



Crown
Solicitor's
Office

My Ref: 201203450
T12 Emma Sullivan
Tel: (02) 9224-5029
Fax: (02) 8224-5355
Email: crownsol@agd.nsw.gov.au

14 November 2013

His Excellency Archbishop Paul Gallagher
Apostolic Nunciature Australia
PO Box 3633
MANUKA ACT 2603

By fax: 02 6295 3690

Dear Archbishop Gallagher

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 your letter of 13 November 2013 to Commissioner Cunneen SC in response to my letter of 30 August 2013, and to your discussion with Ms Vale of my Office on 12 November 2013.

The Commissioner has requested that I respond on her behalf regarding the matters raised in your letter.

Co-operation extended to Inquiries and Royal Commissions

May I note at the outset that the Commissioner is grateful for your indication that the Holy See has encouraged the cooperation of ecclesiastical entities, and their representatives, with the matters the subject of inquiry by this Commission.

In a similar vein (and particularly in the context of the provision of documents to inquiries and Royal Commissions), I note Cardinal George Pell's evidence on 27 May 2013 before the Victorian Parliamentary Inquiry into the handling of child abuse by religious and other organisations, where reference was made to the assurance from a senior official within the Vatican that 'every document the Vatican had' would be made available to the national Royal Commission into Institutional Responses to Child Sexual Abuse. Cardinal Pell also indicated his belief that the same position would be taken by the Vatican with respect to providing documents to the Victorian Parliamentary Inquiry (a copy of the relevant page of the transcript is **attached** for ease of reference).

Of course, this Commission is separate and distinct from both the Royal Commission and the Victorian Parliamentary Inquiry, but I trust that the sentiment of cooperation would similarly extend to this Commission's processes.

Vienna Convention on Diplomatic Relations (1961)

I note the application of the Vienna Convention on Diplomatic Relations ("Convention"), and in particular your reference to the operation of Article 24 of that Convention. Of course, the Commissioner's request for assistance in relation to relevant documentation did not seek to invoke any compulsory processes, which it is accepted would be neither appropriate nor effective in the circumstances.

Specific request for documentation

Notwithstanding the Convention, your letter of 13 November 2013 states that the 'Apostolic Nunciature will nevertheless be pleased to consider specific requests for information... bearing in mind the expectation that it would not be appropriate to seek internal communications'.

In my letter of 30 August 2013, and in the context of background information provided regarding Fathers Denis McAlinden and James Fletcher, a specific request for relevant documentation was set out, which I have extracted in full for ease of reference:

Request for any relevant documentation

For completeness, the Commissioner has requested that I write to Your Excellency to ask whether the Apostolic Nunciature has any documentation of relevance to the Inquiry's investigations.

*By way of background information, I note that on 23 May 1995 the then Bishop of the Maitland-Newcastle Diocese, Bishop Leo Clarke wrote to Reverend Brambilla regarding Father McAlinden and requested assistance with contacting the Apostolic Nuncio in the Philippines (copy **attached**). I also **attach** for your reference, three further letters between the Diocese and the Apostolic Nuncio.*

In particular, it would assist the Inquiry if you could arrange to provide to me with copies of any documents in the Apostolic Nunciature's archives (or any other repository which may hold such materials and to which there may be 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.*

I would otherwise be grateful if you would please confirm what is meant by your reference to 'internal communications' – as you may appreciate, if this is intended to refer to communications within the Holy See, or within the Church generally (that is, as between the Diocese of Maitland-Newcastle or the Holy See) or as between the Apostolic Nunciature of Australia and the Holy See, it is respectfully suggested that such restriction may significantly impair the utility of the request for the documentation. Further, such an approach would also appear to be potentially at odds with the statements of cooperation evidenced by both the first paragraph of your letter and the commitments made by Cardinal Pell before the Victorian Parliamentary Inquiry and, accordingly, it may be that you have in mind a more limited notion of 'internal communications'. I look forward to your clarification regarding this matter.

Confirmation of status regarding previous correspondence to the Congregation of the Doctrine of the Faith

By letters dated 29 August 2013 and 22 October 2013, the Commission sought assistance from Msgr Muller, the Prefect of the Congregation of the Doctrine of the Faith ("CDF"), in the same terms as was requested in my letter to the Apostolic Nunciature of Australia, dated 30 August 2013.

I have not yet had a reply to that correspondence, and would be most obliged if you would please confirm whether it has been received by Msgr Muller, and whether I ought regard your letter of 13 November 2013 as being a response also on behalf of the CDF, or whether your reply relates only to the Apostolic Nunciature of Australia (such that I should continue to expect to receive a reply from the CDF).

Tender of correspondence

Please note that for completeness, the Commission's processes are such that it will be appropriate that Counsel Assisting tender into evidence the correspondence relating to the request for documentation from the CDF and the Apostolic Nunciature of Australia (I note that this approach has been taken with similar requests for documentation from other entities). In a similar manner, there may also be further reference to the correspondence in the Commissioner's report to the New South Wales Governor.

Reporting date of 28 February 2014

As indicated in previous correspondence, the Commissioner is to provide her report to the New South Wales Governor on or before 28 February 2014. I would be most grateful for your reply with respect to these matters at your earliest convenience.

Once again, I reiterate the Commissioner's appreciation for consideration of the request regarding documentation to facilitate the Commission's important work.

Yours faithfully

Signed

I V Knight
Crown Solicitor

TRANSCRIPT

FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE

Inquiry into the handling of child abuse by religious and other organisations

Melbourne — 27 May 2013

Members

Mrs A. Coote
Ms G. Crozier
Ms B. Halfpenny

Mr F. McGuire
Mr D. O'Brien
Mr N. Wakeling

Chair: Ms G. Crozier
Deputy Chair: Mr F. McGuire

Staff

Executive Officer: Dr J. Bush
Research Officer: Ms V. Finn

Witness

Cardinal G. Pell, Archbishop of Sydney.

Mrs COOTE — It was my understanding that leading up to the issue of the Congregation of the Clergy and giving the child sex abuse issues to the Congregation for the Doctrine of the Faith, Cardinal Ratzinger decided to centralise all child abuse records of priestly clergy abuse in the world. Is that right — centralise them in Rome?

Cardinal PELL — Two things. He would not have had the authority to do that. To the extent that it had happened it would have been a decision of John Paul II. What was decided was that the authority to deal canonically with these cases — and that included laicisation whether the priest wanted it or not — was to be the province of the doctrine of the faith.

Mrs COOTE — You say it is secret, how these child abuse files are kept within the Congregation of the Doctrine of the Faith.

Cardinal PELL — I do not think I said that; I said that the discussions at the Doctrine of the Faith, when I was there, were secret. In terms of the sort of secrecy — this might help you — some months ago when I was at the Vatican I told a senior official about the upcoming royal commission. And he assured me, after my question, that every document the Vatican had will be available to the royal commission. He said obviously it would have to go through the appropriate channels, recognising that the Holy See is an independent country.

Mrs COOTE — Given your status on the international clerical scene in Rome, would you therefore guarantee to this committee that you will get back all of the files on record in the Vatican on anybody in Victoria?

Cardinal PELL — Absolutely.

Mrs COOTE — Absolutely?

Cardinal PELL — Absolutely, because I have been assured by a senior official in the Vatican that they will do that. We have said we will cooperate fully with the royal commission, and we mean to.

Mrs COOTE — I do not mean the royal commission. We are not the royal commission. I am talking about this committee, and I am asking if all files — not, 'Oh, this wasn't my turn', or, 'I wasn't in power now', or, 'This is some other order or somebody else', or some other excuse, but all files, religious orders, anything to do with any archdiocese, any information at all on child sexual abuse by clergy in Victoria, at any time at all, you will guarantee to give to this committee?

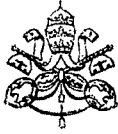
Cardinal PELL — I cannot guarantee that. What I can guarantee is if the royal commission asks for that, it will be given. That was the only question I asked of them in Rome.

Mrs COOTE — We are not the royal commission. However, can I then ask you: will you go back to the same official — in fact is he the authority who can give you that acknowledgement? Is he the highest authority to ask that question of, or is it going to be knocked back by someone else?

Cardinal PELL — No, I do not think we will be knocked back, and I am happy to ask that question.

Mrs COOTE — Thank you very much indeed. I will be very pleased to see that. Going back to the Congregation for the Doctrine of the Faith and sexual abuse by clergy in Victoria in particular, you have told us in detail about your meeting with the Fosters. You must have been aware at that time that Father O'Donnell in fact had been perpetrating sexual abuse against children. In fact we have been given a table by Francis Moore, who is the business manager for the Archdiocese of Melbourne. He says going back as far as 1978 there were cases of offences by Baker, Glennon, Bongiorno, Searson, O'Donnell, Gannon, Eames, Bongiorno, Pickering, O'Donnell again — in 1994 there were eight cases. You had already admitted that you had heard of the issue of the Fosters. You must have heard of other complaints against Father O'Donnell at the time, because they were obviously out there among people at that stage.

Cardinal PELL — By the time I spoke with the Fosters, O'Donnell had been jailed and released, so I was well aware, not in particular detail, of the fact that he was guilty of these offences.



APOSTOLIC NUNCIATURE
AUSTRALIA

PO Box 3633
Manuka ACT 2603

Canberra, 13 November 2013

N. 533/13

Dear Commissioner Cuneen,

This Diplomatic Mission appreciates the desire of the Commission to understand more deeply the nature of the questions under examination. The Holy See encourages the cooperation of ecclesiastical entities, and their representatives in these efforts.

It is necessary however to recall that the Apostolic Nunciature to the Commonwealth of Australia is the high diplomatic representative of the Holy See to the Commonwealth. While the desire to obtain the information sought is understandable, this mission – like the diplomatic missions of the Commonwealth to sister sovereigns – is afforded the protections provided by international agreements, including the Vienna Convention on Diplomatic Relations. This is particularly the case in light of Article 24 of said Convention, which provides that “[t]he archives and documents of the mission shall be inviolable at any time and wherever they may be.” Article 24 thus states a high principle of international relations without which diplomatic missions would no longer be able freely to carry out their domestic and international responsibilities.

Ms Margaret CUNEEN
Commissioner
Special Commission of Inquiry into matters
Relating to the Police Investigation of certain
sexual abuse allegations in the Catholic Diocese
of Maitland-Newcastle
Crown Solicitor's Office
SYDNEY – NSW

This high principle notwithstanding, the Apostolic Nunciature will nevertheless be pleased to consider specific requests for information regarding the painful events in question, bearing in mind the expectation that it would not be appropriate to seek internal communications.

Yours sincerely,

Signed

Archbishop Paul R. Gallagher
Apostolic Nuncio



**Crown
Solicitor's
Office**

My Ref: 201203450

T12 Emma Sullivan

Tel: (02) 9224-5029

Fax: (02) 8224-5355

Email: crownsol@agd.nsw.gov.au

22 October 2013

His Excellency Archbishop Paul Gallagher
Apostolic Nunciature Australia
PO Box 3633
MANUKA ACT 2603

By fax: 02 6295 3690

Dear Archbishop Gallagher

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 30 August 2013, and to your letter in response dated 2 September 2013 regarding my request for documentation of relevance to the Inquiry's investigations.

I understand from your letter that you were submitting my request to your superiors in Rome, and that you would write to me again upon receipt of a reply.

I would be grateful if you could inform me whether you have received a reply, and whether any relevant documentation or information has been located in the archives held by 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 Y Knight
Crown Solicitor



APOSTOLIC NUNCIATURE
AUSTRALIA

PO Box 3633
Manuka ACT 2603
Canberra, 2 September 2013

N. 414/13

Dear Sir,

I received this morning your letter of August 30, relating 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.**

May I assure that I have taken careful note of the request you have transmitted on behalf of Commissioner Margaret Cunneen SC.

I shall be submitting the request to my Superiors and will write to you again when I have received a reply from Rome.

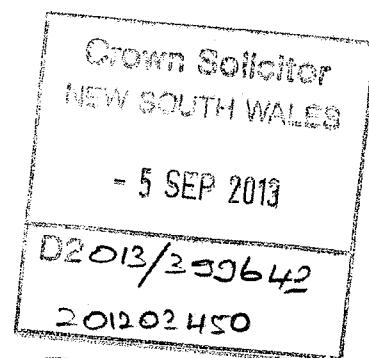
With kind regards, I am

Faithfully yours,

Signed

Archbishop Paul R. Gallagher
Apostolic Nuncio

Mr Peter ANET
Deputy Crown Prosecutor
New South Wales Government
SYDNEY – NEW SOUTH WALES





Crown
Solicitor's
Office

My Ref: 201203450

T12 Emma Sullivan

Tel: (02) 9224-5029

Fax: (02) 8224-5355

Email: crownsol@agd.nsw.gov.au

COPY

30 August 2013

Archbishop Paul Gallagher
Apostolic Nunciature Australia
PO Box 3633
MANUKA ACT 2603

By fax: 02 6295 3690

Dear Archbishop Gallagher

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:

3. 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
4. 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).

Those Letters Patent were altered and varied by further Letters Patent of 28 August 2013 to provided 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 Apostolic Nunciature has any documentation of relevance to the Inquiry's investigations.

By way of background information, I note that on 23 May 1995 the then Bishop of the Maitland-Newcastle Diocese, Bishop Leo Clarke wrote to Reverend Brambilla regarding Father McAlinden and requested assistance with contacting the Apostolic Nuncio in the Philippines (copy **attached**). I also **attach** for your reference, three further letters between the Diocese and the Apostolic Nuncio.

In particular, it would assist the Inquiry if you could arrange to provide to me with copies of any documents in the Apostolic Nunciature's archives (or any other repository which may hold such materials and to which there may be 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

Encl.

NEW SOUTH WALES

ELIZABETH THE SECOND, by the Grace of God, Queen of Australia and Her other Realms and Territories, Head of the Commonwealth.

To MARGARET MARY CUNNEEN SC

By these Our Letters Patent, made and issued under the authority of the Special Commissions of Inquiry Act 1983, We hereby, with the advice of the Executive Council, authorise you as Commissioner to inquire into and report to Our Governor of the said State on the following terms of reference concerning the police investigation of matters relating to Father Denis McAlinden referred to in the ABC Lateline television report broadcast on 8 November 2012:

1. the circumstances in which Detective Chief Inspector Peter Fox was asked to cease investigating the matters and whether it was appropriate to do so; and
2. the extent to which officials of the Catholic Church have co-operated with the investigation, including whether the 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,

AND hereby establish a Special Commission of Inquiry for this purpose.

IN these Letters Patent:

"Catholic Church" includes (without limitation) the Church, a diocese of the Church, or an organisation operated under the auspices of the Church or a diocese of the Church; and

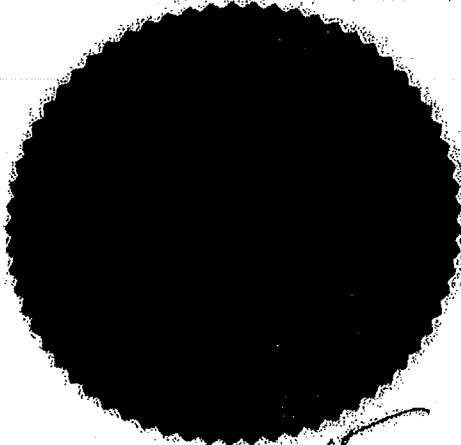
"official of the Catholic Church" includes (without limitation):

- (a) any person who acts as a representative of the Catholic Church;
- (b) any officer, staff member, lay assistant, or volunteer of the Catholic Church; and
- (c) a member of the clergy or any religious order of the Catholic Church.

AND pursuant to section 21 of the Special Commissions of Inquiry Act it is hereby declared that sections 22, 23 and 24 shall apply to and in respect of the Special Commission the subject of these Our Letters Patent.

AND OUR further will and pleasure is that you do, as expeditiously as possible, but in any case on or before 5 April 2013, deliver your report in writing of the results of your inquiry to the office of Our Governor in Sydney.

IN TESTIMONY WHEREOF, WE have caused these Our Letters to be made Patent and the Public Seal of Our State to be hereunto affixed.



WITNESS Her Excellency Professor Marie Bashir, Companion of the Order of Australia, Governor of the State of New South Wales in the Commonwealth of Australia.

Dated this 21st day of November 2012.

Signed

Governor

By Her Excellency's Command,

Signed

Premier.

NEW SOUTH WALES

ELIZABETH THE SECOND, by the Grace of God, Queen of Australia and Her other Realms and Territories, Head of the Commonwealth.

To MARGARET MARY CUNNEEN SC

WHEREAS, by Letters Patent issued in Our Name by Our Governor of Our State of New South Wales on 21 November 2012, We appointed you as sole Commissioner to conduct an inquiry concerning the police investigation of certain matters referred to in the ABC Lateline television report broadcast on 8 November 2012,

AND, by Letters Patent issued in Our Name by Our Governor-General of the Commonwealth of Australia on 11 January 2013 and in Our Name by Our Governor of Our State of New South Wales, We established the National Royal Commission,

AND it is desirable that the Letters Patent of 21 November 2012 be altered and varied as follows.

NOW THEREFORE, by these Our Letters Patent, made and issued under the authority of the Special Commissions of Inquiry Act 1983 (NSW), We hereby, with the advice of the Executive Council, alter and vary the Letters Patent of 21 November 2012 as follows:

- (a) Add "(NSW)" after "Special Commissions of Inquiry Act 1983" in the paragraph beginning "By these Our Letters Patent";
- (b) Omit the words "concerning the police investigation of matters relating to Father Denis McAlinden referred to in the ABC Lateline television report broadcast on 8 November 2012" in the same paragraph;

ENTERED on the Record by me, in REGISTER OF PATENTS, No. 91 Page 28, this 25th day of January 2013.

Signed

DEPARTMENT OF PREMIER AND CABINET
DIRECTOR GENERAL

- (c) Omit the paragraphs numbered 1 and 2 and replace them with the following:

- "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,"

- (d) Insert after the paragraph beginning "AND hereby establish" the following paragraph:

"AND, We further authorise you to establish such lawful arrangements as you consider appropriate in relation to the National Royal Commission, including for the referral or sharing of evidence and information, including of matters that may come to your attention which may fall outside the scope of the above terms of reference but which may be of relevance to the National Royal Commission or matters which, whilst falling within the scope of the above terms of reference, you consider would be more appropriately referred to the National Royal Commission."

- (e) Insert in the paragraph commencing "IN these Letters Patent" in the appropriate alphabetical order the following definitions:

"*National Royal Commission*" means the Commission of Inquiry into institutional responses to child sexual abuse established by Letters Patent (as they may be amended, supplemented or replaced from time to

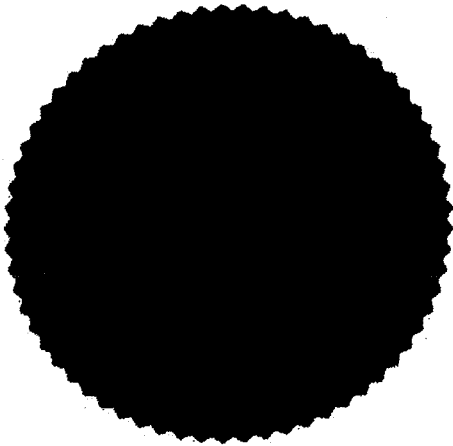
time) issued in Our Name by Our Governor-General of the Commonwealth of Australia on 11 January 2013 under the Royal Commissions Act 1902 (Cth), the corresponding Commission of Inquiry established by Letters Patent (as they may be amended, supplemented or replaced from time to time) issued in Our Name by Our Governor of the State of New South Wales under the Royal Commissions Act 1923 (NSW), and any related Commission of Inquiry that may henceforth be established."

"*'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)."

- (f) Insert "1983 (NSW)" after "Act" in the paragraph beginning "AND pursuant to section 21".
- (g) Omit "5 April 2013" in the paragraph beginning "AND OUR further will" and insert instead "30 September 2013".
- (h) Insert a new paragraph after that paragraph as follows:

"AND IT IS FURTHER DECLARED that these Letters Patent are to be read with the Letters Patent constituting your Commission."

IN TESTIMONY WHEREOF, WE have caused these Our Letters to be made Patent and the Public Seal of Our State to be hereunto affixed.



WITNESS Her Excellency Professor Marie Bashir, Companion of the Order of Australia, Commander of the Royal Victorian Order, Governor of the State of New South Wales in the Commonwealth of Australia.

Dated this *2nd* day of *January* 2013

Signed

Governor

By Her Excellency's Command,

Signed

Premier.



28 JUNE 2013

A PASTORAL LETTER FROM BISHOP BILL WRIGHT

TO THE PEOPLE, CLERGY AND STAFF OF THE
CATHOLIC DIOCESE OF MAITLAND-NEWCASTLE

Dear Brothers and Sisters in Christ,

It seems like a very long time since I first declared my general support for properly established public inquiries into the scourge of Child Sexual Abuse in our community. Since then, I have welcomed the setting up of the NSW Special Commission and the Commonwealth Royal Commission. In Catholic social teaching it is the proper function of government to act and to legislate for what we call 'the common good', and I believe very firmly that these inquiries will greatly serve the good of the community, by establishing a clear picture of the abuse that has taken place, its often devastating effects on the lives of the abused children, why this appalling abuse was allowed to continue, and what must be done to protect children now and into the future. Accordingly, I have repeatedly committed this Diocese to co-operating fully with the State and Federal commissions, and I renew that undertaking again today.

You will be aware that the NSW Special Commission of Inquiry begins its public hearings into its second term of reference on Monday, 1st July. This term of reference concerns how officials of this Diocese have assisted or co-operated with particular Police investigations, including whether any investigation has been hindered or obstructed by the acts or omissions of church officials down the years. It should be noted that this is not an inquiry into all allegations of child sexual abuse in the Diocese or the region. It is concerned in particular with the Police investigation of matters relating directly or indirectly to alleged child sexual abuse involving two priests, Fr Denis McAlinden and Fr James Fletcher. I understand, and I ask you all to understand, that there will be those who will be hurt or angry that their stories have not been heard or considered at this inquiry because of its limited terms of reference. We must have them in mind too, and in our prayers.

I can say at this point that I believe the Diocese has made every effort to supply all the information that the Special Commission has sought from us, and we have given the Commission's officers access to all our files and archives.

I have been called to give evidence at the Inquiry, as have others who are or once were priests or employees of the Diocese. These next few weeks will be challenging for our church community but, again, the challenges we face and the hurt we may experience cannot be compared in any way with that of those who suffered abuse by members of this church. It is they who need our utmost support and attention at this time and from this time forward.

There has been some public concern around the fact that many victims and some others will give their evidence in camera, that is, in closed session. Please understand that this is done not by our choice but is necessary, and for good reason. I ask you then, first, to have compassion for all those affected by abuse and, secondly, to have patience while this process and the Special Commission

PAGE 1 OF 2



Catholic Diocese
OF MAITLAND-NEWCASTLE

841 Hunter Street, Newcastle West 2302 PO BOX 780 Newcastle NSW 2300
Phone 02 4979 1109 Fax 02 4979 1338 Visit us online www.mn.catholic.org.au



28 JUNE 2013

A PASTORAL LETTER FROM BISHOP BILL WRIGHT

TO THE PEOPLE, CLERGY AND STAFF OF THE
CATHOLIC DIOCESE OF MAITLAND-NEWCASTLE

of Inquiry proceed properly and painstakingly to establish the truth, to preserve the conditions for justice to be pursued, and to further the healing of victims and the better protection of children. The value and success of this Inquiry will not be measured by the size of the daily headlines, but by its final judgments upon the facts and its contribution to the future of child protection.

The body that the Church in Australia has established to assist in its engagement with the Royal Commission has been named 'The Truth, Justice and Healing Council'. Those three words encompass what we in the Catholic community surely hope for from this NSW Commission and the Royal Commission. The truth may be uncomfortable and, indeed, at some points shameful. But we need to know it, the victims need to have it known and to be able to speak it and to be heard with respect and compassion. The conditions for doing justice and for enabling healing need to be established. Let 'Truth, Justice and Healing' be our watchwords and our commitment.

Many of you will first hear or read this message at Mass. I acknowledge and give thanks to God for your faith: that in spite of all you have heard already of the crimes and sins of some priests, perhaps even men you have known and trusted, you have continued to turn to Christ for strength and inspiration. I am sure that this has been a great struggle for many of you. And in the coming weeks you will hear again of terrible things that have been done by individuals and of failures on the part of leaders and the church's administration. I pray that these very great challenges will not cause you to stumble, but rather serve to make us all grow in compassion for those who have suffered, and to remind us all of our need to open our lives deeply and daily to Christ and his grace, to 'remain in him', the true vine, cut off from whom we wither.

I thank you for all the prayers that have been offered, that I have heard as I have moved around the Diocese, for the victims and survivors of abuse, for truth and justice to emerge through the course of the Commissions, and for healing and integrity in our church and community. We must keep praying and working for these things.

Peace be with you.

Signed

Bishop Bill Wright
June 28, 2013

PAGE 2 OF 2



CatholicDiocese
OF MAITLAND-NEWCASTLE

841 Hunter Street, Newcastle West 2302 PO BOX 780 Newcastle NSW 2300
Phone 02 4979 1109 Fax 02 4979 1338 Visit us online www.mn.catholic.org.au

Diocese of Maitland

CLERGY

Name in full? *Dominic M^cAlinden*

Date, place, parish, diocese and country of birth? *24-1-1923*

*Jamieson or Tyree, St. Peter's Parish
England, Diocese of Exeter & Exeter*

Parents' Names? *Joseph & Bridget M^cAlinden*

Education: Schools? *St. Peter's Priory, Lurgan, Co. Down
and Mt. St. Alphonsus College, Limerick.*

Standard attained? *Leaving Certificate*

University? *—*

Academic Degrees and when and where obtained? *—*

Seminary? *Blair Athole (Maitland) Galway*

Place and date of Ordination to Priesthood? *St. Kieran's*

Hillkenney, 5-6-1949

Name of ordaining Prelate? *Bishop Bellin*

Date of arrival in Diocese? *5-12-1949*

Dignities and Diocesan Offices, and dates of reception of or appointment to same?

Any extended vacation of more than three months duration, with date of commencement and conclusion of same.

April - Sept 20, 1964

Also by Bishop Hickey (ret) on 11/2/05 that Dennis McAllister had passed away late last Oct (2010) of a heart attack. He is to be buried 8/12/05.

Chronological list of appointments received from the Bishop of Maryland (including loan or other special duty outside the Diocese), dates on which each commenced and ended?

13-18-1949 - 10-10-1952

10-10-1952 - 5-11-1954

5-11-1954 - 29-1-1959

11-65 - 50-7-65

WEST-IN- (24-3-67)

On loan to New Brunswick - 10-2-69 (Bishop McAllister)

1948-1949 - 10-10-1952

1947-1948 - 10-10-1952

for loan to the Diocese of New York, N.Y.

Statement of George H. N. 76.

Supply at St. John's, N.Y. 74-75

for loan to the Diocese of New York, N.Y.

for loan to the Diocese of New York, N.Y.

for loan to the Diocese of New York, N.Y.

for loan to the Diocese of New York, N.Y.

for loan to the Diocese of New York, N.Y.

for loan to the Diocese of New York, N.Y.

for loan to the Diocese of New York, N.Y.

for loan to the Diocese of New York, N.Y.

for loan to the Diocese of New York, N.Y.

for loan to the Diocese of New York, N.Y.

for loan to the Diocese of New York, N.Y.

for loan to the Diocese of New York, N.Y.

for loan to the Diocese of New York, N.Y.

for loan to the Diocese of New York, N.Y.

for loan to the Diocese of New York, N.Y.

for loan to the Diocese of New York, N.Y.

for loan to the Diocese of New York, N.Y.

for loan to the Diocese of New York, N.Y.

for loan to the Diocese of New York, N.Y.

for loan to the Diocese of New York, N.Y.

for loan to the Diocese of New York, N.Y.

for loan to the Diocese of New York, N.Y.

Address: ...

Date: 1-1-1976

Signature of Priest: ...

10-12-84

13-2-85

25-4-85

1-1-1976

1-1-1976

1-1-1976

1-1-1976

1-1-1976

1-1-1976

1-1-1976

1-1-1976

1-1-1976

1-1-1976

1-1-1976

1-1-1976

1-1-1976

1-1-1976

1-1-1976

1-1-1976

1-1-1976

1-1-1976

1-1-1976

1-1-1976

1-1-1976

1-1-1976

1-1-1976

1-1-1976

1-1-1976

1-1-1976

(28 Sept 85)

1-1-1976

Handwritten notes at top left.

Handwritten notes at top center.

Handwritten notes at top right.

Diocese of Maitland

CLERGY

Name in full? JAMES PATRICK FLETCHER

Date, place, parish, diocese and country of birth? 20.11.41

SCONE - SCONE PARISH

MAITLAND DIOCESE - AUSTRALIA

Parents' Names? WILLIAM AUSTIN & ETHEL FRANCIS FLETCHER

Education: Schools? SAINT MARY'S, STAR OF THE SEA, NEWCASTLE

HAMILTON MARIST BROTHERS

Standard attained? LEAVING CERTIFICATE

University? -

Academic Degrees and when and where obtained?

Seminary? ST. COLUMBA'S COLL. SPRINGWOOD
ST. PATRICK'S COLL. MANLY

Place and date of Ordination to Priesthood?

7/12/68 - MAYFIELD

Name of ordaining Prelate? BISHOP JOHN TOOHY

Date of arrival in Diocese? 6/12/68

Dignities and Diocesan Offices, and dates of reception of or appointment to same? Master of Ceremonies, 1971-80

Latest Will dated 16.12.1982 (E 12.6.01)

Any extended vacation of more than three months duration, with date of commencement and conclusion of same?

Chronological list of appointments received from the Bishop of Maitland (including loan or other special duty outside the Diocese), dates on which each commenced and ended?

.....
 EAST MAITLAND - 9/1/69
 WARRAH - 17.6.73
 Maitland - Assistant - 6-3-1977
 " Adm - 12/5/79
 reconferred as Adm - 25th Aug. 1979
 Assoc. Dir of Project Compassion (ended 1981)
 Gatehead - Ass^y P.A. 1/10/83
 Benman - P.P. - 25/4/85
 Dungog - P.A. - 12/12/87
 P.P. Dungog. 18/3/88
 Branxton P.P. 28/1/95

Also Lochinvar Priest in Charge 6/8/02
 ↳ Parish Priest 1/8/02

Died 7.1.2006 at Hawkesbury District Hospital, Windsor NSW. Funeral Mass at Branxton. 13.1.2006, Burial at Priests' Section Sandgate Comet

Will - Yes
 3/7/96

Date 21st July '71 Signature of Priest James Fletcher Principal Celebrant
 Address 71 King St, East Maitland Homilist:
 Fr Des Harris

May 23, 1995

His Excellency
Most Reverend F Brambilla DD
Apostolic Pro-Nuncio
PO Box 3633
MANUKA ACT 2603

Your Excellency,

I write about a very delicate matter and to request your assistance. Would it be possible for you to use your network of communication to help expedite the following case:

In March 1993 a parishioner of Maitland approached the Vicar General with serious accusations concerning a priest of the Diocese, Fr Denis McAlinden.

Fr McAlinden was at that time not working in the Diocese but in the Diocese of Bunbury.

The Vicar General contacted Fr Brian Lucas who stipulated the following procedure:

- that I was to ring Bishop Quinn and acquaint him with the accusations and to request him to remove Fr McAlinden's faculties
- that he inform Fr Denis to proceed immediately to Sydney to be interviewed by Fr Lucas

This was done.

At the interview Fr Denis admitted to Fr Brian Lucas that the accusations were true.

An agreement was reached by which Fr Denis was to return to England and live with his sister and not to act as a priest.

I agreed to write to Bishop McGuinness, Bishop of the Diocese of Nottingham in which the parish of Skegness is located. This is the parish church of his sister. I informed the Bishop of Fr Denis' situation. Fr Denis agreed to seek counselling in England. To this end, arrangements were made for him to see Monsignor Dan Leonard, Vicar General of Birmingham, who has had wide experience with these type of situations. I received a reply from Bishop McGuinness saying that he would do everything to help and that he had asked the parish priest, Fr J Finneran, to provide any help he could to Fr Denis. Fr Denis however was not to act as a priest.

When I met Fr McAlinden before his departure for England we agreed on this course of action. The person making the allegation was not seeking any financial recompense and was grateful that the Diocese had acted promptly on this matter.

Last year I received a letter from Fr Denis from the Philippines. He asked my permission to be incardinated into the Diocese of San Pablo under Bishop Bantigue.

I wrote to Bishop Bantigue on November 8, 1994 refusing this permission but received no reply.

Fr Denis' own niece has come forward, concerned because she learned that he is working in the Diocese of San Pablo. She informed us that she, her sister and their daughters were also victims of Fr Denis. He denies all this.

Fr Brian Lucas interviewed the niece. She and her family are angry (although their Mother, Fr Denis' sister, won't believe their accusations) that Fr Denis is again active in ministry.

I might add at this stage that they do not wish Fr Denis to know that they have made these further allegations because of their Mother's failing health.

I have been personally trying to ring Bishop Bantigue but have been unable to make contact, so we contacted the Delegate's office in the Philippines to ascertain the nature of the San Pablo Diocese. Apparently it is a very remote Diocese and telephone access is very difficult and sometimes impossible.

So I have written again to Bishop Bantigue (May 10) requesting that because of further allegations that if Fr Denis does enjoy the faculties of his Diocese they must be removed and he must be asked to return to England.

I write to you on the suggestion of Fr Brian Lucas that you might be able to ask your counterpart, the Apostolic Nuncio to help us bring home to Bishop Bantigue the seriousness of this situation.

I am sorry to burden you with this but I am grateful for your continued support.

With cordial best wishes and sentiments of deep esteem,

Yours sincerely in Christ

Most Reverend L M Clarke, DD
Bishop of Maitland

+LMC/ed



APOSTOLIC NUNCIATURE
AUSTRALIA

P.O. Box 3633, Manuka
A.C.T. 2603, Canberra

N. 9630/95

25 May 1995

Your Lordship,

I received your letter of 23 May 1995 concerning
Fr. Denis McAlinden.

As you requested I shall inform the Apostolic
Nuncio in the Philippines the content of your letter and
ask him to contact the Bishop of the San Pablo Diocese to
take appropriate action.

With kindest regards and best wishes, I remain

Yours fraternally in Christ

Signed

~~Arch~~bishop Franco Brambilla
Apostolic Pro-Nuncio

His Lordship
Most Rev. Leo M. Clarke
Bishop of Maitland
P.O.Box 2192
DANGAR NSW 2309

DIOCESE OF MAITLAND

CHANCERY OFFICE:
224 Parry Street
HAMILTON NSW 2303
PO Box 2192
DANGAR NSW 2309
Phone: (049) 65 3777
Fax: (049) 65 3548

June 20, 1995

Archbishop F Brambilla
Apostolic Pro-Nuncio
PO Box 3633
MANUKA ACT 2603

Your Excellency,

Bishop Leo Clarke is on holidays and will not return until July 6.

We have received the enclosed communication from the San Pablo Diocese, Philippines.

The niece who has come forward is not satisfied with this reply and demands that a letter be produced indicating that Fr Denis McAlinden has had the faculties of the San Pablo Diocese revoked and that he will return to England.

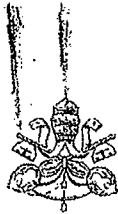
She will otherwise consider taking legal action against the Church.

Could you kindly use your offices to communicate this latest development with the Apostolic Delegate in the Philippines.

Your sincerely

Most Reverend M Malone, DD
Coadjutor Bishop of Maitland

+MM/ed



APOSTOLIC NUNCIATURE
AUSTRALIA

P.O. Box 3633, Manuka
A.C.T. 2603, Canberra

N. 9630/95

22 June 1995

Your Lordship,

I received your letter of 20 June 1995 concerning
Fr. Denis McAlinden.

I shall request the Apostolic Nuncio in the Phil-
ippines to communicate the content of your letter to the
Bishop of the San Pablo Diocese.

With kindest regards and best wishes, I remain

Yours fraternally in Christ

Signed

Archbishop Franco Brambilla
Apostolic Pro-Nuncio

His Lordship
Most Rev. Michael Malone
Coadjutor Bishop of Maitland
P.O.Box 2192
DANGAR NSW 2309