

*Peter J. Trapski*

BNZM, CBE, JP, KSS, MBS, LLH

16 April 2013

The Crown Solicitor  
Crown Solicitor's Office  
GPO Box 25  
**Sydney 2001**  
AUSTRALIA

for the attention of Emma Sullivan

**Special Commission of Inquiry  
Catholic Diocese of Maitland-Newcastle**

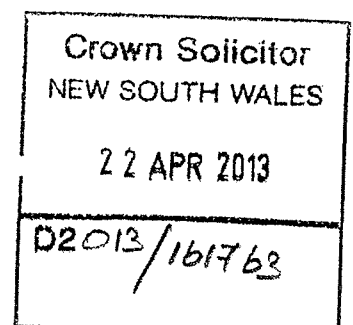
On behalf of the Catholic Bishop of Hamilton, Most Rev Denis Browne, I acknowledge receipt of your letter of 20 March 2013 and confirm my email of 21 March 2013 and my telephone conversation with Emma last week that:-

1. I am the Vice Chancellor of the Diocese of Hamilton having special responsibilities for the custody of confidential documentation;
2. the diocese's documentation concerning "matters relevant" to the Commissioner's Inquiry is sparse;
3. you have the letter of 6 January 1984 from Most Rev Edward Gaines to the Bishop of Maitland and a copy of the Bishop of Maitland's reply of 12 January 1984;
4. the only other "relevant" documents on the "Bishop's file" are
  - (i) a copy of a letter dated 4 December 2008 from the Bishop of Hamilton to parishioners of the Parish of Gisborne (copy attached) written at the request of the then Bishop of Maitland-Newcastle consequent upon my making arrangements with personnel of that diocese for the treatment/counselling of a young female victim of McAlinden's from Gisborne whose identity was and is unknown to me but is, I understand, known to you; (that letter of 4 December 2008 was read at all Masses in the Gisborne Parish and given other publicity within that parish but to our knowledge there was no response); and
  - (ii) copies of newspaper articles in the "Waikato Times" of 15 November 2012 and the "Weekend Herald" of 17 November 2012.

If I or the Bishop of Hamilton can assist in your Inquiry in any other way, please let us know.

Many thanks

*Signed*



4 December 2008

My Brothers and Sisters

With sadness in my heart, I write to you about something that happened in the Gisborne District in the 1980s.

In 1984 Bishop Edward Gaines accepted a priest from the Diocese of Maitland-Newcastle for a period of six months. The priest was the late Father Denis McAlinden. During his time as the parish priest of Tokomaru Bay, Father McAlinden was guilty of sexual offences that have left at least one victim still suffering after a passage of 25 years.

Such information as this always fills us with horror and shame that a priest who has been given such trust has betrayed that trust and brought shame to the whole of the Catholic community.

Along with Bishop Malone of Maitland-Newcastle I have offered a profound apology to the victim and offered every assistance that is needed. In addition the Australian Diocese of Maitland-Newcastle wants you all to know that it is anxious to make contact with anyone who may be a victim of Father McAlinden's actions. The Diocese makes an open offer to support and assist them in any way possible.

If you know of any such people I urge you to invite them to make contact with the Diocese of Maitland-Newcastle through Father Darren or through my office at Chanel Centre in Hamilton.


Please pray that all those involved in this sadness will be able to see through the sadness and recognize that God's love for them is profound.

God bless you

Yours sincerely in Christ

✠ Denis Browne  
BISHOP OF HAMILTON

Emma  
Sullivan/CSO/NSW\_AG  
21/03/2013 10:16 PM

To "Peter Trapski" <peter.trapski@kinect.co.nz>, "Kate Vale"  
<Kate\_Vale@agd.nsw.gov.au>  
cc Maria Lagoudakis/CSO/NSW\_AG  
bcc  
Subject 201203450 - D2013/128954 : Re: Special Commission of  
Inquiry into matters relating to the Police investigation of  
certain child sexual abuse allegations in the Catholic Diocese  
of Maitland-Newcastle - Hamilton Diocese 

Dear Peter,

Thank you very much for your assistance.

The foreshadowed timing is fine.

Please liaise with either myself, or Kate should you have any queries with respect to the Inquiry and for the purposes of production of documents.

Kind regards,

Emma.

----- Original Message -----

From: "Peter Trapski" [peter.trapski@kinect.co.nz]

Sent: 21/03/2013 08:01 PM ZE12

To: Maria Lagoudakis; Emma Sullivan;  
<catherine\_vale@agd.nsw.gov.au>

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

Ladies

Your emails to Bishop Denis Browne, the Roman Catholic Bishop of Hamilton, have been sent on to me as I am the current Vice Chancellor of that Diocese and the person who has effective control of the documentation you seek.

The Bishop has instructed me to comply with your requests - and I will do so willingly.

But due to circumstances of peoples' availability or unavailability at this particular time of the year I may not be able to comply with your request until after Easter - i.e. at the end of the first week in

April. I do hope  
that will not inconvenience you in any way.

In the meantime could one of you please advise who I should be  
dealing with  
and in particular to whom the documents should be sent.

Many thanks



"Peter Trapski"  
<peter.trapski@kinect.co.nz  
>

21/03/2013 07:01 PM

To <Maria\_Lagoudakis@agd.nsw.gov.au>,  
<Emma\_Sullivan@agd.nsw.gov.au>,  
<catherine\_vale@agd.nsw.gov.au>

cc

bcc

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

History:

✉ This message has been replied to.

Ladies

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Mañy thanks



Crown  
Solicitor's  
Office

**Your Ref:**

**My Ref:** 201203450

T20 Emma Sullivan

**Tel:** (02) 9224-5029

**Fax:** (02) 8224-5355

**Email:** [crownsol@agd.nsw.gov.au](mailto:crownsol@agd.nsw.gov.au)

20 March 2013

Bishop Denis Browne  
Bishop of Hamilton  
PO Box 4353  
HAMILTON  
NEW ZEALAND

**By email:** [bishop@cdh.org.nz](mailto:bishop@cdh.org.nz)

Dear Bishop Browne

**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")**

As you may be aware, pursuant to letters patent dated 21 November 2012 and 25 January 2013, issued by the Governor of New South Wales in accordance with the *Special Commissions of Inquiry Act 1983 (NSW)* (copy **attached**), Ms Margaret Cunneen SC has been appointed as Special Commissioner to inquire into and report on the investigation of certain child sexual abuse allegations in the Catholic Diocese of Maitland-Newcastle, specifically in relation to allegations of sexual abuse against Father Denis McAlinden.

I assist the Commissioner in relation to the Inquiry.

*Inquiry's terms of reference*

Pursuant to the Letters Patent, the Terms of Reference for the Inquiry require that the Commissioner inquire into and report on:

1. the circumstances in which Detective Chief Inspector Peter Fox was asked to cease investigating relevant matters and whether it was appropriate to do so; and
2. whether, and the extent to which, officials of the Catholic Church facilitated, assisted, or co-operated with, Police investigations of relevant matters, including whether any investigation has been hindered or obstructed by, amongst other things, the failure to report alleged criminal offences, the discouraging of witnesses to come forward, the alerting of alleged offenders to possible police actions, or the destruction of evidence,

“**relevant matters**” means any matter relating directly or indirectly to alleged child sexual abuse involving Father Denis McAlinden or Father James Fletcher, including the responses to such allegations by officials of the Catholic Church (and whether or not the matter involved, or is alleged to have involved, criminal conduct).

A copy of the Inquiry's Terms of Reference are **attached** for your reference.

*Request for documents relating to Father Denis McAlinden*

As you will be aware, Father Denis McAlinden spent some time in Hamilton in 1984. Specifically, I understand that:

- from about February 1984 to December 1984, Father McAlinden was on loan from the Maitland-Newcastle Diocese to the Diocese of Hamilton, appointed as Parish Priest of Tokomaru Bay;
- during this period, there are allegations that Father McAlinden committed child sexual abuse.

During the whole of this period, Father McAlinden remained incardinated to the Maitland-Newcastle Diocese. Father McAlinden died in Western Australia in November 2005.

As part of its investigations, the Inquiry desires to obtain copies of certain documents that may be held by the Hamilton Diocese relating to Father McAlinden. In effect, the documents sought are:

- (i) the 'Bishop's file' relating to Father McAlinden (or comparable file, howsoever named, containing records of complaints, misdemeanours, etc relating to Father McAlinden);
- (ii) documents regarding any complaints, reports or recorded suspicions of child sexual abuse by Father McAlinden; and
- (iii) documents recording communications between the respective Diocese (Hamilton) with Police (NZ or NSW), and/or the Maitland-Newcastle Diocese, referring or relating to any complaints, reports or recorded suspicions of child sexual abuse by Father McAlinden.

The Commissioner would be most assisted if you could undertake a review of documents held by the Hamilton Diocese (including in the diocesan archives) to ascertain whether any such documents are held, and if so, to provide copies of the same.

As the Inquiry will be holding public hearings in May and June 2013, your expedition in this matter would be much appreciated.

Please contact Ms Sullivan of my Office on (02) 9224 5029 should you have any queries relating to this matter.

Yours faithfully

Signed

Emma Sullivan  
Special Counsel  
**for Crown Solicitor**

Encl. (2)