

MAKINSON & d'APICE
LAWYERS

25 February 2013

Partner: Alex Kohn
Direct Line: 9233 9036
Direct Facsimile: 9233 9136
Email: akohn@makdap.com.au

Our Ref: 130213
Your Ref: 201203450 T20 Emma Sullivan

 E-MAILED
25/2/13

Also by Email: emma_sullivan@agd.nsw.gov.au

Ms Emma Sullivan
Special Counsel
Crown Solicitors Office
DX 19 SYDNEY

Crown Solicitor
NEW SOUTH WALES

26 FEB 2013

D2013/73833

Dear Emma

**Special Commission of Inquiry
Australian Catholic Bishops Conference
Summons 11(b)**

We refer to your letter dated 19 February 2013 in relation to a summons to produce documents addressed to the Australian Catholic Bishops Conference (our client).

We are instructed that to the best of our client's knowledge, neither Father Denis McAlinden nor Father Jim Fletcher were ever referred to, or had any involvement with, the Encompass Australasia Rehabilitation Program.

Yours faithfully


Signed

Makinson & d'Apice



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**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

19 February 2013

Mr Alex Kohn
Partner
Makinson & d'Apice
DX 296 SYDNEY

By email: akohn@makdap.com.au

Dear Mr Kohn

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 your letter of 18 February 2013 in relation to the summons 11(b) dated 6 February 2013.

I note your advice that your client was unable to locate any documents in answer to the Summons.

In light of that response, I would be grateful if you could obtain instructions from your client and confirm in writing that neither Father Denis McAlinden nor Father Jim Fletcher were ever referred to, or had any involvement with the Encompass Australasia rehabilitation program.

Yours faithfully

Signed

Emma Sullivan
Special Counsel
for Crown Solicitor

Encl.

MAKINSON & d'APICE
LAWYERS

18 February 2013

Partner: Alex Kohn
Direct Line: 9233 9036
Direct Facsimile: 9233 9136
Email: akohn@makdap.com.au

Our Ref: 130213:AXK
Your Ref: 2012 03450 T20 Emma Sullivan

ALSO BY EMAIL: emma_sullivan@agd.nsw.gov.au

Ms Emma Sullivan
Special Counsel
Crown Solicitor's Office
DX 19 SYDNEY

Dear Emma

**Special Commission of Inquiry
Australian Catholic Bishops' Conference
Summons to Produce Documents addressed to the Australian Episcopal
Conference of the Roman Catholic Church**

We refer to the Summons to Produce Documents addressed to the Australian Episcopal Conference of the Roman Catholic Church for the Australian Catholic Bishops' Conference being Summons 11(b) returnable Monday, 18 February 2013.

We are instructed that after a search of its records, the Australian Catholic Bishops' Conference is unable to locate any documents in answer to that Summons.

Should the Australian Catholic Bishops' Conference locate documents in the future, they will immediately be forwarded to the Inquiry.

Yours sincerely

Signed

Makinson & d'Apice



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**Crown
Solicitor's
Office**

Your Ref:

My Ref: 201203450

T20 Jessica Wardle

Tel: (02) 9224-5052

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6 February 2013

Father Brian Lucas
General Secretary
Australian Episcopal Conference of the Roman Catholic Church
c-/ Mr Alex Kohn
Makinson & d'Apice
Level 12, 135 King Street
SYDNEY NSW 2000

By email: akohn@makdap.com.au

Dear Father Lucas

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 11(b)

I refer to my letter of 25 January 2013 enclosing a Summons to attend to give evidence and produce documents. I now enclose another Summons to attend to give evidence and produce documents issued by Commissioner Cunneen on 6 February 2013 pursuant to s 14 of the *Special Commissions of Inquiry Act 1983*.

The Summons is returnable before the Special Commission at **4.00pm on Monday 18 February 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.

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.

You do not need to produce documents again in response to the enclosed Summons if you will or have produced them in response to the Summons issued on 25 January 2013

(summons 11(a)). It would be appreciated if you could indicate in your covering letter which documents previously produced would also respond to the enclosed Summons.

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. 11(b)

TO: Australian Episcopal Conference of the Roman Catholic Church
c-/ Mr Alex Kohn
Makinson & d'Apice
Level 12, 135 King Street
SYDNEY NSW 2000

Attention: Father Brian Lucas, General Secretary of the Australian Episcopal Conference of the Roman Catholic Church

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 Monday 18 February 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, Senior Solicitor 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

6 February 2013

ANNEXURE TO SUMMONS TO PRODUCE DOCUMENTS
Summons No. 11(b)

1. All documents, including notes of consultations, reports and correspondence, regarding or referring to Father Denis McAlinden or Father James Fletcher, including any documents regarding or referring to the participation or assessment of Father McAlinden or Father Fletcher in any Encompass Australasia program or any psychosexual treatment program under any other name.

In this Summons:

"document" means any record of information and, without limitation, includes emails and SMS messages.