on 1 September 2010 after the issue of what Command would conduct the investigation had been resolved. Assistant Commissioner York allocated the investigation to Newcastle City Local Area Command. A decision which I supported. At the time Detective Chief Inspector Peter Fox was the Crime Manager of Port Stephens Local Area Command and there was no indication or basis for him or his Command to have any involvement in the investigation.

Involvement of Detective Chief Inspector Fox in Strike Force Lantle

- 20. From my knowledge and experience of the systems that operate within NSWPF the Local Area Commander is ultimately responsible for deciding who will be in charge of and what staff will be allocated to a Strike Force that operates solely within their Command. Usually they either take advice from or delegate this task to their Crime Manager. If the resourcing of any Strike Force is beyond their capacity they will contact myself and seek Region or State Crime Assistance. I am not as a matter of course involved deciding what staff or individuals will be allocated to a Strike Force though on some occasions I may be consulted. I was not consulted in relation to the allocation of staff to Strike Force Lantle. The ultimate decision and responsibility rest with the Local Area Commander who is running the Strike Force. If a Joint Strike Force is formed with other Local Area Commands or Specialist Agencies I would be closely consulted however Strike Force Lantle did not fall into this category.
- 21. On 16 September 2010 at 3.53pm Detective Chief Inspector Fox forwarded an email to Detective Sergeant Kirren Steel who had been allocated by Newcastle City Local Area Command as the officer in charge of the investigation. I was copied in on the email as was Detective Chief Inspector Fox's Commanding Officer Superintendent Charles Haggitt who was the Commander of Port Stephens Local Area Command. Also copied into the email was Sergeant Stephen Rae attached to the Prosecution Command who had relieved as the Staff Officer for Assistant Commissioner York. **Annexed to this statement and marked with the letter "E"** is a copy of the said email.
- 22. Based on my experience I would not expect someone in the position of Detective Chief Inspector Fox to have been actively involved in Strike Force Lantle. Detective Chief Inspector Fox was the Crime Manager of Port Stephens Local Area Command. It would be unusual for a Crime Manager involved in one Local Area Command to be appointed to an investigation, or a Strike Force, which is being conducted by another Command unless he was investigating or reviewing a Critical Incident. I would see no difficulty with Detective Chief Inspector Fox providing assistance and cooperating with officers attached to the Strike Force. Prior to this I had no knowledge or awareness that Detective Chief Inspector Fox had any recent involvement or knowledge of the investigation. I was aware he had previously investigated with Detective Mark Watters Dennis MacAlinden in relation to child abuse he had committed but believed his involvement had ended after MacAlinden had died. As the email indicated his willingness to provide assistance to Detective Sergeant Steel I had no reason to act on the information provided to me and I assumed it was sent to me in courtesy for my information in my role as the Region's Operations Manager.

2 December 2010 meeting

- 23. I am aware that a meeting was held on 2 December 2010 held at Waratah Police Station in relation to Strike Force Lantle. At the time I was not performing the role as the Region's Operations Manager as I had been taken off line to assist in the planning and execution of Operation Anshaus - a major environment protest targeting the Bayswater and Liddell Power Stations in the Hunter Valley between 1 and 5 December 2010. Detective Inspector Graeme Parker was relieving in my position prior to me taking annual leave in October 2010 so it was decided to maintain continuity I would not return to my normal role as Operations Manager till after the Protest Operation was finalised on 5 December 2010. Detective Inspector Parker continued as the Region's Operations Manager till then. I arrived after the

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formal part of the meeting had concluded and Superintendent Haggett and Detective Chief Inspector Fox had left. I was given a short briefing about what had occurred at the meeting and that a number of documents had been sourced that could potential expand the scope of the investigation. From memory Detective Superintendent Max Mitchell, the Commander of Newcastle City Local Area Command was present as was Detective Chief Inspector Taylor, Detective Inspector Parker, Detective Senior Sergeant Justin Quinn, the Newcastle City Local Area Command Investigations Manager and Detective Sergeant Steel. I understood that I was briefed because I would shortly return to my normal role of Operations Manager and that there were resourcing implications because of the potential expanded scope of the investigation and the need to seek State Crime Command assistance. I was also informed that Detective Chief Inspector Fox had been requested to and had undertaken to supply documentation to the Strike Force.

24. Approximately one week after the meeting of the 2 December 2010, I recall that I was off duty at a shopping centre with my daughter at Kotara. I received a telephone call from Detective Chief Inspector Fox on my work mobile phone in the afternoon. My recollection of the conversation with Detective Chief Inspector Fox was that he wanted the decision relating to his involvement in Strike Force Lantle to be reviewed because of his knowledge of the issues and the rapport he had established with some of the key witnesses. I formed the view from what he was saying that he wanted to have an active involvement in the investigation and he wanted it expanded. I indicated to him that a review of the decisions made thus far would not be appropriate as firm decisions had already been made in relation to conduct of the investigation. Further assessment could be made after all the relevant material had been reviewed by the Strike Force. I referred to the conversation that I had with him in the body of a report prepared by myself dated 18 December 2012 (at page 5). Annexed to this statement and marked "F" is a copy of that report.
25. The original officer in charge of the investigation was Detective Sergeant Kirren Steel. I became aware that she commenced sick leave at some stage after the meeting on 2 December 2010. Detective Sergeant Jeffrey Little was subsequently appointed as the Officer in Charge of the Investigation. My involvement with Strike Force Lantle was to receive advice from time to time as to its progress and to provide any assistance if requested. Initially I had some involvement in attempting to obtain the support of the State Crime Command to provide assistance to the Strike Force. From memory Detective Inspector Paul Jacob was allocated as a consultant and had some meetings with Detective Sergeant Steel.
26. I was briefed from time to time about the progress of Strike Force Lantle. There were occasions when Detective Sergeant Little would seek my informal advice and assistance in relation to the investigation and how to deal with sensitive issues would arise from time to time. I provided whatever assistance and guidance where I could.
27. Annexed to this statement and marked with the letter "G" is a copy of statement report prepared by Detective Chief Inspector Fox dated 25 November 2010. I received this document and made a written advice for the information of the Region Commander notation on 3 December 2010 where I stated:

Newcastle LAC have been allocated to investigate allegations that Malone, ~~REDACTED~~ and others failed to disclose information relating to sexual abuse of ~~AL~~ and ~~AK~~. All material held by DC/I Fox should be forwarded to Newcastle City LAC Crime Manager for their information.

Assessment as to appropriate resources for the investigation is to be made by Newcastle City.

- 28. I provided this advice to the Region Commander because I was of the opinion that it was more than appropriate that Strike Force Lantle be managed by Newcastle City Local Area Command and they were in the best position to make an informed assessment about the value of any information or assistance Detective Chief Inspector Fox could give to the investigation and whether there was any basis to expand the scope of the investigation.

Instruction or direction to Detective Chief Inspector Fox

- 29. In terms of any instruction or direction given to Detective Chief Inspector Fox in relation to his involvement in the investigation of Strike Force Lantle, as indicated previously in this statement, I was not present during the course of the meeting held on 2 December 2010, and am unable to provide any first-hand knowledge as to what was actually said at the meeting. I was given brief details of what had transpired after the meeting together with other information about the course of the investigation. The only other knowledge I have of any alleged direction having been given to Detective Chief Inspector Fox was as a result of what Detective Chief Inspector Fox himself said to me in the conversation that I had with him in early December 2010, being approximately a week or so after the meeting of the 2 December 2010.

Conclusion

- 30. In the body of a report prepared by myself dated 18 December 2012 (at page 6) I stated that I was of the view that the investigation undertaken by Detective Sergeant Little and his investigators was extremely thorough and professional. That remains my view. The brief prepared by Detective Sergeant Little has been forwarded to the DPP to provide advice as to whether or not there is sufficient evidence to prosecute any person identified in the investigation for concealing serious offences.

Signed

Signature of Anthony John Townsend

15/2/13
Date

Signed

Witness to the Signature of Anthony John Townsend by Sergeant Brian Burgess

15th February 2013
Date

- 31.



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NSW Police Force
LAKE MACQUARIE LOCAL AREA COMMAND
CRIME MANAGER

Crime Manager
 Lake Macquarie LAC
 Charlestown Police Station
 Ph. 02 49429921
 Fax. 02 49429952

To: Detective Chief Inspector Brad Tayler
From: Detective Inspector David Waddell
Subject: Complaint of concealing serious offence by Joanne McCarthy, Newcastle Herald, in relation to offences committed by Father Denis McAlinden a Catholic Priest and reported to members of the Maitland Newcastle Diocese of the Catholic Church.
Date: 3rd May 2010.

The Newcastle Herald, on Wednesday 28 April 2010 and Thursday 29 April 2010, carried front page articles in relation to allegations of concealing serious indictable offences by the Maitland Newcastle Diocese of the Catholic Church in relation to sexual offences committed by Father Denis McAlinden (now deceased).

The allegations relate to claims that AL, disclosed to REDACTED, in 1995, that she had been indecently assaulted by Father Denis McAlinden. It is further alleged that the Catholic Church's hierarchy in the Maitland Newcastle Diocese failed to report these matters to Police, commencing their own proceedings to have him removed from the Church.

Joanne McCarthy, Journalist from the Newcastle Herald, handed the documents that she had in her possession in respect to this matter to Detective Senior Constable Shaun McLEOD on 23rd April 2010 - due to his involvement in strikeforce Georgiana. Joanne McCarthy has also forwarded McLeod a number of emails in relation to her inquiries relating to this matter. Copies of all these documents are attached herewith.

Redacted at Commissioner's direction

Annexure A

Signed

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Redacted at Commissioner's direction

It is alleged that as a result of this complaint, Bishop Leo Clarke (now deceased) and later Bishop Malone commenced proceedings to have Father McAlinden removed from the Catholic Church. From documents provided it would appear that Father McAlinden ceased active ministry in 1993, the matter was reported to the Catholic Church's Professional Standards in 1999 and finally to the Police in 2003.

The current Bishop of the Newcastle Maitland diocese of the Catholic Church, Bishop Michael Malone has publicly acknowledged victims of the Catholic Church, including those of Father McAlinden. He has further made public comment that he could have handled matters of a sexual assault better. Bishop Malone has cooperated fully with the investigations of strikeforce Georgiana, as did Zimmerman Hose, a child protection unit of the Maitland Newcastle diocese of the Catholic Church, established by Bishop Michael Malone. Since these reports the Australian Catholic Bishops Conference has developed "Towards Healing" a comprehensive policy and procedure for dealing with abuse allegations.

These documents relate to the offence of conceal serious indictable offence under section 316 of the Crimes Act, relating to members of the Maitland Newcastle diocese of the Catholic Church located in Newcastle. This matter does not come within the terms of reference for strikeforce Georgiana and the matter is referred for any further investigation.

I have advised the person reporting, Joanne McCarthy, of the Newcastle Herald, that these documents have been forwarded to the Newcastle City LAC.

Signed

David WADDELL
Detective Inspector
Crime Manager
Lake Macquarie
19 April 2010.

Superintendent Craig RAE, Commander, Lake Macquarie,

FILE FOR CONSIDERATION

Signed

CRAIG RAE
SUPERINTENDENT

4/19/10

Superintendent Max Mitchell, Commander, Newcastle City LAC,

Detective Chief Inspector TAYLER, Crime Manager, Newcastle City LAC,

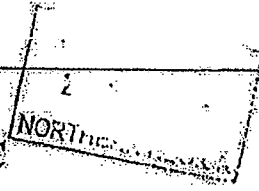
Annexure B

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F2010 14966
Newcastle City LAC

**NSW POLICE
NEWCASTLE CITY LAC**



NSW Police Force

Waratah Station
30 Harriet St.
Waratah NSW 2298

Telephone: (02) 49286599
Facsimile: (02) 49286511

20 May 2010

ISSUE

Allegations of Conceal Serious Offence by clergy formerly attached to the Maitland Newcastle Diocese of the Catholic Church.

BACKGROUND

As per attached file.

CURRENT POSITION

The attached file relates to various allegations of sexual assault and the subsequent covering up of same by various members of the Maitland Newcastle Diocese of the Catholic Church.

Redacted at Commissioner's direction

Newcastle City LAC does not have the expertise to investigate this matter. This already has significant media exposure within the Newcastle area and recent broadcast on ABC national television. The investigation will involve dealings with the hierarchy of the Catholic church and covers offences dating back to 1995.

RECOMMENDATION

It is my submission this file should be forwarded to Sex Crimes, State Crime Command for investigation.

Signed

~~Brad TAYLER~~
Detective Chief Inspector

1. Commander, Newcastle City LAC.

Content and recommendation agreed to state crime charter if not investigated appropriately.

Signed

Max Mitchell APM
Superintendent

2. Northern Region Commander

3. Commander, State Crime Command.

Annexure B

Signed

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ISSUE

Allegations of conceal serious offence by clergy formerly and currently attached to the Maitland Newcastle Diocese of the Catholic Church.

1. Investigation of these allegations by the NSW Police Force.
2. Public Interest considerations in the decision to initiate investigations and/or criminal proceedings in relation to these allegations.

BACKGROUND

Overview

The file principally relates to allegations that in 1995 members of the Maitland Newcastle Diocese of the Catholic Church became aware of serious allegations of sexual abuse on children by one of its priests Father Dennis McAlinden (now deceased) and failed to report that information to police. Instead they took action to have McAlinden removed as a priest (referred to as defrocking but a complex procedure pursuant to Canon Law).

Redacted at Commissioner's direction

The file also identifies other clergy who may be involved in concealing serious offences including the **Redacted at Commissioner's direction** Father Brian Lucas, Allan Hart, former nun Paula Regrove (or Redgrave) and Father W Burston. The principal allegations also disclose significant involvement by the former Bishop of the Maitland Newcastle Diocese, Bishop Leo Clarke, who is now deceased.

At the same time this information in relation to McAlinden's conduct was disclosed to the principal clergy implicated above police were conducting a high profile investigation and prosecution of another member of the same Diocese Father Vince Ryan and investigating Monsignor Patrick Cotter, for concealing that offence.

Documentation in the file in relation to another victim also makes allegations that he was sexually assaulted by Father James Fletcher in 1975 and as a result Fletcher was moved to a remote parish in Diocese. **Redacted at Commissioner's direction**

There is wide on going public interest in the issue which has received extensive media coverage and comment by the Newcastle Herald and the ABC. Overarching this is a positive change in the manner in which the Catholic Church deals with allegations of Sexual Abuse since the principal allegations in this file came to light in 1995.

Most of the documents in this file have been forwarded to Lake Macquarie LAC by Newcastle Herald Journalist Joanne McCarthy apparently on behalf of three victims who are calling for an investigation. I say apparently as their letters of complaint are unsigned. Lake Macquarie LAC conducted a long running investigation, Strike Force Georgiana, into allegations of sexual assault by members of the Catholic Church. The allegations in this file do not come within the terms of reference of that investigation which is now closed.

Annexure C

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Principal Allegations Relating to Father Dennis McAlinden

Redacted at Commissioner's direction

On 19 October 1995 Bishop Clarke drafted a declaration that he was satisfied from evidence that Father McAlinden was impeded to exercise holy orders pursuant to Canon Law. The declaration indicated that McAlinden had been made aware of the evidence and had presented a defence. This had not occurred therefore the declaration was in draft form only.

Also on 19 October 1995 a letter was sent to McAlinden at Jollimont in Western Australia from Bishop Clarke indicating that after discussing the issues with Bishop Malone and the Deans, and in light of his admission to Father Brian Lucas he would begin the process to declare that he had an impediment to the exercise of orders. In other words his removal as a priest. The process was outlined and in particular McAlinden was informed that his good name would be protected by the confidential nature of the process and he would be given appropriate support by the Diocese of Maitland Newcastle. Bishop urges McAlinden for the "sake of souls" and "the good of the church" to cooperate in the process to enable it to be speedily resolved as some people were threatening seriously to take the whole matter to the police.

On 26 October 1995 a handwritten letter was forwarded from McAlinden to Bishop Clarke acknowledging the letter of 19 October 1995. He indicates in the letter that he had just returned from hospital after surgery and that he was not mentally or physically fit to respond. He indicates the contents of the letter was in conflict with early correspondence received when he was in the Philippines to live as a retired priest, that it is a continuation of a vendetta to have him removed by Allan Hart, that the information he had disclosed to Brian Lucas was confidential and had been disclosed. He seeks further time to respond.

On 2 November 1995 Bishop Michael Malone forwarded a letter to McAlinden indicating that Bishop Clarke had resigned from his position and that he had become the Bishop of the Maitland Newcastle Diocese. He refers the McAlinden's letter of 26 October 1995 (above). He states because of the gravity of the allegations, the evidence supporting those allegations and after a full consultation with Bishop Clarke over many months that he would continue the process to have him removed. He states the evidence supporting the decision would be forwarded to him and that he would have 15 days make a response. He emphasises the seriousness of the allegations and the real possibility of police intervention.

It is apparent that McAlinden does not respond and the process stalls. On 10 August 1999 a letter is sent to McAlinden by the Vicar General W Burston to an address in England urging him to get in contact with him on his return to Australia. On the same date Burston also writes to Mr John Davoren of the Professional Standards Group of

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the Catholic Church notifying him that McAlinden has been accused of child sexual assault by relatives of the children. He expresses the belief that there are other victims however there is no indication they wish to take the matter to the police. He refers to a letter disclosing a court case in Perth. He suggests the matter should be reported to police as intelligence. He also indicates a belief that McAlinden was in England celebrating his golden jubilee despite the fact his facilities had been removed in 1993 and that he may return to the Bunbury Region of Western Australia late in that month.

Information Report I7885027 relating to information apparently received on 18 November 1999 is consistent with the information disclosed above; It was received from the Professional Standards Office of the Catholic Church, that McAlinden is residing in England but will be returning to the Bunbury area in Western Australia, that he was a former Catholic Priest removed in 1993,

Redacted at Commissioner's direction. No details of victims, times and dates of offences were supplied. The information was apparently from an anonymous informant who was not wishing to make a formal complaint. It was marked for information only and to be forwarded to Bunbury Police in Western Australia.

On 4 March 2003 in an email John Davoren notifies Bishop Michael Malone that on that day he has notified the police of the complaints received against McAlinden.

Information Report I17256624 dated 15 March 2003 indicates that information was received that McAlinden was involved in child sexual assaults at the Merriwa Parish on an unknown date in the 1980's and that Catholic Church authorities were made aware of the allegations and as a result he was relocated. The victim's family were told not to bother the police with these matters and that they (the church) would take care of it. It was noted that McAlinden was permitted to continue preaching until 1993 when he was removed from the church in 1993. It is also noted that the POL has a first instance warrant has been issued for an offence committed in 1951 which was issued in 1999. The report further indicates two other cases involving different victims makes the report accurate. The report details his ties in the community, description, that he is a habitual child sex offender and that he has been charged in Western Australia.

Joanne McCarthy in compiling her news reports has sought comment from Bishop Michael Malone, REDACTED and Father Brian Lucas. She also has documented the contents of a statement made by Bishop Malone in 2007 acknowledging all victims of abuse by church personnel including Father Dennis McAlinden.

Bishop Malone forwarded a letter to Joanne McCarthy on 13 April 2010 where he states "I am on record with your paper and others, saying that I could have handled earlier matters of historical sexual assault better..... Mistakes were made but we have moved forward" He also outlines efforts have undertaken to improve its response including the "Towards Healing Protocols", the establishment of Zimmerman House a specialist child protection unit and his cooperation with Strike Force Georgiana.

Redacted at Commissioner's direction

Father Lucas indicates he has no memory of discussions with McAlinden.

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Background of McAlinden

The alleged perpetrator of these offences was former Priest Denis McAlinden who passed away on 30 November 2005 in Western Australia. McAlinden is the subject of 2 Events, 2 Cases and 8 Information Reports in New South Wales related to the sexual assault of children over many years.

In 1999 a warrant was issued for his arrest for an allegation of Sexual Assault upon an 11 year old child in 1953 while he was serving as the assistant Parish Priest at Raymond Terrace. The offence was reported the same year.

The warrant was never executed and was later revoked on 8/1/2008 after the death of the deceased. Case file information indicates that McAlinden left Australia and travelled overseas to England to live. An Information report, referred to below, indicates that he returned to Western Australia in 1999. A case note indicates that the warrant was not progressed by way of extradition because McAlinden's ill health as he was suffering from and subsequently died of cancer in 2005.

Check of COPs records pertaining to Western Australia indicates that McAlinden was charged and acquitted with child sexual assault in 1991.

A report Newcastle Herald on 28 April 2010 sets out the background of McAlinden;

- Aged 26 arrives in Australia from Ireland and is sent to Parishes in the Maitland Newcastle Diocese
- 1969 works in Papua New Guinea till 1974.
- Sent to Western Australia Pilbara Region in 1982 and New Zealand in 1984.
- 1988 returns to Bunbury area in Western Australia.
- 1992 charged with Sexual Assault on a 10 year old girl and is acquitted.
- 1993 is not allowed to act as a Priest.
- 1995 spends time in the Philippines.
- 1999 travels to England.
- 2005 dies in Western Australia in a church hospice.

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Annexure C

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Information Report I17256624 as indicated above records allegations that Father McAlinden had been involved in the sexual assault of young females over a period of time while he was a priest at Merriwa and that he had been relocated as a result of the allegations and the victims were discouraged from reporting the matters to police and it would be dealt with by the church. The report indicates that he was permitted to continue in his role as a priest despite the existence of the allegations to 1993.

COMMENT

General Comment

The attached file makes a number of allegations that known persons who are still alive have concealed the commission on serious offences. The allegations relate to the conduct of the now deceased priests Dennis McAlinden and James Fletcher. Three of the alleged victims urge police to conduct an investigation into the matter. This review of these allegations can be distinguished in terms of the apparent evidence available against each person named and the principal offender.

Defrocking of McAlinden

In relation to the allegations raised by AL and AK there appears to be evidence readily available in the form of their direct evidence and other documentation contained within this file that in 1995 REDACTED and Bishop Michael Malone had direct knowledge that Father Dennis McAlinden had committed offences of child sexual assault. Whilst the gathering of and corroboration of this evidence may be problematic it would seem relatively straight forward.

REDACTED has taken the statements from AL + AK and has administered the process of removing McAlinden as a priest on behalf of the late Bishop Leo Clark. It is apparent that activities of McAlinden were at least suspected before the statements were made because Bishop Clarke authorises REDACTED role in the matter before they were been taken. Bishop Michael Malone has continued the process after Bishop Clarke's resignation shortly after the process began and a review of the documentation in the file leads to the inevitable conclusion he had detailed knowledge of the allegations raised by AL + AK and McAlinden's background. He is also apparently aware and concerned that the allegations could be taken to the police. It is apparent that the allegations against McAlinden were not reported by the Catholic Church to police until the informal report in 1999 and the more formal report in 2003.

There is also evidence that Father Brian Lucas had knowledge of McAlinden's offences by reference in the documentation that McAlinden had made admissions to him. There is no direct admissible evidence in relation to this allegation and this would require further investigation. Other persons are implicated in the file in relation to allegations that relate directly to McAlinden, including Allan Hart, W Burston and Paula Redgrove, by reference to the fact they had some knowledge of his offences.

Annexure C⁵

Signed

15/12/13

However like the allegations against Lucas they would need considerable further investigation.

Redacted at Commissioner's direction

Section 316 of the Crimes Act (NSW) 1900

In making comment in relation to the applicability of this Section I will substantially confine my discussion to the disclosures made by AL and AK as those facts are readily evident. The facts in relation to the other allegations are not as discernable.

It is important to note that the Section 316 was enacted in 1990 and replaced the previous common law offence of "Misprision of Felony" which was made redundant by the same legislation. This is an important consideration as some elements of the allegations made in the file pre-date this date.

Redacted at Commissioner's direction

However an argument could be raised that any person with knowledge of a serious indictable offence would have a continuing obligation to disclose it to the police. This would make any prosecution problematic.

Clearly the events of 1995 would come within the ambit of the section. There is no clear indication when Father Brian Lucas may have taken the admissions from McAlinden (assuming this could be proven) though it appears they were taken 1995:

Section 316(1) states;

"If a person has committed a serious indictable offence and another person who knows or believes that the offence has been committed and that he or she has information which might be of material assistance in securing the apprehension of the offender or the prosecution or conviction of the offender for it fails without reasonable excuse to bring that information to the attention of a member of the Police Force or other appropriate authority, that other person is liable to imprisonment for 2 years."

The Section requires proof of 4 conjunctive elements to satisfy its threshold requirements. These elements include elements of actus reus and mens rea.

1. That another person has committed a serious indictable offence;
2. The accused person knows or believes such offence was committed and
3. The accused person has information which might be of material assistance in securing the apprehension, or the prosecution or conviction of that other person, and
4. The accused person has failed to bring such information to the attention of a member of the Police Force or other appropriate authority.

Annexure C

6 / Signed

15/2/13

The first issue that will require consideration is the commission of a serious indictable offence. A serious indictable offence is an offence that is punishable by imprisonment of 5 years or more or life. This is important because the offences disclosed in 1995 were historical. This relevant because the Crimes Act has undergone a series of amendments and the penalties and sections that were applicable over the years have changed. It could be argued that penalty that was applicable when the offence occurred should be used to determine whether it was a serious indictable offence within the meaning of the section. Alternately it may be argued that penalty applicable at the time the accused person knew or believed the offence occurred should be applied.

To determine this further clarification from the alleged victims will be necessary to determine when the offences occurred and the nature of allegations. A review of the statements that were made by AL and AK in 1995 would only appear to disclose Indecent Assaults upon a child under 16 years of age. Prior to 14 July 1981 the applicable offence would be Section 76 "Indecent Assault of Female" which carried a penalty of 6 years. Between 17 July 1981 and 17 March 1991 the applicable offence would be Section 61E "Sexual Assault Category 4, Indecent Assault" which carried a penalty of 6 years if the victim was under the age of 16 years and is under the authority of that person. After 17 March 1991 the applicable offence would be Section 61M "Aggravated (Victim under 16 years) Indecent Assault" which carries a penalty of 7 years.

It would seem that on either basis the offences disclosed by AL and AK in 1995 would be a serious indictable offences.

Any prosecution would have to establish that the accused person knew or believed that an offence had occurred. This requires evidence of state of mind. The contents of both AL's and AK's statements speak from themselves

Redacted at Commissioner's direction

A further requirement is the information would have to be of material assistance. This is an objective test and a clear statement that a sexual assault had occurred would on any assessment meet this requirement.

Finally there must be a failure to bring this information to the attention of a member of a Police Force or other appropriate authority. The information became known in 1995 in the form of statements about actual events involving the commission of offences by McAlinden. It is not clear whether the contents of the statements were ever brought to the attention of the NSW Police Force before they were forwarded to Detective Inspector Waddell. There is some evidence that some information in relation to McAlinden was supplied to police in 1999 and 2003. This aspect would require further investigation and clarification.

Another important consideration is the requirements of Section 316(4) which states the approval of the Attorney General must given before a prosecution can be commenced against a person of a prescribed profession, calling or vocation for this

Annexure C 7/15/2/13

Signed:

offence. The Crimes (General) Regulation 2005 Clause 6(F) prescribes a member of the clergy of any church or religious denomination for the purpose of Section 316(4) as people practising relevant professions, calling or vocations. It is clear that the Attorney General would have to sanction any prosecution against Redacted Bishop Malone or other clergy identified in any investigation for an offence pursuant to Section 316.

In summary it could be said that there does appear to be some evidence available in relation to the disclosures by AL and AK in 1995 concerning McAilinden that members of the Catholic Church have concealed serious offences. There is some suggestion that some of these known persons have awareness of other offences committed by other priests which were not brought to the attention of the NSW Police Force. All matters require further investigation. If any investigation discloses evidence where it could be said a properly instructed jury is likely to be satisfied beyond a reasonable doubt then approval would have to be obtained from the Attorney General before any prosecution could be commenced.

Public Interest

However the real question that has to be decided is whether it is in the public interest that there is an investigation into the matter or after an investigation, assuming sufficient evidence is identified to establish an offence against a member of the Catholic Church for concealing a serious offence and the Attorney General approves a prosecution, whether criminal proceedings are instituted.

Guidance in relation to this matter can be found in the NSW Police Force withdrawal policy which has adopted guidelines for "The decision to Prosecute" from the DPP as attached. It is clear the public interest is the dominate consideration in making that decision.

The first two considerations are whether there is sufficient admissible evidence available and that there is a reasonable prospect of securing a conviction. The third consideration is whether or not discretionary factors nevertheless dictate that the matter should not proceed in the public interest.

The third consideration takes into account 23 factors which are attached. I have highlighted a number of those factors that I feel are important in making a decision in relation to whether or not the NSW Police Force should expend its finite resources to undertake an investigation into this matter and if so assuming there is sufficient evidence whether it should institute criminal proceedings.

Discretionary Factors that would Favour Proceeding

- The seriousness as opposed to the triviality of the offence.
- Whether the offence is of considerable general public concern.
- The necessity to maintain public confidence in such basic institutions as the Parliament and the Courts.
- The prevalence of the alleged offence and need for deterrence, both personal and general.
- The attitude of the victim's to the prosecution.

Annexure C

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Discretionary Factors that would Favour Not Proceeding

- Whether or not the prosecution would be perceived as counter-productive; for example, by bringing the law into disrepute.
- Special circumstances that would prevent a fair trial from being conducted.
- The staleness of the alleged offence.
- The availability and efficacy of any alternatives to prosecution.
- The likely outcome in the event of a finding of guilt, having regard to the sentencing options available to the court.
- Whether or not the proceedings or the consequences of any resulting conviction would be unduly harsh or oppressive.
- The degree of culpability of the alleged offender in connection with the offence.
- Any mitigating factor.
- The alleged offender's antecedents and background.
- The attitude of the alleged victim.
- Any entitlement or liability of a victim or other person or body to criminal compensation, reparation or forfeiture if a prosecution is undertaken.
- Whether or not the Attorney General's consent is required to prosecute.

The guidelines also indicate that a decision whether or not to proceed must not be influenced by:

- (i) *The race religion, sex, national origin, social affiliation or political associations, activities or beliefs of the alleged offender or any other person involved (unless they have special significance to the commission of the particular offence or should otherwise be taken into account objectively)*
- (ii) *Personal feelings of the prosecutor concerning the offence, the alleged offender or a victim,*
- (iii) *Possible political advantage or disadvantage to the government of any political party, group or individual;*
- (iv) *The possible effect of the decision on the personal or professional circumstances of those responsible for the prosecution or otherwise involved in its conduct; or*
- (v) *Possible media or community reaction to the decision.*

It is recognised that the resources available for prosecuting are finite and should not be expended pursuing inappropriate cases. Alternatives to prosecution, including diversionary procedures, should always be considered.

It should be said at the outset that there would be enormous media and public interest in any investigation and/or prosecution. The news print stories in this file are self-evident of that. This arises because of the involvement of the Catholic Church and more so because two of the person's identified are leaders in that church. This of itself raises issues of advantage and/or disadvantage to groups, impact upon the personal and professional circumstances of those responsible for the prosecution and wide media and community reaction. These factors of themselves are not relevant.

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Comment on Factors Favouring an Investigation/Prosecution

The concealing of offences relating to child sexual assault is particularly serious where the offences are alleged to have been committed by persons who are in a position of trust. There is a strong public interest that these matters are reported to the police in a timely manner to ensure they are properly and fairly investigated. Delay creates a forensic disadvantage to the investigators. General deterrence against persons who fail to report is an important factor. There is little doubt that there is wide general public concern about the Catholic Church covering up allegations of sexual abuse by priests. This would arise because it could allow the alleged offender to continue their offending behaviour and the reputation of the church could be seen as having greater importance than the rights of the victims. The seriousness of the allegations is aggravated by the fact that police were conducting investigations into the concealment of offences by another member of the church about the same time clear evidence of the conduct of McAlinden was disclosed. It is also apparent that some of those involved were well aware and concerned that the matter could be referred to the police. It now appears that the victim's would strongly favour and urge an investigation and/or prosecution to occur.

Comment on Factors Not Favouring an Investigation/Prosecution

The offence is alleged to have occurred in 1995. Although it could be seen as continuing in nature that is almost 15 years ago and could be seen as stale. The wide media coverage and community debate that would flow from any prosecution could potentially prevent any alleged offender from receiving a fair trial. Having regard to the antecedents and position of the alleged offenders and the circumstances surrounding the commission of the offence it is probable that any penalty imposed would be minimal. On the other hand the resulting public scrutiny of the alleged offenders particularly should they be convicted having regard to their office could be seen as harsh and oppressive.

Redacted at Commissioner's direction

Bishop Malone was continuing a process begun by Bishop Clarke. Bishop Clarke in this sense had the authority to report the matters to police. He is now deceased. It would appear that the manner in which the Catholic Church deals with these matters has substantially changed since 1995. This includes the "Towards Healing" process and procedure, Bishop Malone's co-operation with *Strike Force Georgiana* and his involvement in *Zimmerman House*. The fact alleged offenders were in fact actually taking steps to remove him from the church could also be seen as a mitigating factor. Investigating and prosecuting persons with this background and in these circumstances could potentially bring the law into disrepute. It also appears that the victim's attitude in 1995 was that the matter should not be reported to police. This obviously needs to be clarified. In these circumstances an investigation and/or prosecution could be seen as harsh and oppressive. The fact that the victim's may have been already compensated by the Catholic Church and would have not lost their entitlement to criminal compensation could also be relevant. The fact the Attorney General has to authorise any prosecution is indicative of the caution that must be undertaken before one is commenced. Finally the availability of an alternate to the criminal process via the "Towards Healing" process would mitigate against embarking on this course of action.

Annexure C

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Signed

15/2/13

Final Comment

A decision needs to be made at an Executive Level about how the New South Wales Police Force respond to these allegations as any decision undertaken will undergo close public scrutiny. This decision would need to be made at an early stage as it is likely that any investigation and subsequent prosecution would costly and protracted.

It would assist in making an informed decision that some preliminary matters are clarified with the principle complainants in this matter, *AL* and *AK* including their attitude to reporting the matters to the police in 1995 and when the offences by McAlinden occurred.

The options available are;

1. Refer the file to an appropriate unit of the NSW Police Force for a full investigation and then seek legal advice in relation to whether there is sufficient evidence to institute criminal proceedings and if so place the matter before the Attorney General for authorisation.
2. Undertake preliminary enquiries with *AL* and *AK* to clarify the matters above and then make a decision about whether the matters should be fully investigated.
3. Decline to investigate the allegations contained in this file.

RECOMMENDATION

Forwarded for the information and attention of the Commander of Northern Region.

Signed

Anunoy Townsend
Inspector
Operations Manager
Northern Region
12 July 2010

1. The Commander Northern Region.

Initial statements to be taken to ascertain the extent of the brief to determine the appropriateness of potential involvement of S.C.C. Commander to identify an appropriately skilled investigator to undertake initial work. The file report project some comprehensive background. Consideration might be taken in advising S.C.C. in an advisory capacity to assist & make is transferred at appropriate time.

2. Commander, Newcastle *etc.*

Signed *19/10.*

Annexure C

Signed

15/2/13



(In Archive) Fw: Catholic Church
Anthony Townsend to: Fay Dunn
Bcc: Anthony Townsend

25/08/2010 15:14

Archive: This message is being viewed in an archive.

Fay

As per our discussions below is the email I received from Detective Inspector Waddell the Crime Manager Lake Macquarie making representations about the preliminary investigation being allocated to their Command. They have indicated it should be allocated to Newcastle City LAC.

I understand that the file was allocated to them on the basis that they had the expertise to speak to the witnesses based on their Command's experience in dealing with matters relating to the Catholic Church. The rationale for that decision was sound. If statements were taken from the primary victims **AL** and **AK** and some issues clarified (particularly if they wanted the matter reported to the police when they disclosed the offences to the Catholic Church) it may become self evident which the victims would accept that there was no basis to pursue the matter.

Steve Rae indicated that he would be prepared to assist when the witness are debrief which I would fully support.

In my view there is some merit to their request to review the allocation to Newcastle.

Additionally we are now requesting assistance from Lake Macquarie to make Sergeant Al Janson available to assist in the planning for Camp for Climate. He has expertise in planning the police response in relation to environmental protests on Power Stations. We would be seeking that he come off line asap in relation to this event. His release has become more problematic because Sergeant Mark Plant also from Lake Macquarie is due to start a secondment to the Region Office in September to fill the PSM Sergeant role that has been vacant for 18 months.

I have spoke to Brendan about deferring Sergeant Plant's secondment till after the Camp for Climate to ensure that event is properly planned for as the State Planning Unit are only offering consultancy and it by far how highest risks job in the Region for this year.

If you could advise Ma'am's thoughts in this regard it would be greatly appreciated.

Regards Tony



Inspector Tony Townsend
Northern Region Operations Manager • Northern Region • NSW Police Force
☎ (02) 4929 8603 [70803] ☎ (02) 4929 8945 [70845] ☎ 0409 386 341 ✉ town1ant@police.nsw.gov.au

----- Forwarded by Anthony Townsend/20978/Staff/NSWPolice on 25/08/2010 14:26 -----



David
Waddell/27431/Staff/NSW
Police
18/08/2010 09:28

To: Craig Rae/22212/Staff/NSWPolice@NSWPolice
cc: Anthony Townsend/20978/Staff/NSWPolice@NSWPolice
Subject: Catholic Church

Superintendent RAE,
Commander,
Lake Macquarie

Annexure D

Signed

15/2/13

cc. Insp Townsend, Operations Manager, Northern Region

As you are both aware I am very disappointed with the decision to allocate the recent sexual assault investigation relating to the Catholic Church to Lake Macquarie for further investigation. I am aware that Inspector Townsend is going to forward me the hard copy of the file and discuss further, but I feel compelled to voice my dissatisfaction with this decision.

The information initially came to Lake Macquarie due to our investigation of SF Georgiana relating to the Catholic Church. I still have two Detectives, including Detective Sergeant Faber and PS SC Gardiner, investigating and preparing ongoing briefs of evidence in relation to SF Georgiana, when time permits. The current complaint has nothing to do with this investigation and relates to Newcastle City and Hunter Valley LACs.

Lake Macquarie Detectives are stretched at the moment from a workload and resourcing point of view. Only yesterday I had a meeting with Detectives due to issues associated with their staffing and workload. This was initially set down for last week, but had to be cancelled due to a search warrant last week requiring significant resourcing and ongoing investigation. This matter again being one that should be investigated with a significant strikeforce response, but one that we are having to manage on a lower scale that will not ultimately reflect the true criminality, due to a lack of available resources.

Lake Macquarie Detectives ran a significant industrial campaign two years ago to address their staffing issues and were successful in getting three additional overstrength (not to be de-activated) positions with an indication that they would get more Detectives from the promised two hundred additional LAC based Detectives soon to be allocated. The Lake Macquarie Detectives were the instigators of the Northern Region project in relation to Detectives workload allocation formula and based on this analysis ranked highly and are obviously in need of further staffing.

In relation to this specific issue, Lake Macquarie are already investigating SF Lozano - an historical sexual assault investigation relating to St John of God at Morisset. This will be a protracted investigation with about 4 POIs and 20 victims identified at this stage and we would anticipate that these numbers will grow significantly during the course of the investigation. A request for assistance was submitted to Sex Crimes, SCC but declined. I would anticipate that based on the current staff that we have been able to allocate to the investigation that this investigation will take at least six months, or more, to complete. Ideally we should be allocating further staff to assist with the investigation, but unfortunately do not have the available resources.

I have prepared a document (attached) setting out our current staffing and availability. The spreadsheet indicates in red those that are unavailable due to strikeforces, sick report etc and in blue those that would not be considered to undertake this type of investigation due to workload, role and welfare issues.



Lake Macquarie Detectives staffing submission to Region.doc

As indicated there are very few Detectives that are in a position to conduct an investigation of this nature and in reality it would be allocated to a Detective Senior Constable working on the floor to manage amongst their other cases and workload coming into the office. With the media attention and interest that this matter would generate I do not see this as an ideal situation and it would only exacerbate the staffing and workload issues that already exist within our Detectives office.

My view is that this investigation relates to Newcastle City and Hunter Valley and has nothing to do with Lake Macquarie and based on our available resources we are not in a position to provide an adequate investigation of this matter.

I would request that the Region Commander and HR Manager be again reminded of the staffing issues in relation to our Detectives and that a strong priority be given to our investigative resources when additional Detectives staffing are allocated in December.

Signed

Annexure D

15/2/13

For your consideration.

David Waddell
Detective Inspector
Crime Manager
Lake Macquarie LAC
Ph. 02 49429921 / EN. 71921
Fax. 02 49429952 / EN. 71952

Signed

Annexure D

15/2/13

THE MAQUARIE DETECTIVES STATION

D/Insp David Waddell	Crime Manager
Det. Sgt Kristi Faber	Detective Sergeant - in last two years has been Supervisor / OIC of two protracted and lengthy investigations in SF Adrienne (homicide) and SF Georgiana (Catholic Church). Still running investigations and briefs of evidence in relation to SF Georgiana and SF Plus relating to Newcastle City LAC) from office. Decision made not to assign any further protracted sexual assault investigations (particularly those relating to the Church) due to welfare concerns.
DSC Russell Turnbull	SF Lozano - historical sexual assault investigation relating to St John of God's Monastery. This will be a protracted investigation with about 4 POIs and 20 victims identified at this stage. RFA submitted to Sex Crimes, SCC declined. Additional staffing required but not available due to general LAC workload. Anticipated that investigation will take at least six months with current staffing/resources.
DSC Padd Clayton	Involved with SF Georgiana and SF Adrienne with D/Sgt FABER. Two protracted and lengthy investigations in SF Adrienne (homicide) and SF Georgiana (Catholic Church). Decision made not to assign any further protracted sexual assault investigations (particularly those relating to the Church) due to welfare concerns.
DSC Jacqui Flipo	
DSC Shaun McLeod	Sick report - issues specifically relate to SF Georgiana.
<p>REPORTED -</p> <p>RELEVANCE</p>	

423

Annexure D
 15/10/13



(In Archive) Church File

Peter Fox to: Kirren Steel

16/09/2010 15:34

Cc: Stephen Rae, Anthony Townsend, Charles Haggett

This message is digitally signed.

Archives

This message is being viewed in an archive.

Kirren

I have recently spoken to Dave WADDELL & Steve RAE and understand you have, or are about to be allocated a file concerning alleged paedophilia and cover-up within the Catholic Church.

I was involved in a number of investigations in the late 90's & 2000's concerning a number of paedophile priests. During that time I interviewed Vince RYAN, James FLETCHER, Leo CLARK, Michael MALONE and other clergy regarding abuse. Mark WATTERS and I took out the warrant for Denis McALINDEN in 1999 and I spoke to Leo CLARK. If material I have read in the Herald is correct Leo CLARK told Ann JOY and I deliberate lies to conceal crimes committed by McALINDEN. It may be that I will have to do a statement regarding what he told me.

Further to this I have a number of statements concerning McALINDEN. The primary witness approached me some time ago after speaking to a number of victims I have dealt with over the years. At this time she has asked I not disclose her identity but has very strong evidence of first hand dealings with CLARK, REDACTED and LUCAS and her own abuse by McALINDEN. This resulted in me speaking to Mike STANWELL, AL and AK I don't believe the main witness would not be known to the church, police or media.

It appears a lot of the material I have compiled may cross over with what you have been allocated.

Today I was handed a TRIM file D/2010/133845 that has been through the AGs and Police Minister's office alleging 'possible cover-up of the crimes of paedophile priests by senior people within the Catholic Church'. It refers to some matters I investigated in addition to others that were looked at Lake Macquarie. A copy of an Intell Report 121949203 is cited where I raised connections with a number of clergy paedophile matters and possible paedophile network and concealment back in 2004.

Unfortunately today is my last day until 18/10/10. No doubt this matter will take some time but can you contact me when I return as we probably need to put our material and heads together on this.

Peter Fox
 Detective Chief Inspector
 Crime Manager
 Port Stephens LAC
 Redacted

Annexure E

Signed

424

15/12/103

ISSUE

Request for information in relation to police investigations in the Hunter into the Catholic Church by the Northern Region Command and in particular in relation to Strike Force Lantle.

BACKGROUND

I have been the Northern Region Operations Manager since about July 2009 and permanently fulfilling the position by way of promotion on 18 October 2009. Part of my role is to coordinate major investigations across the Northern Region and ensure they are properly resourced where it is beyond the capability of the Local Area Command or Cross Border issues exist. I have known Detective Chief Inspector Peter Fox for in excess of 20 years on a professional basis initially as a Police Prosecutor in the Hunter area where he was a Detective at Cessnock Police Station, then as Supervisor and Acting Duty Officer at the Lower Hunter LAC and later Port Stephens LAC while he was a Detective Sergeant and later Crime Manager, and finally as the Operations Manager at Northern Region while he was the Crime Manager at Port Stephens LAC. I have maintained a good relationship with him during this period.

In preparing this response I have refreshed my memory from my diaries, police records and personal saved emails.

Prior to May 2010 I had liaised with Lake Macquarie Local Area Command in relation to Strike Force Georgiana which was a long standing investigation into offences of sexual assault committed by Catholic Priests. My discussions were with Detective Inspector David Waddell the Crime Manager for Lake Macquarie LAC and Detective Sergeant Kristi Faber who was the Officer in Charge of the Strike Force and related to briefings in relation to the Strike Force, discussions in relation to seeking State Crime Command – Sex Crimes assistance for their investigation and resourcing issues. The last formal report I received in relation to this Strike Force prior to May 2010 was about 4 December 2009 when I was forwarded the Lake Macquarie LAC Major Operations report for November 2009 by Detective Inspector Waddell. See Annexure A

On Monday 1 March 2010 I received an email from the Region Commander Assistant Commissioner Carlene York to follow up on a request from ABC Journalist Giselle Wakatama for an interview with her in relation to calls by a Senior Officer in the Northern Region for a wider investigation into his concerns about a high proportion of clergy abuse in the Maitland – Newcastle Diocese. The request was directed initially to the Media Unit and was forwarded for comment to State Crime Command – Sex Crimes Unit. From memory I provided what detail I was aware of in relation current investigations and in particular Strike Force Georgiana. I was unaware of the identity of the Senior Officer referred to and did not link it to Detective Chief Inspector Fox. See Annexure B

On Tuesday 4 May 2010 I received a message to contact Joanne McCarthy a journalist with the Newcastle Herald. The message had originally been directed to Assistant Commissioner Carlene York the Northern Region Commander however had been redirected to myself as the Operations Manager for the Northern Region. I

Annexure F

Signed

15/2/13

contacted Ms McCarthy on the mobile telephone number provided and had a conversation with her. She explained to me that she had forwarded some documents relating to catholic priests to Detectives at Lake Macquarie and had spoken to Detective Inspector Waddell in relation to the matter and was satisfied with the action he was taking. She indicated that some victims wanted to contact police and Detective Inspector Waddell was assessing that information and no further action was required at this stage. See Annexure C

On about 25 May 2010 I received a report from Newcastle City LAC compiled by Detective Chief Inspector Brad Tayler which contained the documents forwarded to Lake Macquarie LAC by Ms McCarthy, referred to above. The report of Detective Chief Inspector Tayler was very brief and simply indicated that investigation was beyond the capacity of Newcastle City LAC and requested that it be referred to State Crime Command for investigation. This report was responding to a report submitted by Detective Inspector Waddell transferring the investigation to Newcastle City LAC principally because the 2 affidavits that formed the central issue in the file were taken at Hamilton which is located within Newcastle City LAC. The file was voluminous and I made a decision to carefully read it in order to provide detailed advice to Assistant Commissioner York as to the options available to manage it. I recall speaking to Detective Chief Inspector Tayler on the telephone on 2 June 2010 while I was at Lismore completing the Richmond LAC audit about the file and later receiving an email with further material. Over the course of the next few weeks I periodically read the contents of the file and commenced to draft a response for the Region Commander. I also fielded several enquires from Ms Joanne McCarthy in relation to the progress of the file and I informed her that I was going to report to the Region Commander as to what options were available and that I had to prioritise that task with other more recent and pressing issues that were occurring in the region at the time. See Annexure D

On 12 July 2012 I completed my report to the Commander Northern Region in relation to my review of the documents submitted by Ms McCarthy and formally submitted the documents to her on 19 July 2012. The purpose of this report was to provide advice to the Region Commander with options as to the potential courses of actions that could be taken in relation to the file. They were;

1. Refer the file to an appropriate unit of the NSW Police Force for a full investigation and then seek legal advice in relation to whether there is sufficient evidence to institute criminal proceedings and if so place the matter before the Attorney General for authorisation.
2. Undertake preliminary enquiries with AL and AK to clarify the matters above and then make a decision about whether the matters should be fully investigated.
3. Decline to investigate the allegations contained in this file.

The Trim documents the movement of the file and its subsequent referral to State Crime Command on 13 December 2010 by Newcastle City LAC. See Annexure E

Annexure F

2

Signed

15/2/13

I understand the file remained in the possession of the Northern Region Staff Officer to Assistant Commissioner York, Inspector Fay Dunn, for her review and advice. I recall receiving phone calls from Ms McCarthy as to its progress which prompted me to send an email on 2 August 2010 to Assistant Commissioner York and Inspector Dunn to indicate I had referred Ms McCarthy to Inspector Dunn in relation to future enquires. See Annexure F

On 9 August 2010 Inspector Dunn commenced annual leave and was relieved by Acting Inspector Stephen Rae till 16 August 2010. It was during this period that Assistant Commissioner York in consultation with Acting Inspector Rae made a decision to allocate the investigation to Lake Macquarie LAC based on their expertise investigating matters against the Catholic Church. As a result Lake Macquarie LAC via Detective Inspector Waddell made representations to Superintendent Craig Rae the Commander of Lake Macquarie LAC on 18 August 2010 to review this decision and reallocate the investigation to Newcastle City LAC. I commented on the representations and forwarded my comments to Inspector Dunn on 22 August 2010 supporting the Lake Macquarie position. See Annexure G

I understand about 2 September 2010 a decision was made by Assistant Commissioner York to allocate the investigation to Newcastle City LAC and my file and supporting material was received there on 6 September 2010. At the time there was intense media interest in the matter, particularly from the Newcastle Herald and a holding media statement was prepared on 9 September 2010 with the approval of the Acting Region Commander Acting Assistant Commissioner Max Mitchell. Detective Chief Inspector Tayler did not agree with this media holding statements and documented his concerns in an email to Acting Assistant Commissioner Mitchell. See Annexure H

On 16 September 2010 I was CC'd into an email sent to Detective Sergeant Kirren by Detective Inspector Fox. Detective Sergeant Steel attached then to Newcastle City LAC who had been allocated by Newcastle City LAC as the Officer in Charge of the investigation which was named Strike Force Lantle. Detective Chief Inspector Fox outlines his involvement in investigations into paedophile priests, taking statements involving the former priest Dennis McAlinden, refers to a trim file D/2010/133845 that has been through the AGs and Police Ministers Office, an Intelligence Report No. I21949203 he prepared and requests Detective Sergeant Steel contact him when he returns from leave on 18 October 2010. I have obtained a copy of the relevant Trim Reference and the Intelligence Report. On 18 September 2010 Acting Superintendent Wayne Humphrey the Acting Commander of Newcastle City LAC expressed his concern about the email directed no contact with him and requested to speak to me about the matter. From memory I subsequently spoke to Acting Superintendent Humphrey and re confirmed that Newcastle City LAC were conducting the investigation, that correspondence from Chief Inspector Fox is to be direct through the Crime Manager at Newcastle City LAC and that it was inappropriate that Chief Inspector Fox have any formal involvement in the investigation of the matter beyond providing information to the Investigators. On 13 October 2010 Acting Superintendent Humphrey forwarded an email to Superintendent Charles Hagggett the Commander of Port Stephens LAC requesting that Detective Chief Inspector Fox hand deliver the material in his possession to Acting Inspector Justin Quinn, the

Annexure F

Signed

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Acting Crime Manager for Newcastle City LAC and not to initiate contact with Detective Sergeant Steel. See Annexure JK

On 17 September 2010 I received an email from Julie Lannen a Solicitor with Office of the Director of Public Prosecutions (DPP) seeking assistance in relation to the Catholic Church investigation as she had been asked to report urgently to the Attorney General in response to the article that was published in the Newcastle Herald on 16 September 2010. In the article reference was made by a decision by the DPP to decline to charge Monsignor Patrick Cotter for concealing offences committed by paedophile Priest Vince Ryan. I subsequently spoke to Ms Lannen on the telephone and gave her a brief overview of the matter and the background to assist her in responding to the issues raised in the article. Ms Lannen subsequently emailed me on 22 September 2010 indicating she was able to locate the file that related to Monsignor Cotter. She indicates that she would forward me a copy of the brief and the non crown privileged material for my records. I have no recollection of receiving those documents and in the event I did they would have been forwarded to Newcastle City LAC as part of their investigation. See Annexure L.

On 17 September 2010 I received 2 emails from Ms McCarthy in relation to her contact with the office of former Justice James Wood in relation to the testimony Father Brian Lucas gave to the Wood Royal Commission. I did not respond to the emails but forwarded the material by email to Detective Chief Inspector Tayler the Crime Manager at Newcastle City LAC explaining the circumstances on 20 September 2010. See Annexure M

On 12 October 2010 I received a telephone call from Ms McCarthy seeking comment about an article she was proposing to run in the Newcastle Herald about the concerns of the Australian Lawyers Alliance in relation to the investigation into the allegations surrounding Dennis McAlinden (Strike Force Lantle) and was seeking comment from the Acting Region Commander Max Mitchell. Reference was made to correspondence forwarded to the Region Office by the Alliance. I have no personal knowledge of the correspondence however from the email and my conversation with Ms McCarthy I was able to discern that it related to their apparent dissatisfaction with the investigation being undertaken by Newcastle City LAC. I subsequently spoke to Acting Assistant Mitchell who was normally the Commander of Newcastle City LAC about the issues and drafted a response on his behalf which was approved and forwarded to Ms McCarthy by email. See Annexure N

On 25 November 2010 Detective Chief Inspector Fox sent me an email with a report attached and supported by Superintendent Haggert, his Commander, seeking that a task force be established into the paedophile activity of the priests in the Maitland Newcastle Diocese and its concealment by senior staff within the Diocese. The original file was received at the Northern Region Offices on 29 November 2012. At the time Detective Inspector Graeme Parker was performing the role of Operations Manager for Northern Region as I was taken off line to plan and prepare for a major environmental protest at the Bayswater and Liddell Power Stations within the Hunter Valley LAC being held over the week commencing 1 December 2010. I commented on the report on 3 December 2010 indicating "Newcastle LAC have been allocated to investigate allegations that Malone, ~~Redacted~~ and others failed to disclose information

Annexure K

Signed

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relating to sexual abuse of AL and AK. All material held by DCI Fox should be forwarded to Newcastle City LAC Crime Manager for their information. Assessment as to appropriate resources for the investigation is to be made by Newcastle City". The report was forwarded to Assistant Commissioner York and subsequently to Superintendent Haggett at Port Stephens on 20 December 2012 indicating that the investigation should continue by Newcastle LAC who were to ascertain the extent of the allegation and consideration to additional resources at the appropriate time. To ensure all matters are considered it should be noted the Newcastle investigators are the lead role and are to continue. See Annexure O

On 2 December 2010 a Case Conference was convened at Waratah Police Station in relation to Strike Force Lantle. I was unable to attend the commencement of the meeting as I was required to brief Assistant Commissioner York in relation to the Environmental Protest Operation in the Hunter Valley which had commenced on 1 December 2010. Detective Inspector Parker was still performing duty as the Northern Region Operations Manager. The meeting was attended by Superintendent Mitchell, Superintendent Haggett, Detective Chief Inspector Taylor, Detective Chief Inspector Fox, Detective Sergeant Steel, Detective Senior Sergeant Quinn, Detective Senior Constable Freney and subsequently Detective Inspector Parker. I arrived near the end of the conference after Superintendent Haggett and Detective Chief Inspector Fox had left. I was given a briefing about the developments in relation to the investigation. I concurred that the scope of the investigation should be broadened having regard the further material that had been identified. I have reviewed the minutes of the meeting prepared by Detective Senior Sergeant Quinn on 3 December 2010 and from my memory they accord with my recollection of the discussion after my attendance. See Annexure PQ

About a week later I received a telephone call in the afternoon from Detective Chief Inspector Fox while I was off duty shopping at Westfields Shopping Centre Kotara with my daughter seeking the decision to exclude him from the investigation be reviewed because of his intimate knowledge of the facts and the rapport he had with the victim's and witnesses. I informed him that it was not advisable that he pursue a review and that a firm decision had been made. I took no further action in relation to this conversation as I considered it an informal approach and was based on Detective Chief Inspector Fox's passion for offences committed by members of the Catholic Church.

One of the actions arising from the Case Conference was that Detective Sergeant Steel prepare a submission for State Crime Command seeking their consideration as to whether the investigation would fall within the terms of their charter. On 10 December 2010 I provided some input into a briefing to Detective Inspector Paul Jacob of the Sex Crimes Squad State Crime Command in relation to the investigation which was primarily between him and Detective Sergeant Steel. On 13 December 2010 I received email advice from Detective Senior Constable Jodie Archer that Acting Chief Superintendent Lanxon had considered the submission and made a decision to allocate Detective Inspector Paul Jacob as a consultant to the Strike Force. Annexure R

I had no further formal involvement in the investigation from this point. From time to time I received briefings in relation to the progress of the Strike Force and in

ANNEXURE F1 signed

particular that Detective Senior Sergeant Quinn and Detective Sergeant Steel could not continue their involvement in the investigation due to sick leave. I was informed that Detective Sergeant Jeff Little was allocated as officer in charge. I continued to receive periodic briefings in relation to the progress of the Strike Force.

Redacted at Commissioner's direction

I am of the view that investigation undertaken by Detective Sergeant Little and his Investigators as part of Strike Force Lantle was extremely thorough and professional. The brief has been forwarded to the DPP to provide advice as to whether or not there is sufficient evidence to prosecute any person identified in the investigation for concealing serious offences.

In March 2012 Assistant Commissioner York ask me to relieve as a Duty Officer at Port Stephens LAC 6 weeks after my secondment to Strike Force Durkin (Search for Malcolm Naden) to provide assistance due to a lack of Senior Officers in the Command. Whilst there an Internal Investigation in relation to offensive letters sent to Detective Chief Inspector Fox and his wife was reallocated to me. C@ts.i number: P 1102661. The letters were sent in mid 2011. I completed the investigation and was unable to identify the author of the letters which were purportedly sent on behalf of all staff at Port Stephens LAC. In June 2012 the same investigation was reallocated to me after a downloaded print out of an on-line Newcastle Herald news article was located in a similar envelope to the letters previously sent to Detective Chief Inspector Fox and his wife. After investigation I was unable to identify who sent this further letter. There was no evidence identified that indicated that the letters were sent as a result of Detective Chief Inspector Fox's involvement in the investigations into the Catholic Church.

RECOMMENDATION

Forwarded for the information of the Commander, Northern Region.

Anthony Townsend
Inspector
Operations Manager
Northern Region
18 December 2012

1. The Commander Northern Region

Annexure

Signed

15/2/13

NSW POLICE SERVICE

Local Area Command, Fort Stephens

0/20-119783



Raymond Terrace Stn
Ph: 0418 201581
25 November 2010.

D/20 10 1197839
F20 10 1
Newcastle City LAC

ISSUE:

Allegations of child sexual abuse and cover-up within the Maitland Newcastle Diocese of the Catholic Church.

BACKGROUND:

In 1999 Detective Mark WATTERS and I investigated priest Denis McALINDEN following allegations by AE that he had sexually assaulted her as a child. The Catholic Diocese disclosed that McALINDEN was believed to be in Ireland and we were given an assurance to be notified upon his return. Incredibly the church was not in contact with McALINDEN. We took the assurances on face value and swore a warrant for McALINDEN's arrest.

In 2002 I commenced unrelated investigations of priests James FLETCHER and Desmond HARRIGAN. In 2003 I interviewed priest Vincent RYAN in Junee Gaol regarding suspected links to FLETCHER, HARRIGAN and others alleged to be involved with paedophilia in the Hunter area.

Soon after commencing investigations I learned that Bishop Michael MALONE and Vicar General James SAUNDERS had alerted FLETCHER to the police investigation and disclosed the identity of the alleged victim. This negatively impacted on the investigation and was reported to the ODPF for consideration of charges for hindering a police investigation; however it was elected not to proceed.

Bishop MALONE then refused a request by me to remove FLETCHER from his parish or restrain him from visiting schools. In defiance of my request MALONE extended FLETCHER's parish to include both the Catholic High School and Catholic Primary School in Lochlavar.

I later obtained statements from MALONE, SAUNDERS, HARRIGAN and priest William BURSTON. All had met with FLETCHER following the allegations. All those statements were remarkable for their author's poor recollection of critical conversations and smacked strongly of collusion and concealment.

It was intended to execute a search warrant for pornographic images on FLETCHER's presbytery; however I learnt FLETCHER removed a quantity of homosexual pornographic videos and magazines before this could happen. I suspected this material contained some images of young boys as mentioned by a victim. Undoubtedly this happened directly as a result of MALONE and SAUNDERS' forewarning.

I was told by a source that FLETCHER passed the mentioned pornography to priest Des HARRIGAN. HARRIGAN was heavily intoxicated when I confronted him in the presbytery at Raymond Terrace. He admitted being given homosexual pornographic magazines and videos by FLETCHER, but denied it contained illegal images of children. He claimed he owned the items and had inadvertently left them in FLETCHER's presbytery. He also said he had destroyed all these items but could give no plausible explanation why he decided to do so.

Annexure C

Signed

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As the investigation progressed a priest and nun approach me separately to provide statements and information. That nun was later ostracised by her Order of St. Joseph at Loughavar for assisting police and forced to leave. She has not returned to the church. The priest disclosed to me details of inner workings of the diocese and what he referred to as 'the old boys club' of Hunter priests and his suspicions. He was pivotal in having another victim come forward with critical evidence that was later instrumental in FLETCHER's ultimate conviction.

The assistance rendered by this 'good priest' led to a series of clashes between him and senior clergy including Bishop MALONE. This priest suffered considerable stress from his treatment and was moved to Sydney. He has since elected to leave the priesthood and return to another profession. I have remained in contact with both these individuals who are highly critical of the silence within the church concerning child sexual abuse.

I was aware that Bishop Leo CLARK and Priest Patrick COTTER had been interviewed by police some years prior concerning alleged concealment of Vincent RYAN's activities. Sufficient evidence existed against COTTER but it was decided not to proceed purely on the basis of his age and health. I understand that the evidence was not in question.

Detective Ann JOY and I also spoke to Leo CLARK during my investigation. We predominately discussed FLETCHER and RYAN and his possible knowledge of their activities. I then asked about McALINDEN who I still believed to be overseas. (I later learned he had already returned to Australia and was residing in a Catholic facility near Perth.) I asked CLARK, "An alleged victim of Denis McALINDEN has told us that she believes the church is aware of at least two other alleged sexual assault victims of this priest. Do you have any knowledge of that?" He said, "No. You would have to ask Michael MALONE about that."

Redacted at Commissioner's direction

I was becoming disturbed by the number of priests in the region alleged to have been involved in sexually abusing children. They were all in adjoining parishes and giving one another support. This was compounded by senior clergy interfering in investigations and potentially concealing their knowledge of crimes and admonishing those prepared to speak out. All of this caused me considerable concern.

I recorded most of this information in a number of COPS Intelligence Reports for dissemination to State Crime Command. I also forwarded two reports expressing concern that a paedophile ring possibly existed in the Maitland Newcastle Diocese and should be investigated. I have never been contacted in respect to my reports. Since that time Maitland Newcastle Priests NP3 and Tom BRENNAN, NP4 and NP (have also been charged with child sex offences. I understand that others may also be under investigation.

In 2003-4 I also forwarded a series of reports and complaints to Ann BARWICK of the NSW Ombudsman's Office which conducted an investigation. I have been told their report was critical of the church but the findings cannot be made public. Nevertheless this process finally saw FLETCHER stood down by the church and prevented from accessing schools.

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Signed

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In late 2005 I was advised by the Catholic Church that Denis McALINDEN was critically ill in a Catholic Retirement Home in Subiaco, Perth. I made inquiries regarding his possible extradition but learnt he was not able to travel and he died two weeks later. Despite the church knowing McALINDEN's whereabouts for some time I was not informed until his death was imminent.

COMMENT:

Earlier this year Joanne McCARTHY of the Newcastle Herald contacted me. She indicated a woman; **AJ** had confided in her allegations of being sexually assaulted in the 1960's by Catholic Priest Denis McALINDEN. **AJ** allegedly had knowledge of a number of other women who had also been sexually assaulted including: **AK + AL**

Although I had never met with **AJ** I had come across her name in 2003-4 when investigating **FLETCHER**. I was told **AJ** was reluctant to speak to police as her knowledge implicated a number of high ranking clergy in 'covering up' known paedophile priests. She stated I was the only police officer she would speak with as she had apparently spoken to victims of paedophile priests and their families with whom I have dealt with. I agreed to meet with **AJ**

Redacted at Commissioner's direction

AK is one of Redacted. She provided me with a number of documents and a statement outlining McALINDEN sexually abusing her and **AL AN & AV** have also been sexually abused by McALINDEN and have never got over the trauma. **AK** still feels guilty of not being able to protect **AN + AV**

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Signed

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Redacted at Commissioner's direction

Documents in possession of AK and the statement of AS confirm without a doubt that retired Bishop Leo CLARK knew of a number of McALINDEN's victims. He knew of the serious nature of the abuse. He also knew that victims had complained of their suffering to various clergy under his direct supervision. When Detective JOY and I asked,

"An alleged victim of Denis McALINDEN has told us that she believes the church is aware of at least two other alleged sexual assault victims of this priest. Do you have any knowledge of that?"
He said, "No. You would have to ask Michael MALONE about that."

Clearly he told us a blatant lie and concealed the names of victims known to the church. By doing so he concealed crimes that McALINDEN committed and his admissions of abuse. Worse still is the fact that CLARK knew McALINDEN was still at large and had returned to Australia with the potential to continue committing his crimes.

During my service I have had to speak to hundreds of victims of sexual assault. All of them are disturbing. Sexual assaults of children are the most abhorrent and abuse of children by the clergy is amongst the worst. To conceal such a crime is akin to condoning that behaviour. I do not believe such conduct can ever, or should ever be forgiven by the law.

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Signed

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I have seen the pain of the victims of child sexual abuse within the Church. I have visited victims in psychiatric institutions and seen the damage it has caused their families. I spoke to a member of the Newcastle ODPP who broke down crying and was unable to continue reading a victim's statement, apologising to me when she requested to be removed from the case.

I took another statement from a mother who was unaware of years of sexual abuse her son was suffering at the hands of her family priest. As a teenager he came home in a drunken stupor. When he attempted to hang himself in the family barn his mother screamed hysterically trying to take the weight of his bending legs until another son arrived to cut him down. In desperation the family called their priest for the boy to stay overnight in his presbytery with the aim of counselling him when sobered. This priest took advantage of the situation and buggered the boy again that night. This same priest, James BLATCHER is one of those whom fellow clergy went to such extraordinary lengths to protect.

Reprisals are another distasteful aspect of sexual abuse within the church. Some have reported to me having had their cars damaged and eggs thrown at their homes following guilty verdicts after a family member disclosed abuse. Most victims' families are devout Catholics who are surrounded by friends until someone comes forward with allegations of abuse. The family is ostracised within their community and particularly at church. They are no longer spoken to and made to feel unwelcome. They have backs blatantly turned on them until they no longer attend. Most believe this is silently condoned by other priests and perpetuates the silence of abuse in fear of speaking out.

RECOMMENDATION:

I believe there is sufficient evidence to conduct a full and comprehensive investigation into the conduct of the Maitland Newcastle Diocese of the Catholic Church. There is more than enough evidence to put before the Attorney General under section 316 of the Crimes Act to prosecute a number of clergy based on evidence already cited. I strongly believe that further investigation will only enhance such a brief and possibly disclose other offences and/or offenders.

AE revealed that in the 1990's she also told the church of her abuse but nothing was done and the police were not told until she decided to do so herself. Sadly AE died in 2007 after years of counselling and psychiatric treatment resulting from her abuse. Her husband, BD spoke to me this year and is more than prepared to assist with any police inquiry as the failure of the church to act has impacted negatively on the lives of his entire family. The damage done by such abuse and concealment is enormous. The passage of time should never preclude the New South Wales Police Force from protecting these families and bring persons to justice for such crimes. If we fail to investigate and prosecute such conduct the potential for it to continue remains unaltered.

Over more than a decade of investigating members of the Maitland Newcastle clergy I have built up an excellent knowledge base. I also have an extensive network of contacts within and outside the church. I have also built up a reputation and trust among victims and their families as evidenced by Ms AJ's approach to speak with me. I have spoken to Sister Paula REDGROVE who has also indicated her preparedness to speak with me and provide a statement of her knowledge. I remain objective but passionate to assist with any inquiry or investigation.

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Signed

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In view of the number of priests charged over the past decade within the Maitland Newcastle Diocese I am requesting consideration be given to the establishment of a task force to undertake a full investigation. I submitted similar reports in 2004 only to see more cases of abuse disclosed since that time. My own experiences coupled with recent evidence strongly indicates that paedophilia by the clergy is widespread in the Hunter and is being concealed by experienced and senior staff within the diocese. Without intervention these crimes are likely to continue.

In order to protect victims and put a stop to these ongoing crimes I respectfully ask that this request be given favourable consideration.

Signed

Peter R FOX
Detective Chief Inspector
Crime Manager
Port Stephens Command

1. Port Stephens Commander. The recommendations of Det Chief Inspector Fox are supported. Given the nature of these allegations, these matters appear beyond the scope of an LAC investigation. It could be more appropriately dealt with by a task force. Referred to region.

Signed

[Signature]
Commander

2. Operations Manager Northern Region

Newcastle LAC have been allocated to investigate allegations that Malone, Redacted and others failed to disclose information relating to sexual abuse of AL and AK. All material held by DCI Fox should be forwarded to Newcastle City LAC Crime Manager for their information. Assessment as to appropriate resources for the investigation is to be made by Newcastle City Commander Northern Region. Signed

Investigation should continue by Newcastle City to determine the extent of the allegations. Consideration will be given to additional resources at the appropriate time to ensure all matters are considered. It should be noted the Newcastle investigation is the lead role & are to continue. Signed

Commander Port Stephens LAC

3. Commander Newcastle City LAC
FOR FILING & ENTRY INTO EARLY 1 NINT
CATEGORIES

Signed

Wendy W. Humphrey 27/1/11
Detective Chief Inspector
Crime Manager

Annexure C

Signed

15/2/13