

c@ts.i

FILE ID	LM11102477
----------------	------------

"Fairness, Integrity and Service"

LEGISLATIVE CATEGORY	Please tick appropriate category ✓
	Notifiable <input type="checkbox"/>
	S122(2) Class & Kind <input type="checkbox"/>

SECURITY LEVEL	Please tick appropriate level ✓
	In Confidence <input type="checkbox"/>
	Protected <input type="checkbox"/> Highly Protected <input type="checkbox"/>



NSW Police Force

TRIM FILE No.	F/2013/13924
--------------------------	--------------

RELATED TRIM Nos.	
------------------------------	--

DISPOSAL YEAR	
--------------------------	--

John
Gralton/25360/Staff/NSWP
olice
19/07/2011 11:39

To Tracey Ward/9234203/Staff/NSWPolice@NSWPolice
cc
bcc
Subject Fw: Phone Message from Joanne McCARTHY

----- Forwarded by John Gralton/25360/Staff/NSWPolice on 19/07/2011 11:39 -----



John
Gralton/25360/Staff/NSWP
olice
15/07/2011 17:02

To Matthew Moroney/25356/Staff/NSWPolice@NSWPolice
cc
Subject Re: Phone Message from Joanne McCARTHY

Outstanding!

From: Matthew Moroney
Sent: 15/07/2011 15:50 ZE10
To: John Gralton
Subject: Re: Phone Message from Joanne McCARTHY

No Sir - not urgent - but it's the 1st time I can remember being thanked for declining a complaint!

Matt

-----John Gralton/25360/Staff/NSWPolice wrote: -----

To: Matthew Moroney/25356/Staff/NSWPolice@NSWPolice
From: John Gralton/25360/Staff/NSWPolice
Date: 07/15/2011 02:52PM
Subject: Re: Phone Message from Joanne McCARTHY

Thanks mate. That's a positive move in the NSWPF/Joanne McCarthy r/ship by the sound of it. I will call her next week. It wasn't urgent I take it?

Cheers

John G.

From: Matthew Moroney
Sent: 15/07/2011 14:37 ZE10
To: John Gralton
Subject: Phone Message from Joanne McCARTHY

While You Were Out

Contact: Joanne McCARTHY
of:
Phone:

FAX:

Telephoned
 Please Call

In relation to a letter forwarded to her in relation to a complaint matter - wanted to relay to you that she was not disappointed in the decision to decline the complaint

21 June 2011



NSW Police Force
www.police.nsw.gov.au

Ms Joanne McCarthy

Dear Ms McCarthy

I refer to your correspondence dated 11 April 2011 sent to the Police Integrity Commission concerning the investigation of senior Catholic Church members. I wish to advise that after consideration of the circumstances presented in your letter it has been determined that an investigation will not be conducted into your complaint.

This decision is made under the auspices of Section 141 of the Police Service Act, which gives Police the discretion to decline to investigate a complaint under certain circumstances. In this instance it has been determined that action is currently being taken to remedy the subject matter of the complaint without the need for an investigation. Strike Force LANTEL is currently investigating these matters.

Whilst I appreciate that you may be disappointed by this decision, I trust you will understand the reason given. I would like to take this opportunity to thank you for bringing this matter to attention and advise that the matter has been registered on the NSW Police Force complaints management system and brought to the attention of the NSW Ombudsman who are the oversight agency for such matters.

Yours sincerely

Signed

hñ Gralton
Superintendent
Local Area Commander
Newcastle City LAC

COPY

**Newcastle City Local Area Command
Waratah Police Station**

30 Harriet Street WARATAH NSW 2298

Telephone 02 49266515 Facsimile 02 49266511 ENet 60515 EFax 60511 TTY 9211 3776 (Hearing/Speech Impaired)

ABN 43 408 613 180

NSW POLICE FORCE RECRUITING NOW 1800 222 122

WWW.POLICE.NSW.GOV.AU/RECRUITMENT



CMT Minutes Continuation

Reference No	P	1102477	Date	16/06/11	
Command		Supt. GRALTON			
Admin Manager		Det A/Insp WHEELER - Det Insp PARKER excused			
Specialist Officer		Tracey WARD			
PSU		A/Insp MORONEY			
Other					

MINUTES

Outcomes of Actions of Previous Meetings

Triage document raised and discussed. Strike Force LANTEL was discussed which is currently addressing this issue.

The issues raised in the letter of the complainant relate to investigative matters. The main thrust of the letter of complaint is that the matter has been handled with some tardiness.

It was the view of the CMT that the identified Subject Officers by the P.I.C. Document are not ~~actually~~ subject Officers of the complaint and as such they should not be recorded in the C@ts.i system. Advice was sought from Insp CULLEN (Northern Region PSU) on this issue - Mr. CULLEN agreed that the nominated Officers were not actually subject of the complaint and the complaint was generally concerning the overall investigation and the fact that it had been handed to one officer after another through no fault of the Command (due to structural changes and sick leave) and the complainant herself indicates in line 2 of her four page complaint "... I am writing to complain about Northern Region Police Command's investigation of ...".

The matter is currently subject to an Ongoing Strike Force (LANTEL). The complainant is to be advised that the complaint will be declined on the basis that it is subject of an ongoing investigation.

Actions This Meeting	



Command complaint triage form

Complainant name	Joanne McCARTHY		
Contact details - Home	0419977330	Mobile	43852534
Police officer details	A/Insp MORONEY		
Resolving authority			
Date of notice	15/06/11	Date received at NSW Police Force	3/06/11

Investigations	Inadequate investigation/lack of impartiality		
Issues			
Subject Officer/s	NSW Police Force		
Unit			
Area			
Unit description or incident @ reference	LMI1102477		

Letter received (attached) under the hand of Joanne McCARTHY (Local journalist) concerning an investigation by Police into allegations of peadophilia and the subsequent alleged covering up of that act by the Catholic Church.

The letter mentions alleged comments by Superintendent MITCHELL and further alleged comments by Detective Chief Inspector HUMPHREY, Detective Inspector PARKER and Inspector TOWNSEND that the matter has not been handled well.

Inquiries reveal that this matter is currently the subject of an ongoing Investigation by the Newcastle City LAC Detectives - Strike Force LANTLE - led by Detective Sergeant LITTLE.

As the matter refers to Senior Police I have made the determination to raise the matter at CMT - although it is the recommendation of the PSDO that the complaint be declined under the provisions of section 141(1) as (a) action is currently being taken to remedy the subject matter of the complaint without the need for an investigation.

<input type="checkbox"/>	Not a complaint. The issues raised do not amount to a complaint under Part 8A of the <i>Police Act</i> . Record on TRIM and refer for further action.
<input type="checkbox"/>	Declined. Commander/manager approval of decline decision confirmed (CMT not needed). Record on c@ts.i LMI stream as declined. Command to complete outcome advice as required. List issue/s to be declined: See brief description narrative
	Notify Ombudsman. One or more of the following issues raised are notifiable to the Ombudsman (see Class or Kind Agreement). This decision is made on a face value assessment of the complaint. Ensure c@ts.i record subsequently created reflects notification/non-notification decision.
<input type="checkbox"/>	<p>Notification Criteria: One or more of the following criteria from the Class and Kind Agreement must be selected for a matter to be considered notifiable:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Criminal Conduct <input type="checkbox"/> CorruptConduct <input type="checkbox"/> If substantiated would result in action under section 181D, 80(3) or 173 of the Police Act <input type="checkbox"/> If substantiated would be referred to the IRP or CAP <input type="checkbox"/> Conduct indicating lack of integrity <input type="checkbox"/> Conduct relating to a failed prosecution where the conduct is unreasonable or indicates serious incompetence <input type="checkbox"/> Unauthorised high risk secondary employment <input type="checkbox"/> Harassment, victimisation or unlawful discrimination of a member of the public <input type="checkbox"/> Harassment, victimisation or unlawful discrimination of a serving member if subject officer has previous similar complaints <input type="checkbox"/> Detrimental action or reprisal (including payback) made in protected disclosure <input type="checkbox"/> Unreasonable conduct resulting in death, injury, significant financial loss and/or the discharge of firearms <input type="checkbox"/> Unreasonable conduct resulting in and/or from the search, arrest or custody of a person <input type="checkbox"/> Complaints made regarding the manner in which matters have previously been investigated <input type="checkbox"/> Any complaint under section 122(2) of the Police Act requiring notification to the Ombudsman or Police Integrity Commission
<input type="checkbox"/>	Commission for Children & Young People Act 1998. The matter involves a case where a child is the victim in a complaint or a child being present is part of the complaint or a substantial issue arising. Once a c@ts.i record has been created, ensure relevant CCYP radio box in 'Incident Details' is selected. This flags CCYP relevance but does not create a notification.
<input type="checkbox"/>	Standard referral for CMT management. Inculpatory evidence identified during triage requiring evidence based investigation. Receipt on c@ts.i P stream and refer to CMT.
<input checked="" type="checkbox"/>	Discretionary referral for CMT management. Standard referral does not apply but commander/manager has determined the matter should be managed by the CMT. Receipt on c@ts.i P stream and refer to CMT. Discretionary reasons for referral to CMT.
<input type="checkbox"/>	Referral for resolution: Triage processes did not reveal any inculpatory evidence that would require an evidence based investigation and no discretionary referral to CMT required. Receipt on c@ts.i LMI stream. Select appropriate person as resolution manager and instruct him/her on expectations. Before using ADR, see Dispute Handling Guidelines on intranet. Complete administrative obligations as required. Use (optional) Complaint resolution form to give instruction to the resolution manager and attach to file.
<input type="checkbox"/>	Matter resolved during triage. Receipt on c@ts.i LMI stream. Complete resolution report and add to c@ts.i record. Complete administrative obligations as required.
<input type="checkbox"/>	Notification to the Workplace Equity Unit: Where discrimination, harassment, sexual harassment, bullying, vilification or victimisation of a member of the NSWPF by another member of the NSWPF is alleged. This notification is to be conducted via the #HREQUNITY smac box.

COMPLAINT RECEIPT CHECKLIST

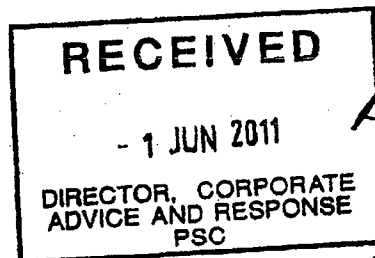
DATE RECEIVED		Dated forwarded to Manager, Complaint Services	
01/06/2011		03/06/2011	
External Reference No:		Region	
PIC 23507/4		Northern	
Was a duplicate complaint located? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		Additional papers? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	
If yes, c@ts.i number		If yes, c@ts.i number	
c@ts.i reference number		LMI1102477	
TRIM reference number		PI 2011/15769	
c@ts.i Services Officer/ Date		R. McCook 10/06/2011	
LEGISLATIVE CATEGORY			
Ombudsman/PIC Recommended Legislative Category		Notifiable <input type="checkbox"/>	
		S122 <input type="checkbox"/>	
s140: Investigation required	YES <input type="checkbox"/>	NO <input type="checkbox"/>	Not Stated <input checked="" type="checkbox"/>
s146: Ombudsman will monitor	YES <input type="checkbox"/>	NO <input type="checkbox"/>	Not stated <input checked="" type="checkbox"/>
COMPLAINT STATUS			
Part 8a complaint? (If yes, receipt on c@ts.i if no duplicates are found)		Refer to PSC	
		YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
Complainant name	Joanne McCarthy		
Address & contact details	ph 43852534, Newcastle Newspapers Pty Ltd 28 Bilton St, Newcastle NSW 2300		
Representative & Details			
Subject Officers	Wayne Humphrey 19634 Anthony Townsend 20978 Graeme Porke 24672		
Org. Unit Managing			
Region SMAC box	Northern		
Comment:	Refer to Northern Region for action.		
Consultant/ Date	LEE MOUL Signed 7/6/2011		

This document was developed to assist compliance with CPN 05/01. Complaint Assessments, complaint title and description remains the responsibility of the managing CMT. For information please contact your region consultant recorded above.

SCANNED



ABN 22 870 745 340



0/2011/93048
Our Ref: 2350714

30 May 2011

Mr Paul A Carey APM
Assistant Commissioner
Professional Standards Command
NSW Police Force
Level 2, 55 Renwick Street
REDFERN NSW 2016

Dear Mr Carey

Pursuant to ss 56(4)(a) and 70(1)(c) of the *Police Integrity Commission Act 1996*, the Commission hereby refers the attached complaint to the Commissioner of Police to be dealt with in accordance with Part 8A of the *Police Act 1990*. The material was notified to this Commission by a member of the public.

Details of the complaint are contained in the attached document (barcodes 7626144 - 7626149). The complaint is against Wayne David HUMPHREY (19634), Graeme John PARKER (24632), Anthony John TOWNSEND (20978) and other unidentified NSW Police Force officer(s).

The Commission does not require a final report in relation to the investigation of this matter.

Yours faithfully

Signed

Allan Kearney
Director, Prevention & Information
encl.

Cater

RECEIVED

15 APR 2011

POLICE INTEGRITY COMMISSION

April 11, 2011.



7626145

Dear Sir/Madam,

My name is Joanne McCarthy, I am a journalist with the Newcastle Herald newspaper, and I am writing to complain about northern region police command's investigation of senior Catholic Church members involved in the secret defrocking of a notorious paedophile priest in October 1995, in full knowledge of the criminal nature of his actions, and as police were about to charge another priest with multiple serious child sex offences. I gave church documents about the defrocking to Strike Force Georgiana Detective Shaun McLeod on April 23, 2010 and have a formal receipt of that. We ran a series of articles at the same time based on those documents, (

REDACTED

The articles

included comments from retired north region major crime squad head John Ure, and the Australian Lawyers Alliance, among others, supporting a full police investigation. They also included acknowledgement by Maitland-Newcastle Bishop Malone that the late priest Denis McAinden was a serial child sex offender and the diocese's belief that he had hundreds of victims both in Australia and overseas. Also forwarded to police were names and contact numbers of some of those victims, and sections of Brian Lucas's evidence to the Wood Royal Commission six months after the McAinden secret defrocking which are a concern given his role in that defrocking.

What has happened in the year since has been bitterly disappointing and deeply concerning given the outstanding work by Strike Force Georgiana in relation to individual paedophile priests in the Hunter region. Police have convicted the individuals but, given an opportunity to investigate who protected the individuals, we've had a year of buck-passing, a so-called strike force, three experienced police officers - including a newly elected NSW Government MP - shown by direct and indirect means that there will be no investigation of McAinden.

REDACTED - RELEVANCE

In the interests of keeping this as succinct as possible, I'll list the main



7626146

points.

1. Detective McLeod recommended a full investigation of the McAlinden matter, based on the documents and knowledge of the background to it, and availability of other evidence and possible witnesses. He was told there would be no investigation and went on stress leave a short time later. The then Detective Troy Grant, now an MP, offered assistance to any investigation based on leading a 1995 investigation of paedophile priest Vince Ryan at exactly the same time of the secret defrocking. His calls were not returned. Detective Chief Inspector Peter Fox, who launched an investigation of McAlinden in 1999 and issued a search warrant for his arrest, made repeated attempts to be involved in an investigation of the secret defrocking.

REDACTED - RELEVANCE

Early this year

Fox was ordered to hand over statements he had taken from McAlinden victims and ordered not to have any contact with me, and if I make contact with him he is to report it.

2. A so-called strike force of three police officers, led by Detective Brad Taylor, closed in December when the three officers went on stress or sick leave at the same time.

At that stage, and after the matter had been handed from one police command to another for months - and I can document the movements if required, along with comments from senior police officers assuring the matter was being taken seriously - the strike force had attempted to interview just one person, a McAlinden victim who subsequently made a formal complaint. That complaint has not been addressed.

3. I met with the three officers, along with Australian Lawyers Alliance NSW spokesman Dr Andrew Morrison SC, on November 26 at the instigation of Superintendent Max Mitchell after I rang him about why there was a formal complaint from the first person to be interviewed by his strike force. He suggested a meeting so that I could work with the strike force and "offer advice" to the relevant police officer about interviewing paedophile priest victims because "she didn't have experience in that area". I found those comments and the suggestion extraordinary. Dr Morrison attended the meeting because he had written two letters to Max Mitchell about his concerns over the investigation. He will speak with the commission about how his

concerns grew significantly after that meeting.



4. The matter was handed to Detective Chief Inspector Wayne Humphrey in late December, but last week it was handed to another police officer, Graeme Parker.

5. The former head of the diocese's child protection unit, who has read the diocese's McAinden file - which the Bishop is on record saying is "taller than you can climb over" - has made a part statement to police about what is on the file and the three places where police can access it - or at least could have accessed it. It is only a part statement because the police officer who took it is on stress leave. She has repeatedly requested a copy, without success.

6. Police also have a 26-page statement from a McAinden victim [redacted] who gives evidence about Brian Lucas's knowledge of the criminal nature of McAinden's offending in 1993. She alleges Lucas knew then that McAinden had had sexual intercourse with a young girl under 10, and used the information to strip the priest of his faculties (stop him from acting as a priest, without taking the final step of defrocking him).

As far as I can determine, the Catholic church very rarely went to the final step of defrocking a priest in these circumstances. I can only confirm one other case of a defrocking (formally known as laicising) in Australia linked to a paedophile priest case. Defrockings usually occur when priests want to leave the priesthood to marry. Defrocking is a formal process under canon law, requiring documentation and the taking of two statements from victims. In this case the victims are *AK & AL*. It is the belief of myself, Detectives McLeod and Fox, the diocese's former child protection officer and the victims themselves, that the diocese chose *AK & AL* to provide statements because it knew they would not go to police while their mother, *reluctant* was alive and living in Newcastle. The documents include a letter from Bishop Leo Clarke to McAinden that he agree to the defrocking and go to live somewhere pleasant, like the Philippines. I can email copies of the documents to the commission. In the formal letter advising McAinden of the defrocking process the priest is urged to agree to the "speedy" defrocking "in the light of your admission to Father Brian Lucas and other evidence", "for the good of the church", and is assured

that "your good name will be protected by the confidential nature of this process".

The final line reads "A speedy resolution of this whole process will be in your own good interests as I have it on very good authority that some people are threatening seriously to take this whole matter to the police." In a letter from



the new Bishop Michael Malone several weeks later - and only a week or two after Vince Ryan was charged - McAlinden was advised: "May I emphasise the seriousness of the allegations and the real possibility of police intervention." That was the final line in a letter urging McAlinden agree to the defrocking "because of the gravity of the allegations against you, the evidence supporting those allegations and after full and continual consultation with Bishop Clarke over many months". Because the church rarely defrocked its paedophile priests the McAlinden case would be one of the very few in Australia where the church has documented its case against one. It is my belief, and the belief of many others with knowledge of this matter, that it is unlikely police will have a similar opportunity to investigate not just the paedophiles, but those who moved them around within the church.

I am aware of the complexities of section 316 of the Crimes Act. I am also advised by Dr Morrison and John Ure, among others, that they are complexities that should not stand in the way of an investigation in this case.

A number of senior police have suggested this is a "media-driven thing" and I should let police investigate. My point is that we did. I trusted that police would treat this matter seriously. I have two letters written by Max Mitchell to the Lawyers Alliance assuring that it was. I feel like police have betrayed that trust. It's worth noting at this point that Denis McAlinden molested young girls, aged 4 to 11. They rarely spoke when the offences occurred, although McAlinden's record of being transferred from NSW to Western Australia, New Guinea and New Zealand every couple of years indicates church awareness of his actions.

I contacted former Supreme Court Judge James Wood's office last year about a particular concern in relation to this matter. I have an email from his office which suggests if I have concerns I should raise them with the Police Integrity Commission. It has been a year, and senior police who I can name,

including Wayne Humphrey, Tony Townsend and Grætte Parker, concede the matter has not been handled well. The obvious question is why?

Yours Sincerely,

Joanne McCarthy.



7626149

Signed

phone numbers



7626144

NEWCASTLE HERALD SUN WEEKLY

HERALD **SUN** **SUN** **weekly**

JOANNE McCARTHY
Journalist

PH 02 4966 9997
FAX 02 4966 0979

jmccarthy@theherald.com.au

Form Information

Site Name	NSW Police Online
Site Id	1358
Page	Complain about a police officer
Standard	
Name	
Page	6959
Standard Id	
Page Asset	Additional Services
Listing	
Name	
Page Asset	6930
Listing Id	
Page	Lodge a Complaint
Custom	
Form Name	
Page	33082
Custom	
Form Id	
Url	http://www.police.nsw.gov.au/services/additional_s
Submission	197796
Id	
Time of	08 Jun 2011 9:48 pm
Submission	
Submission	124.184.249.180
IP Address	

All mail is subject to content scanning for possible violation of NSW Police Force Electronic Messaging Policy. All NSW Police Force employees are required to familiarise themselves with the content of the policy, found under Policy on the NSW Police Force Intranet.

Attachments:

E46940186 re new complaint.tif

RECEIVED

15 APR 2011

POLICE INTEGRITY COMMISSION

SCANNED

April 11, 2011.



7626145

Dear Sir/Madam,

My name is Joanne McCarthy, I am a journalist with the Newcastle Herald newspaper, and I am writing to complain about northern region police command's investigation of senior Catholic Church members involved in the secret defrocking of a notorious paedophile priest in October 1995, in full knowledge of the criminal nature of his actions, and as police were about to charge another priest with multiple serious child sex offences. I gave church documents about the defrocking to Strike Force Georgiana Detective Shaun McLeod on April 23, 2010 and have a formal receipt of that. We ran a series of articles at the same time based on those documents,

redacted

The articles included comments from retired north region major crime squad head John Ure, and the Australian Lawyers Alliance, among others, supporting a full police investigation. They also included acknowledgement by Maitland-Newcastle Bishop Malone that the late priest Denis McAlinden was a serial child sex offender and the diocese's belief that he had hundreds of victims both in Australia and overseas. Also forwarded to police were names and contact numbers of some of those victims, and sections of Brian Lucas's evidence to the Wood Royal Commission six months after the McAlinden secret defrocking which are a concern given his role in that defrocking.

What has happened in the year since has been bitterly disappointing and deeply concerning given the outstanding work by Strike Force Georgiana in relation to individual paedophile priests in the Hunter region. Police have convicted the individuals but, given an opportunity to investigate who protected the individuals, we've had a year of buck-passing, a so-called strike force, three experienced police officers - including a newly elected NSW Government MP - shown by direct and indirect means that there will be no investigation of McAlinden,

REDACTED - RELEVANCE

In the interests of keeping this as succinct as possible, I'll list the main

SCANNED

7626146

points:

1. Detective McLeod recommended a full investigation of the McAlinden matter, based on the documents and knowledge of the background to it, and availability of other evidence and possible witnesses. He was told there would be no investigation and went on stress leave a short time later. The then Detective Troy Grant, now an MP, offered assistance to any investigation based on leading a 1995 investigation of paedophile priest Vince Ryan at exactly the same time of the secret defrocking. His calls were not returned. Detective Chief Inspector Peter Fox, who launched an investigation of McAlinden in 1999 and issued a search warrant for his arrest, made repeated attempts to be involved in an investigation of the secret defrocking.

REDACTED - RELEVANCE

Early this year

Fox was ordered to hand over statements he had taken from McAlinden victims and ordered not to have any contact with me, and if I make contact with him he is to report it.

2. A so-called strike force of three police officers, led by Detective Brad Taylor, closed in December when the three officers went on stress or sick leave at the same time. At that stage, and after the matter had been handed from one police command to another for months - and I can document the movements if required, along with comments from senior police officers assuring the matter was being taken seriously - the strike force had attempted to interview just one person, a McAlinden victim who subsequently made a formal complaint. That complaint has not been addressed.

3. I met with the three officers, along with Australian Lawyers Alliance NSW spokesman Dr Andrew Morrison SC, on November 26 at the instigation of Superintendent Max Mitchell after I rang him about why there was a formal complaint from the first person to be interviewed by his strike force. He suggested a meeting so that I could work with the strike force and "offer advice" to the relevant police officer about interviewing paedophile priest victims because "she didn't have experience in that area". I found those comments and the suggestion extraordinary. Dr Morrison attended the meeting because he had written two letters to Max Mitchell about his concerns over the investigation. He will speak with the commission about how his

SCANNED



7626147

concerns grew significantly after that meeting.

4. The matter was handed to Detective Chief Inspector Wayne Humphrey in late December, but last week it was handed to another police officer, Graeme Parker.

5. The former head of the diocese's child protection unit, who has read the diocese's McAlinden file - which the Bishop is on record saying is "taller than you can

climb over" - has made a part statement to police about what is on the file and the three places where police can access it - or at least could have accessed it. It is only a part statement because the police officer who took it is on stress leave. She has repeatedly requested a copy, without success.

6. Police also have a 26-page statement from a McAlinden victim

who gives evidence about Brian Lucas's knowledge of the criminal nature of McAlinden's offending in 1993. She alleges Lucas knew then that McAlinden had had sexual intercourse with a young girl under 10, and used the information to strip the priest of his faculties (stop him from acting as a priest, without taking the final step of defrocking him).

As far as I can determine, the Catholic church very rarely went to the final step of defrocking a priest in these circumstances. I can only confirm one other case of a defrocking (formally known as laicising) in Australia linked to a paedophile priest case. Defrockings usually occur when priests want to leave the priesthood to marry. Defrocking is a formal process under canon law, requiring documentation and the taking of two statements from victims. In this case the victims are **AKBAC** It is the belief of myself, Detectives McLeod and Fox, the diocese's former child protection officer and the victims themselves, that the diocese chose the **AKBA** to provide statements because it knew they would not go to police while their mother **AKBA** was alive and living in Newcastle. The documents include a letter from Bishop Leo Clarke to McAlinden that he agree to the defrocking and go to live somewhere pleasant, like the Philippines. I can email copies of the documents to the commission. In the formal letter advising McAlinden of the defrocking process the priest is urged to agree to the "speedy" defrocking "in the light of your admission to Father Brian Lucas and other evidence", "for the good of the church", and is assured

SCANNED



7626148

that "your good name will be protected by the confidential nature of this process".

The final line reads "A speedy resolution of this whole process will be in your own good interests as I have it on very good authority that some people are threatening seriously to take this whole matter to the police." In a letter from the new Bishop Michael Malone several weeks later - and only a week or two

after Vince Ryan was charged - McAlinden was advised: "May I emphasise the seriousness of the allegations and the real possibility of police intervention." That was the final line in a letter urging McAlinden agree to the defrocking "because of the gravity of the allegations against you, the evidence supporting those allegations and after full and continual consultation with Bishop Clarke over many months". Because the church rarely defrocked its paedophile priests the McAlinden case would be one of the very few in Australia where the church has documented its case against one. It is my belief, and the belief of many others with knowledge of this matter, that it is unlikely police will have a similar opportunity to investigate not just the paedophiles, but those who moved them around within the church.

I am aware of the complexities of section 316 of the Crimes Act. I am also advised by Dr Morrison and John Ure, among others, that they are complexities that should not stand in the way of an investigation in this case.

A number of senior police have suggested this is a "media-driven thing" and I should let police investigate. My point is that we did. I trusted that police would treat this matter seriously. I have two letters written by Max Mitchell to the Lawyers Alliance assuring that it was. I feel like police have betrayed that trust. It's worth noting at this point that Denis McAlinden molested young girls, aged 4 to 11. They rarely spoke when the offences occurred, although McAlinden's record of being transferred from NSW to Western Australia, New Guinea and New Zealand every couple of years indicates church awareness of his actions.

I contacted former Supreme Court Judge James Wood's office last year about a particular concern in relation to this matter. I have an email from his office which suggests if I have concerns I should raise them with the Police Integrity Commission. It has been a year, and senior police who I can name,

SCANNED

including Wayne Humphrey, Tony Townsend and Graeme Parker, concede the matter has not been handled well. The obvious question is why?

Yours Sincerely,
Joanne McCarthy.



7626149

Signed

phone numbers