



**Crown  
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22 October 2013

His Excellency Msgr. Gerhard Ludwig Müller  
Prefect, Congregation Doctrine of the Faith  
Piazza del S. Uffizio, 11, 00193  
ROMA ITALY

**By fax: 0011 39 06 69 88 34 09    By email: [cdf@cfaith.va](mailto:cdf@cfaith.va)**

Dear Msgr. Müller

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

I refer to my letter of 29 August 2013 regarding my request for documentation of relevance to the Inquiry's investigations.

I enclose a copy of that letter for ease of reference.

I would be grateful if you could inform me whether you have been able to locate any relevant documentation or information in the archives of the Congregation for the Doctrine of the Faith.

The Commissioner is to provide her report to the New South Wales Governor on or before 28 February 2014, and would accordingly be most grateful for your reply at your earliest convenience.

The Commissioner has otherwise requested that I again extend on her behalf, her regards and appreciation in advance for considering this request.

Yours faithfully

Signed

**I V Knight  
Crown Solicitor**

Encl. (1)



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29 August 2013

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Dear Msgr. Müller

**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")**

Pursuant to Letters Patent issued under the *Special Commissions of Inquiry Act 1983* (NSW), Ms Margaret Cunneen SC has been appointed as Commissioner to inquire into matters relating to the Police investigation of certain child sexual abuse allegations in the Catholic Diocese of Maitland-Newcastle in New South Wales, Australia as set out in the attached Letters Patent.

The New South Wales Crown Solicitor assists the Commissioner.

*Inquiry's terms of reference*

Pursuant to Letters Patent dated 21 November 2012 and 25 January 2013 (copies attached for your reference), the Commissioner is to inquire into and report on the following matters:

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).

**Request for any relevant documentation**

For completeness, the Commissioner has requested that I write to Your Excellency to ask whether the Congregation for the Doctrine of the Faith ("CDF") has any documentation of relevance to the Inquiry's investigations.

In particular, it would assist the Inquiry if you could arrange to provide to me with copies of any documents in the CDF's archives (or any other repository which may hold such materials and to which the CDF has access), which refer or relate to complaints relating to either Father Fletcher or Father McAlinden in relation to:

- (1) the Sixth Commandment of the Decalogue; and/or
- (2) any allegations, complaints, suspicions or reports regarding child sexual abuse.

As the Commissioner is to provide her report to the New South Wales Governor on or before 28 February 2014, she would be most grateful for your reply at your earliest convenience.

The Commissioner has otherwise requested that I extend on her behalf, her regards and appreciation in advance for considering this request.

Yours faithfully

Signed

Peter Anet  
**A/Crown Solicitor**

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Those Letters Patent were altered and varied by further Letters Patent of 28 August 2013 to provide additional time for the preparation and delivery of the Commissioner's report. That report is now required to be delivered by 28 February 2014.

The Bishop of the Maitland-Newcastle Diocese, Bishop William Wright, has publicly committed the Diocese to co-operating fully with the Inquiry. A copy of a pastoral letter from Bishop Wright dated 28 June 2013 is **attached** for ease of reference.

To date, the Inquiry has been assisted by officials from the Maitland-Newcastle Diocese in a number of respects, including by the provision of documents or facilitating access to documents, interviews with senior staff members of the Diocese and through facilitating access to relevant witnesses.

It may also be noted that, during the course of the Inquiry, Bishop Wright issued an unreserved apology to victims of sexual abuse committed by Father Fletcher and Father McAlinden.

#### **Further background regarding priests named in terms of reference**

##### *Father James Fletcher*

Father James Fletcher (DOB: 20 November 1941) was ordained to the (then) Maitland Diocese at Mayfield on 7 December 1968. A copy of Fr. Fletcher's 'Appointments' record is **attached**.

On 6 December 2004, Fr. Fletcher was convicted of numerous offences relating to his sexual abuse of a boy, and sentenced to 10 years imprisonment.

On 7 January 2006, Fr. Fletcher died in New South Wales, while still in custody.

There is evidence before the Inquiry that Fr. Fletcher may have sexually abused numerous other boys.

##### *Father Denis McAlinden*

Father Denis McAlinden (DOB: 24 January 1923), was ordained in Kilkenny, Ireland on 5 June 1949. He arrived in the (then) Maitland Diocese on 5 December 1949 and became ordained to that Diocese thereafter. A copy of Fr. McAlinden's 'Appointments' record is **attached**.

In 1992, Fr. McAlinden was acquitted of 3 counts of indecent assault of a 10 year old girl in Perth, Western Australia.

Fr. McAlinden spent many years in dioceses overseas, including Papua New Guinea, New Zealand and the Philippines. The Inquiry has sought relevant documentation from those international dioceses, and has been assisted by the voluntary provision of documents.

There is evidence before the Inquiry that Fr. McAlinden sexually abused numerous other young girls, and at least one boy.

Fr. McAlinden died on 30 November 2005 in Western Australia.

**Request for any relevant documentation**

For completeness, the Commissioner has requested that I write to Your Excellency to ask whether the Congregation for the Doctrine of the Faith ("CDF") has any documentation of relevance to the Inquiry's investigations.

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