

Maria  
Lagoudakis/CSO/NSW\_AG  
25/02/2013 05:07 PM


To [akohn@makdap.com.au](mailto:akohn@makdap.com.au)

cc Emma Sullivan/CSO/NSW\_AG@NSW\_AG, Jessica  
Wardle/CSO/NSW\_AG@NSW\_AG

bcc

Subject Special Commission of Inquiry - Summons 19(b)

History:

 This message has been forwarded.

Dear Alex

Please find letter and Summons relating to the Catholic Schools Office attached .

Kind regards

Maria Lagoudakis  
Legal Secretary

**NSW Crown Solicitor's Office** | Level 5, 60-70 Elizabeth Street, Sydney NSW 2000  
GPO Box 25 SYDNEY 2001 | DX 19 SYDNEY | [www.cso.nsw.gov.au](http://www.cso.nsw.gov.au)  
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- ltr to Catholic Schools Office encl summons - 25 Feb 2013- .pdf



Crown  
Solicitor's  
Office

Your Ref:  
My Ref: 201203450  
T20 Emma Sullivan  
Tel: (02) 9224-5029  
Fax: (02) 8224-5355

Email: Emma\_Sullivan@agd.nsw.gov.au

25 February 2013

Mr Ray Collins  
Director  
Catholic Schools Office  
Catholic Diocese of Maitland-Newcastle  
c-/ Mr Alex Kohn  
Makinson & d'Apice  
Level 12, 135 King Street  
SYDNEY NSW 2000

**By email: akohn@makdap.com.au**

Dear Sir/Madam

**Special Commission of Inquiry into matters relating to the Police investigation of certain child sexual abuse allegations in the Catholic Diocese of Maitland-Newcastle ("Inquiry") – service of Summons 19(b)**

I enclose by way of service a Summons to attend to give evidence and produce documents issued by Commissioner Cunneen on 25 January 2013 pursuant to s 14 of the *Special Commissions of Inquiry Act 1983*.

The Summons is returnable before the Special Commission at **4.00 pm on 5 March 2013**. However, you need not personally attend before the Special Commission in response to the Summons if all the documents referred to in it have been produced to the Special Commission by the nominated time.

In this respect, the Commissioner will regard as sufficient compliance with the Summons the provision by you of the required documents to the solicitor for the Inquiry prior to the nominated time.

Without in any way limiting the nature and extent of your searches for documents that are responsive to the summons, your searches should include a review of the personnel and other files of Monsignor Frank Coolahan, Mr Patrick Roohan, Ms Colleen Timoshenko and Mr Jim Callinan.

When providing documents in response to the Summons, please indicate (in a covering letter or accompanying table) in respect of which paragraph(s) of the Summons the particular documents relate.

You may produce copies of the documents instead of originals in response to the Summons. The Commissioner may request the original document(s) at a later date if necessary.

Yours faithfully

Signed

✓ Emma Sullivan  
Special Counsel  
**for Crown Solicitor**

Encl.

# SUMMONS TO PRODUCE DOCUMENTS



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

Summons No. 19(b)

TO: Mr Ray Collins  
Director  
Catholic Schools Office  
Catholic Diocese of Maitland-Newcastle  
c-/ Mr Alex Kohn  
Makinson&d'Apice  
Level 12, 135 King Street  
SYDNEY NSW 2000

**Attention: Mr Ray Collins, Director, Catholic Schools Office, Catholic Diocese of Maitland-Newcastle**

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

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

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

Signed

Margaret Cunneen SC  
Commissioner

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

25 February 2013

**ANNEXURE TO SUMMONS TO PRODUCE DOCUMENTS**  
**Summons No. 19(b)**

Any and all reports, investigations, letters, notes, minutes of meetings regarding any reports of misconduct or concerns relating to Father James Fletcher and alleged or suspected improper conduct with children (including child sexual assault), including but not limited to a report made by Mr Patrick Roohan or any other person in about 1997.

7 February 2013

Ms Emma Sullivan  
Special Counsel  
Crown Solicitor's Office  
GPO Box 25  
SYDNEY NSW 2001

Dear Ms Sullivan

**RE: Summons to Appear Before Special Commission of Inquiry**

Following the receipt of your correspondence of 25<sup>th</sup> January my office has undertaken an exhaustive study of our records and archives to ascertain any references to Father Denis McAlinden and to present these to the Special Commission of Inquiry into matters relating to the Police investigation of certain child sexual abuse allegations in the Catholic Diocese of Maitland-Newcastle.

So far our study has not found any reference to Father McAlinden in these files.

The files in our office only date back to 1980. The Director of Schools at that time and in the particular period referred to in the summons, 1975-1976, is deceased. We have been able to speak to his secretary at that time who has advised us that the Directorate of Catholic Education, as it was then known, only maintained records for a period of seven years after which they were destroyed.

The records that we have cover Leadership/Executive/Heads of Department meetings, Correspondence, Finance Material, Bulletins to Schools, Correspondence and miscellaneous matters.

There are some education related documents in the Bishop's Chancery which we have also reviewed without finding any reference to father McAlinden.

The other files we have are the personnel files of all of our staff dating back to the 1980s. There are thousands of them and we would need to know the names of any staff who may have been identified with Father McAlinden to determine what reference to McAlinden is present in that file.

All other files relating to Child Protection matters have been transferred from our files to Zimmerman Services, the diocese's Child Protection Unit.

I regret that I have not been able to assist you with your enquiry in relation to Father McAlinden and I assure you that if any material comes to hand in relation to him it will be forwarded to the inquiry immediately.

Yours sincerely

Signed

Ray Collins  
DIRECTOR OF SCHOOLS