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25 March 2013

Bishop P Taval
Diocese of Kerema
Catholic Church
PO Box 90
KEREMA 311
Gulf Province
Papua New Guinea

By email:

Dear Bishop Taval

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")

I refer to the above Inquiry, and to your telephone conversation with Kate Vale, of my Office, on 25 March 2013.

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 may be aware, Father Denis McAlinden spent some time in the Kerema Diocese from 1976 to 1978. Specifically, I understand that:

- from about November 1976 to November 1978, Father McAlinden was on loan from the Maitland-Newcastle Diocese to the Diocese of Kerema, based at the Catholic Mission, Terapo, Gulf Province.

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 Kerema 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 (Kerema) with Police (Papua New Guinea or New South Wales), and/or the Maitland-Newcastle Diocese regarding Father McAlinden, including any documents 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 Kerema 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)