

Statement of Wayne David Humphrey

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

On the 14 February, 2013, I say:

Preliminary matters

1. My full name is Wayne David Humphrey and I am a Detective Chief Inspector with the New South Wales Police Force (the NSWPF).
2. This statement is prepared by me for the sole purpose of responding to a summons dated 12 February 2013 issued on 13 February 2013 by the Special Commission of Inquiry (established by way of letters patent dated 21 November 2012 and varied by letters patent dated 11 January 2013) for me to produce a statement in relation to a number of defined issues. This statement is produced by me to the Special Commission of Inquiry pursuant to the said issued summons unwillingly and only on the basis that, without exception, section 23(2) of the Special Commissions of Inquiry Act 1983 applies to restrict the use of this statement and the documents referred in it, and attached to it. Pursuant to section 23(2) of the Special Commissions of Inquiry Act 1983 I object to the information contained within this statement, and the attachments to the statement, being used in any criminal, civil or other proceedings or inquiries or investigations of any kind.

Background

3. I joined the NSWPF in February of 1980 as a junior trainee (formerly known as a police cadet). I was attested as a police officer in 1981. After the date of attestation I commenced working in the western suburbs area of Sydney (Penrith, St Marys, Blue Mountains) carrying out general duties and some plain clothes duty work.
4. During the course of 1986 I moved to the Newcastle Station where I was engaged in general duties. In 1987 I was transferred to Raymond Terrace. I carried out general duties at Raymond Terrace and thereafter was engaged in criminal investigations. In 1987 I commenced duties at Nelson Bay (again general duties and part-time water policing duties), and from 1989 I once again became engaged in criminal investigation work. This continued up until 1998 when I was transferred to Maitland also carrying out criminal investigation work. In 1999 I carried out duties as the lock up keeper at Dungog for a period of time. In 2001 I was engaged in criminal investigation at Lake Macquarie, and whilst stationed there was attached to Strike Force Sibret which was engaged in investigating outlaw motor cycle gang activity. In 2002 I took up duties as an Inspector at Newcastle. In 2003 I took up duties as a Chief Inspector in the Lower Hunter area. At this time I was initially engaged as a Duty Officer, and in the Lower Hunter area took over long term responsibilities as Crime Manager for that command.
5. In 2006 I performed duties at Lake Macquarie in the capacity of a Duty Officer up until 2008 when I took up the position of Operations Manager in the Northern Region. In 2009 I commenced duties in the Newcastle City Local Area Command firstly as a Duty Officer and then as a Crime Manager. I remain in those duties up until the present day.

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6. In terms of the investigations in which I have been engaged, many of these investigations have related to investigating serious indictable offences. I was engaged in carrying out investigations in matters such as the Seaview Air Crash Inquiry and with Strike Force Sibret. In terms of my experience with the NSWPF, I would say that I could be described as an experienced officer with a great deal of experience when it comes to criminal investigations, in both strike forces and regional investigations.

My role as a Crime Manager

7. As a Crime Manager, I am responsible for a number of areas relating to criminal investigations within the command. Part of my function and duties require me to manage and respond to criminal investigations being carried out within the region. I would be involved in the consideration of strategies with respect to particular investigations, general case management, general brief management, as well as other areas that arise generally with respect to criminal investigations. I would manage and approve which detectives may be appointed to head any particular investigation, or which police officers should be appointed to a strike force, should one be established.
8. In terms of any strike forces that may be set up within my command, I would generally be involved in any decisions with respect to such strike forces including; whether or not a strike force should be set up; if a strike force is to be set up, the terms under which the strike force is to be operated; how the strike force is to be resourced; what resources need to be allocated to the strike force and matters of that kind. The decision making process and my degree of involvement in the decision making process would, in part, be determined by the seriousness of the matters to be investigated by the strike force. I would be responsible for ensuring the terms of reference for any strike force were appropriate.
9. When offering any input into the setting up of strike forces and which police officers should be appointed to the strike force, and more particularly which police officer should be appointed as Officer in Charge, it would be my role to identify an appropriate investigator who would have suitable skills and capacity to carry out the task. Once an appropriate officer is agreed upon, it will generally follow that there would be an assessment carried out in terms of how the strike force is to operate and go about its investigation process, and an appropriate investigation plan would be agreed upon. Matters such as appropriate resourcing would also be a matter of consultation which would have my input.
10. A crime manager would generally be engaged in overseeing any investigation which occurs within an area, and would be less likely to be engaged in any active investigation himself. When I have carried out the role of a Crime Manager, I have participated in active investigations, but those have been more in cases involving critical incidents, serious internal affairs investigations and on occasion serious matters such as homicides. In general, the investigative function in any particular matter is left to the appointed officer in charge of the investigation.

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Relationship with Detective Chief Inspector Fox

11. I have known Detective Chief Inspector Peter Fox since approximately 1986 when I was attached to the Hunter Valley area. My dealings with him have been one of professional colleagues within the NSWPF. Since 1986 I have also come across Detective Chief Inspector Fox in a professional capacity whilst working in other areas. Our paths may have crossed in relation to other investigations. In Port Stephens in 2009 Detective Chief Inspector Fox and I worked together in that command. I also worked with him directly during the period of 1998-1999 whilst stationed at Maitland.
12. In 2003 I was transferred to the Lower Hunter area where I took over the position as a Crime Manager. At that time he was working as a Detective Sergeant, and my duties as a Crime Manager required me, in part, to manage him and other officers of his then rank. I would also have come into contact with Detective Chief Inspector Fox once he attained Commissioned rank if both he and I attended Northern Region Crime Managers conferences or other meetings or briefings attended by the Northern Region Crime Managers.

Strike Force Lantle

13. Prior to setting up Strike Force Lantle, I would describe my relationship with Detective Chief Inspector Fox as a relationship between police officers carrying out their professional duties. I did not engage in any social or recreational activities with him.

Strike Force Lantle

14. In a general sense my understanding as to how Strike Force Lantle came to be set up is as follows. What follows is not intended to be a detailed explanation as to my knowledge of events that occurred prior to setting up with the Strike Force, but rather a general background provided by me. During 2010 I was attached to the Newcastle City Local Area Command. There were some discussions amongst senior officers that allegations were raised in relation to "cover ups" by clergy of the Roman Catholic Church. During the course of those discussions, it emerged that there was a likelihood that an investigation would be undertaken by members of the NSWPF. I am aware that the Lake Macquarie Local Area Command may have been involved as the Command that initially received information relating to the allegation. However, I am also aware that the final decision that was made was that the Newcastle Local Area Command would be responsible for the investigation. That decision was made through the Northern Region command.
15. On 12 July 2010 Inspector Townsend, Operations Manager of Northern Region, prepared a report in relation to, amongst other things, the issues surrounding allegations of concealing serious offences by clergy of the Catholic Church. **Annexed to this statement and marked with the letter "A"** is a copy of the document prepared by Inspector Townsend. After the preparation of the report by Inspector Townsend, I was aware of the contents of that report.
16. On 6 September 2010 I had a meeting with Inspector Townsend, Detective Chief Inspector Taylor (Crime Manager, Newcastle City Local Area Command) as well as another police officer with respect to the investigation and other unrelated matters. One of the matters raised during the course of that meeting related to a file in relation to the Catholic Church which was believed to exist and was coming back to the Newcastle City Local Area Command for investigation.

17. Once Strike Force Lantle had been formally set up (and I believe this occurred on 12 October 2010 or thereabouts), terms of reference were to be settled. It was my understanding in my capacity as a acting Commander at the time that the formal terms of reference were those settled by Detective Sergeant Steel and were approved by the Crime Manager, Detective Chief Inspector Tayler. The terms of reference, which were drafted by Detective Sergeant Steel, were the subject of discussion and agreement of other police officers who were at the Newcastle City Local Area Command at the time. The terms of reference which were finally agreed upon were those directing Detective Sergeant Steel to carry out the following task:

"Investigate allegations of concealing serious offences by clergy formerly and currently attached to the Maitland Newcastle Diocese of the Catholic Church stemming from complaints made by AL + AK and Peter Gogarty."

Annexed to this statement and marked with the letter "B" are the terms of reference for Strike Force Lantle as initially formulated and signed by Detective Sergeant Steel together with the terms of reference as subsequently signed by Detective Sergeant Little.

18. The initial terms of reference provided for Detective Sergeant Steel and Detective Senior Constable Jason Freney to be the personnel appointed to the investigation.
19. Before personnel were assigned and the terms of reference were settled for Strike Force Lantle, I had discussions with other senior police officers in relation to how the investigation was to be conducted, as well as matters generally. During the course of those discussions it was a matter of strong agreement between all police that the investigation was to be the responsibility of the Newcastle Local Area Command which was to ensure, under the supervision of senior officers, that the investigation was properly and adequately carried out.
20. With respect to the document annexed hereto and marked with the letter "A", that document indicates that it was countersigned by Assistant Commissioner Carlene York in her capacity as Assistant Commissioner, and to the best of my recollection, the original document was countersigned by myself in my capacity as Commander of the Newcastle Local Area Command. The document, after having been countersigned by myself, to the best of my knowledge and belief was also forwarded to the State Crime Command for its consideration. It was my understanding at the time that assistance would be called from the State Crime Command to assist the officers attached to Strike Force Lantle, should in fact assistance have been required during the course of the operation of the strike force.

Detective Chief Inspector Fox's Involvement in Strike Force Lantle

21. Detective Chief Inspector Fox was not selected to play a direct role in the Strike Force Lantle's investigation, for a number of reasons. The reasons include the following:
- (a) in terms of Detective Chief Inspector Fox's rank at the time, it would have been inappropriate for him to have played an active role as an investigator in the Strike Force.

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- (b) at least 2 senior officers were already engaged in Strike Force Lantle and its operations in the sense of there was some oversighting and managing of the Strike Force. It was unnecessary, and there was no need, for an officer of Detective Chief Inspector Fox's senior rank to play any direct role.
- (c) Detective Chief Inspector Fox was attached to the Port Stephens Local Area Command, and he was responsible for carrying out his duties within that Command. In order for him to be engaged in Strike Force Lantle, arrangements would have had to have been made for him to be, temporarily at least, relieved of his duties in the Port Stephens Local Area Command so that he may be permitted to come across and engage in full time duties with Strike Force Lantle. This would have been most unusual in the terms of how investigations are managed and conducted.
- (d) I was aware that Detective Chief Inspector Fox had claimed to have material relevant to the investigation, and despite numerous requests to provide that information, the information had not been provided by him. It was clear that Detective Chief Inspector Fox would need to be, at the very least, debriefed fully as to the material he had possession of so as a comprehensive investigation could be planned and conducted. It was always my intention (whilst I had managerial status over Strike Force Lantle) that Detective Chief Inspector Fox would be so debriefed. This was reflected in the investigation Plan as prepared by Detective Sergeant Little. When managerial responsibility was handed to Detective Inspector Parker I made my position clear as to this issue.
22. To my mind as well, there were some concerns that the integrity of the investigation, in terms of any leakage of information to the media, may have been undermined if Detective Chief Inspector Fox played an active role with Strike Force Lantle. In my view, such a risk with such a high profile and important investigation should not have been allowed to take place.
23. I was of the belief at the time when Strike Force Lantle was set up, and in the period during when it was active in its investigations that Detective Chief Inspector Fox wanted to inject himself into the investigation in an active role. I also anticipated that, once the Strike Force was formally set up, that he would take steps to inject himself into that investigation, notwithstanding the fact that he was engaged in duties as a Crime Manager in the Port Stephens area. As far as I was concerned, in my role and capacity within the Newcastle City Local Area Command, it was inappropriate, for the reasons already given, for Detective Chief Inspector Fox to have been appointed to the Strike Force.
24. **Annexed to this statement and marked with the letter "C"** are copies of the following series of emails:
- (a) email from Detective Chief Inspector Peter Fox to Detective Sergeant Steel and others timed and dated as 3.35pm on 16 September 2010;
- (b) email forwarded by Detective Sergeant Steel to myself and other police officers timed and dated 6.06am on 18 September 2010;
- (c) email forwarded by myself to Detective Sergeant Steel at 9.29am on 18 September 2010.

Signed

25. In general terms, the background to these emails, as I understood it at the time, was as follows.
26. Detective Sergeant Steel, who was the Officer in Charge of Strike Force Lantle at the time, was advised that if she was contacted by Detective Chief Inspector Fox, then she was to advise myself or (then) Superintendent Mitchell of that fact. At the time, it was my belief that Detective Chief Inspector Fox may have been in the process of attempting to undertake a role in the investigations that were to be carried out by Strike Force Lantle over and above that of providing information and documentation in his possession to the Strike Force. I was concerned about Detective Chief Inspector Fox giving information in relation to police investigations to a member of the press, known as Joanne McCarthy. I was also concerned that if there was any leakage of information from the Strike Force to any person not directly associated with the Strike Force, then this may have an impact upon the integrity of the investigation being carried out by the Strike Force. Because of my concerns, I wanted to ensure that steps were taken to ensure that there was as little opportunity as possible for any leakage or any other attack to take place on the integrity of the investigation.
27. In saying what I have in the preceding paragraph of my statement, and as I have articulated earlier in my statement, I was also of the view at the time that Detective Chief Inspector Fox was in a position whereby he could assist the investigators allocated to Strike Force Lantle. This assistance would come about by Detective Chief Inspector Fox providing any documentation in his possession that may have been relevant to the Strike Force's investigations, or any other information of which he may be aware. It was my view and my understanding at the time, that the investigation was to be carried out and undertaken by the Newcastle City Local Area Command and no other Command and no officer attached to any other Command was to play any active role with the Strike Force, other than in the capacity of providing assistance to the Strike Force, such as that already described.
28. I refer to the email forwarded at 9.29am on 18 September 2010 that appears at Annexure C to this statement. The reason why I forwarded this email to Detective Sergeant Steel was because I did not want there to be any possibility that Detective Chief Inspector Fox would take on any active involvement of any kind with Strike Force Lantle until such time as I had an opportunity of discussing the matter with other senior colleagues within the Newcastle City Local Area Command.
29. On 12 October 2010 I received a telephone call from Inspector Fay Dunn (the then Staff Officer to Assistant-Commissioner York). During the course of that phone call I was advised that the Region Office had received enquiries from a journalist, Ms Joanne McCarthy, in relation to the Strike Force Lantle investigation. Based on the information received, and at the request of Inspector Dunn on behalf of the Region, I undertook the task of attempting to retrieve from Detective Chief Inspector Fox's office any relevant files that may relate to the Strike Force Lantle investigation. I was aware numerous requests had been made previously of Detective Chief Inspector Fox to provide material relative to this investigation so as it could be reviewed, assessed and investigative lines of inquiry set. At the time it was my understanding that Detective Chief Inspector Fox was on leave, and it was for that reason that I attended his office so as to look for the material personally. I was accompanied by Superintendent Charles Haggett, Commander Port Stephens Local Area Command, when on the morning of 13 October 2010, a search was made for the relevant files. No such files were able to be located.

Signed

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30. Prior to, and during that search being made of Detective Chief Inspector Fox's office I informed Superintendent Haggett of the request made by Inspector Dunn. We also discussed the issues surrounding Detective Chief Inspector Fox's apparent relationship with M/s Joanne McCarthy and the perceived result of any further leaking of information to the press whilst an active investigation was being undertaken.
 31. On 13 October 2010 at 1.18pm, being after the search had been conducted, I forwarded an email to Commander Haggett (and others) in relation to the matter. **Annexed to this statement and marked with the letter "D"** is a copy of that email.
 32. On 18 October 2010 Detective Chief Inspector Fox prepared a report in relation to correspondence received from BG with respect to the possible Catholic Church conspiracy. **Annexed to this statement and marked with the letter "E"** is a copy of the said report. I do not have any recollection of having seen that report at that time after its preparation, although I concede that I may have been shown the report at some time.
 33. On 25 November 2010 Detective Chief Inspector Fox prepared a 6 page report also dealing with the issue of allegations of child sexual abuse and cover-up within the Maitland Newcastle area. **Annexed to this statement and marked with the letter "F"** is a copy of the report. Such a report was seen by myself in the period after its preparation, and at page 6 of the report my signature appears together with comments made by myself. I was of the view at the time, that the preparation of this documentation may have been motivated by the fact that Detective Chief Inspector Fox wished to play an active role in the Strike Force Lantle investigations or any Task Force set up to deal with the allegations.

Meeting on 2 December 2010

34. Prior to 2 December 2010 I was made aware that a meeting was to take place in relation to Strike Force Lantle. I did not attend the meeting myself, and I was made aware verbally of the outcome of the meeting when I came back from leave after it had been held. To the best of my recollection I received a verbal briefing from Superintendent Mitchell in relation to the matters that transpired at the meeting. Based on that briefing, I was made aware that Detective Chief Inspector Fox was to hand over any documentation or files in his possession that may have been relevant to the Strike Force Lantle investigation. I was also briefed in relation to the other matters that transpired during the course of the meeting and which were recorded in the investigator's note that was prepared summarising the meeting. I am in complete agreement with any indications and/or directions given by Superintendent Mitchell to the police officers who were in attendance at the meeting.

Appointment of Detective Sergeant Little as Officer in Charge

35. In late December 2010 Detective Sergeant Steel went on medical leave and was not expected to return. Detective Sergeant Jeffrey Little was appointed as the Officer in Charge in her stead. Detective Sergeant Little had received his promotion to Detective Sergeant a short time prior to his appointment, however from my observations of him and his work, and my personal knowledge of his experience in varying sections with New South Wales Police Force, I was of the belief that he was highly suitable and qualified to take over the position as Officer in Charge.

Signed

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36. It is my belief that his choice as Officer in Charge was initially my decision, but that this decision was supported by the other senior officers involved at the time. The reason for my appointment of Detective Sergeant Little was the fact that I considered him to be a talented, thorough investigating police officer who paid a great deal of attention to detail. He also presented as someone who would not be bullied, whether by journalists or anyone else, in terms of his carrying out what was required of him as an investigator when dealing with the Strike Force Lantle investigation. I was also of the belief that he was of unquestioned integrity. Given the fact that there appeared to have been media leaks occurring at the time and for a period leading up to the setting up of Strike Force Lantle, I felt it important to have an Officer in Charge who was beyond reproach and could be trusted unquestionably to deal with the matter appropriately. He also had an outstanding knowledge of computers and their operations which would have been of great assistance in carrying out his duties.
37. I gave no consideration to the appointment of Detective Chief Inspector Peter Fox as Officer in Charge of Strike Force Lantle at the time, notwithstanding the correspondence and communications by email that were being received from him at the time. Notwithstanding my belief that he wanted to become involved in the investigations of Strike Force Lantle I was of the view, for reasons already given, that it would have been highly inappropriate to have him appointed as the Officer in Charge of the investigation, or in any primary role with the investigation.
38. **Annexed to this statement and marked with the letter "G"** is a document dated 19 April 2011 on its front page but not signed off by myself until 21 April 2011. **Annexed to this statement and marked with the letter "H"** is a document dated on its first page as 21 April 2011 and signed off by myself. To the best of my recollection both these documents were finalised on the same date. These documents were forwarded to Assistant Commissioner York for her consideration. The documents were hand delivered by myself on 27 April 2011 to Assistant Commissioner York's office. Given the contents of the documents and the recommendation made by myself, I considered it inappropriate that the documents be mailed to the Assistant Commissioner's office and it required hand delivery. I was not able to hand deliver that material until 27 April 2011.
39. **Annexed to this statement and marked with the letter "I"** is a copy of an email forwarded to me by Inspector Chapman at 12.45pm on 8 November 2012. I responded to the said email by providing the information sought and annexure "I" includes the response provided by me to Inspector Chapman. To the best of my knowledge and belief the information provided by me at the time and as set out in my response is true and correct. Detective Inspector Parker also added his comments to the email from Inspector Chapman. I have marked my comments with an asterisk.

Conclusion

40. In my opinion, the investigation led by Detective Sergeant Little was extremely thorough.
41. I refer to the first term of reference of the Special Commission of Inquiry that has been shown to me. For reasons already given within the body of my statement, I considered it in my capacity as the Acting Commander of the Newcastle City Local Area Command, and at subsequent times as the Crime Manager for the Newcastle City Local Area Command, to decide whether Detective Chief Inspector Fox should be directly appointed to Strike Force Lantle.

42. Additionally, in terms of any direction, a direction may have been given to Detective Chief Inspector Fox and to other police officers that they were not to provide any information relating to the investigation to the media. It is my view that such a direction or communication is entirely appropriate. It was of great importance to ensure that the integrity of the investigation being carried out by Strike Force Lantle was protected and not compromised in any way. It was obvious to me at the time that Ms Joanne McCarthy was trying to obtain as much information in relation to the workings of the Strike Force and using the information derived from the investigations, for the purpose of reporting this information in the media. If this had been permitted to continue it would have severely compromised the workings of Strike Force Lantle and the integrity of the investigation. Additionally, I considered it highly appropriate that if Detective Chief Inspector Fox had any information which was material and relevant to the investigators attached to Strike Force Lantle that that information and documentation should be provided to the Strike Force's investigators. Had Detective Chief Inspector Fox provided any files in his possession, to my mind he would have been entitled to retain copies of any such documentation and there would have been no risk of any documentation being lost to him or his failing to be able to exercise control of the information contained within such documentation.
43. It should also be very clear that at no time did I, or was I aware of any other officer, directing or otherwise instructing Detective Chief Inspector Fox to 'cease' investigations into any person relative to this matter.
44. During the time I was Detective Chief Inspector Fox's Crime Manager in the Lower Hunter Local Area Command I was never made aware of any active investigation being conducted by him relating to these matters. I was never made aware by the Investigation Manger for the Lower Hunter Local Area Command, (then) Detective Senior Sergeant Brett Godfrey, of any investigation being conducted by Detective Chief Inspector (then Sergeant) Fox into a paedophile ring involving priests of the Catholic Church or any other person. It would be highly unusual that I would not have been made aware of a matter of such importance if there was in fact an active investigation being undertaken by (the then) Detective Sergeant Fox.

Signed _____

Signature of Wayne David Humphrey

14 FEB 2012

Date

"A"

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ISSUE

Allegations of conceal serious offences by clergy formerly and currently attached to the Maitland Newcastle Diocese of the Catholic Church.

1. Investigation of these allegations by the NSW Police Force.
2. Public interest considerations in the decision to initiate investigations and/or criminal proceedings in relation to these allegations.

BACKGROUND

THIS IS THE ANNEXURE MARKED 'A' ANNEXED TO STATEMENT OF *Wayne Humphrey*

SIGNED THIS 14TH DAY OF FEBRUARY 2013

Overview

The file principally relates to allegations that in 1995 members of the Maitland Newcastle Diocese of the Catholic Church became aware of serious allegations of sexual abuse on children by one of its priests Father Dennis McAlinden (now deceased) and failed to report that information to police. Instead they took action to have McAlinden removed as a priest (referred to as defrocking but a complex procedure pursuant to Canon Law).

Signed

REDACTED

The file also identifies other clergy who may be involved in concealing serious offences including *Redacted* Father Brian Lyons, Allan Hart, former nun Paula Regrave (or Regrave) and Father W Burston. The principal allegations also disclose significant involvement by the former Bishop of the Maitland Newcastle Diocese, Bishop Leo Clarke, who is now deceased.

At the same time this information in relation to McAlinden's conduct was disclosed to the principal clergy implicated above police were conducting a high profile investigation and prosecution of another member of the same Diocese Father Vince Ryan and investigating Monsignor Patrick Cotter, for concealing that offence.

Documentation in the file in relation to another victim also makes allegations that he was sexually assaulted by Father James Fletcher in 1975 and as a result Fletcher was moved to a remote parish in Diocese. REDACTED

There is wide on going public interest in the issue which has received extensive media coverage and comment by the Newcastle Herald and the ABC. Overarching this is a positive change in the manner in which the Catholic Church deals with allegations of Sexual Abuse since the principal allegations in this file came to light in 1995.

Most of the documents in this file have been forwarded to Lake Macquarie LAC by Newcastle Herald Journalist Joanne McCarthy apparently on behalf of three victims who are calling for an investigation. I say apparently as their letters of complaint are unsigned. Lake Macquarie LAC conducted a long running investigation, Strike Force Georgiana, into allegations of sexual assault by members of the Catholic Church. The allegations in this file do not come within the terms of reference of that investigation which is now closed.

Signed

Principal Allegations Relating to Father Dennis McAlinden

Redacted

On 19 October 1995 Bishop Clarke drafted a declaration that he was satisfied from evidence that Father McAlinden was impeded to exercise holy orders pursuant to Canon Law. The declaration indicated that McAlinden had been made aware of the evidence and had presented a defence. This had not occurred therefore the declaration was in draft form only.

Also on 19 October 1995 a letter was sent to McAlinden at Jollimont in Western Australia from Bishop Clarke indicating that after discussing the issues with Bishop Malone and the Deans, and in light of his admission to Father Brian Lucas he would begin the process to declare that he had an impediment to the exercise of orders. In other words his removal as a priest. The process was outlined and in particular McAlinden was informed that his good name would be protected by the confidential nature of the process and he would be given appropriate support by the Diocese of Maitland Newcastle. Bishop urges McAlinden for the "sake of souls" and "the good of the church" to cooperate in the process to enable it to be speedily resolved as some people were threatening seriously to take the whole matter to the police.

On 26 October 1995 a handwritten letter was forwarded from McAlinden to Bishop Clarke acknowledging the letter of 19 October 1995. He indicates in the letter that he had just returned from hospital after surgery and that he was not mentally or physically fit to respond. He indicates the contents of the letter was in conflict with early correspondence received when he was in the Philippines to live as a retired priest, that it is a continuation of a vendetta to have him removed by Allan Hart, that the information he had disclosed to Brian Lucas was confidential and had been disclosed. He seeks further time to respond.

On 2 November 1995 Bishop Michael Malone forwarded a letter to McAlinden indicating that Bishop Clarke had resigned from his position and that he had become the Bishop of the Maitland Newcastle Diocese. He refers to McAlinden's letter of 26 October 1995 (above). He states because of the gravity of the allegations, the evidence supporting those allegations and after a full consultation with Bishop Clarke over many months that he would continue the process to have him removed. He states the evidence supporting the decision would be forwarded to him and that he would have 15 days to make a response. He emphasises the seriousness of the allegations and the real possibility of police intervention.

It is apparent that McAlinden does not respond and the process stalls. On 10 August 1999 a letter is sent to McAlinden by the Vicar General W Burston to an address in England urging him to get in contact with him on his return to Australia. On the same date Burston also writes to Mr John Davoren of the Professional Standards Group of

the Catholic Church notifying him that McAlinden has been accused of child sexual assault by relatives of the children. He expresses the belief that there are other victims however there is no indication they wish to take the matter to the police. He refers to a letter disclosing a court case in Perth. He suggests the matter should be reported to police as intelligence. He also indicates a belief that McAlinden was in England celebrating his golden jubilee despite the fact his facilities had been removed in 1993 and that he may return to the Bunbury Region of Western Australia late in that month.

Information Report I7885027 relating to information apparently received on 18 November 1999 is consistent with the information disclosed above; It was received from the Professional Standards Office of the Catholic Church, that McAlinden is residing in England but will be returning to the Bunbury area in Western Australia, that he was a former Catholic Priest removed in 1993,

Redacted

No details of victims, times and

dates of offences were supplied. The information was apparently from an anonymous informant who was not wishing to make a formal complaint. It was marked for information only and to be forwarded to Bunbury Police in Western Australia.

On 4 March 2003 in an email John Davoren notifies Bishop Michael Malone that on that day he has notified the police of the complaints received against McAlinden.

Information Report I17256624 dated 15 March 2003 indicates that information was received that McAlinden was involved in child sexual assaults at the Merriwa Parish on an unknown date in the 1980's and that Catholic Church authorities were made aware of the allegations and as a result he was relocated. The victim's family were told not to bother the police with these matters and that they (the church) would take care of it. It was noted that McAlinden was permitted to continue preaching until 1993 when he was removed from the church in 1993. It is also noted that the POI has a first instance warrant has been issued for an offence committed in 1951 which was issued in 1999. The report further indicates two other cases involving different victims makes the report accurate. The report details his ties in the community, description, that he is a habitual child sex offender and that he has been charged in Western Australia.

Joanne McCarthy in compiling her news reports has sought comment from Bishop Michael Malone, REDACTED and Father Brian Lucas. She also has documented the contents of a statement made by Bishop Malone in 2007 acknowledging all victims of abuse by church personnel including Father Dennis McAlinden.

Bishop Malone forwarded a letter to Joanne McCarthy on 13 April 2010 where he states "I am on record with your paper and others, saying that I could have handled earlier matters of historical sexual assault better..... Mistakes were made but we have moved forward" He also outlines efforts have undertaken to improve its response including the "Towards Healing Protocols", the establishment of Zimmerman House a specialist child protection unit and his cooperation with Strike Force Georgiana.

REDACTED

Father Lucas indicates he has no memory of discussions with McAlinden.

Background of McAlinden

The alleged perpetrator of these offences was former Priest Denis McAlinden who passed away on 30 November 2005 in Western Australia. McAlinden is the subject of 2 Events, 2 Cases and 8 Information Reports in New South Wales related to the sexual assault of children over many years.

In 1999 a warrant was issued for his arrest for an allegation of Sexual Assault upon an 11 year old child in 1953 while he was serving as the assistant Parish Priest at Raymond Terrace. The offence was reported the same year.

The warrant was never executed and was later revoked on 8/1/2008 after the death of the deceased. Case file information indicates that McAlinden left Australia and travelled overseas to England to live. An Information report, referred to below, indicates that he returned to Western Australia in 1999. A case note indicates that the warrant was not progressed by way of extradition because McAlinden's ill health as he was suffering from and subsequently died of cancer in 2005.

Check of COP's records pertaining to Western Australia indicates that McAlinden was charged and acquitted with child sexual assault in 1991.

A report Newcastle Herald on 28 April 2010 sets out the background of McAlinden;

- Aged 26 arrives in Australia from Ireland and is sent to Parishes in the Maitland Newcastle Diocese
- 1969 works in Papua New Guinea till 1974.
- Sent to Western Australia Pilbara Region in 1982 and New Zealand in 1984.
- 1988 returns to Bunbury area in Western Australia.
- 1992 charged with Sexual Assault on a 10 year old girl and is acquitted.
- 1993 is not allowed to act as a Priest.
- 1995 spends time in the Philippines.
- 1999 travels to England.
- 2005 dies in Western Australia in a church hospice.

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Information Report II7256624 as indicated above records allegations that Father McAlinden had been involved in the sexual assault of young females over a period of time while he was a priest at Merriwa and that he had been relocated as a result of the allegations and the victims were discouraged from reporting the matters to police and it would be dealt with by the church. The report indicates that he was permitted to continue in his role as a priest despite the existence of the allegations to 1993.

COMMENT

General Comment

The attached file makes a number of allegations that known persons who are still alive have concealed the commission on serious offences. The allegations relate to the conduct of the now deceased priests Dennis McAlinden and James Fletcher. Three of the alleged victims urge police to conduct an investigation into the matter. This review of these allegations can be distinguished in terms of the apparent evidence available against each person named and the principal offender.

Defrocking of McAlinden

In relation to the allegations raised by the sisters, AL and AK there appears to be evidence readily available in the form of their direct evidence and other documentation contained within this file that in 1995 REDACTED and Bishop Michael Malone had direct knowledge that Father Dennis McAlinden had committed offences of child sexual assault. Whilst the gathering of and corroboration of this evidence may be problematic it would seem relatively straight forward.

REDACTED has taken the statements from the sisters and has administered the process of removing McAlinden as a priest on behalf of the late Bishop Leo Clark. It is apparent that activities of McAlinden were at least suspected before the statements were made because Bishop Clarke authorises REDACTED role in the matter before they were taken. Bishop Michael Malone has continued the process after Bishop Clarke's resignation shortly after the process began and a review of the documentation in the file leads to the inevitable conclusion he had detailed knowledge of the allegations raised by the sisters and McAlinden's background. He is also apparently aware and concerned that the allegations could be taken to the police. It is apparent that the allegations against McAlinden were not reported by the Catholic Church to police until the informal report in 1999 and the more formal report in 2003.

There is also evidence that Father Brian Luons had knowledge of McAlinden's offences by reference in the documentation that McAlinden had made admissions to him. There is no direct admissible evidence in relation to this allegation and this would require further investigation. Other persons are implicated in the file in relation to allegations that relate directly to McAlinden, including Allan Hart, W Burston and Paula Redgrove, by reference to the fact they had some knowledge of his offences.

However like the allegations against Lucas they would need considerable further investigation.

REDACTED

Section 316 of the Crimes Act (NSW) 1990
In making comment in relation to the applicability of this Section I will substantially confine my discussion to the disclosures made by AL and AK as those facts are readily evident. The facts in relation to the other allegations are not as discernable.

It is important to note that the Section 316 was enacted in 1990 and replaced the previous common law offence of "Misprision of Felony" which was made redundant by the same legislation. This is an important consideration as some elements of the allegations made in the file pre-date this date.

REDACTED

However an argument could be raised that any person with knowledge of a serious indictable offence would have a continuing obligation to disclose it to the police. This would make any prosecution problematic.

Clearly the events of 1995 would come within the ambit of the section. There is no clear indication when Father Brian Lucas may have taken the admissions from McAllinden (assuming this could be proven) though it appears they were taken 1995.

Section 316(1) states;
"If a person has committed a serious indictable offence and another person who knows or believes that the offence has been committed and that he or she has information which might be of material assistance in securing the apprehension of the offender or the prosecution or conviction of the offender for it fails without reasonable excuse to bring that information to the attention of a member of the Police Force or other appropriate authority, that other person is liable to imprisonment for 2 years."

The Section requires proof of 4 conjunctive elements to satisfy its threshold requirements. These elements include elements of actus reus and mens rea.

1. That another person has committed a serious indictable offence;
2. The accused person knows or believes such offence was committed and
3. The accused person has information which might be of material assistance in securing the apprehension, or the prosecution or conviction of that other person, and
4. The accused person has failed to bring such information to the attention of a member of the Police Force or other appropriate authority.

The first issue that will require consideration is the commission of a serious indictable offence. A serious indictable offence is an offence that is punishable by imprisonment of 5 years or more or life. This is important because the offences disclosed in 1995 were historical. This is relevant because the Crimes Act has undergone a series of amendments and the penalties and sections that were applicable over the years have changed. It could be argued that penalty that was applicable when the offence occurred should be used to determine whether it was a serious indictable offence within the meaning of the section. Alternately it may be argued that penalty applicable at the time the accused person knew or believed the offence occurred should be applied.

To determine this further clarification from the alleged victims will be necessary to determine when the offences occurred and the nature of allegations. A review of the statements that were made by AL and AK in 1995 would only appear to disclose Indecent Assaults upon a child under 16 years of age. Prior to 14 July 1981 the applicable offence would be Section 76 "Indecent Assault of Female" which carried a penalty of 6 years. Between 17 July 1981 and 17 March 1991 the applicable offence would be Section 61E "Sexual Assault Category 4, Indecent Assault" which carried a penalty of 6 years if the victim was under the age of 16 years and is under the authority of that person. After 17 March 1991 the applicable offence would be Section 61M "Aggravated (Victim under 16 years) Indecent Assault" which carries a penalty of 7 years.

It would seem that on either basis the offences disclosed by AL and AK 1995 would be a serious indictable offences.

Any prosecution would have to establish that the accused person knew or believed that an offence had occurred. This requires evidence of state of mind. The contents of both AL's and AK's statements speak from themselves

REDACTED

A further requirement is the information would have to be of material assistance. This is an objective test and a clear statement that a sexual assault had occurred would on any assessment meet this requirement.

Finally there must be a failure to bring this information to the attention of a member of a Police Force or other appropriate authority. The information became known in 1995 in the form of statements about actual events involving the commission of offences by McAlinden. It is not clear whether the contents of the statements were ever brought to the attention of the NSW Police Force before they were forwarded to Detective Inspector Waddell. There is some evidence that some information in relation to McAlinden was supplied to police in 1999 and 2009. This aspect would require further investigation and clarification.

Another important consideration is the requirements of Section 316(4) which states the approval of the Attorney General must given before a prosecution can be commenced against a person of a prescribed profession, calling or vocation for this

offence. The Crimes (General) Regulation 2005 Clause 6(f) prescribes a member of the clergy of any church or religious denomination for the purpose of Section 316(4) as people practising relevant professions, calling or vocations. It is clear that the Attorney General would have to sanction any prosecution against REDACTED Bishop Malone or other clergy identified in any investigation for an offence pursuant to Section 316.

In summary it could be said that there does appear to be some evidence available in relation to the disclosures by AL and AK in 1995 concerning MoAlinden that members of the Catholic Church have concealed serious offences. There is some suggestion that some of these known persons have awareness of other offences committed by other priests which were not brought to the attention of the NSW Police Force. All matters require further investigation. If any investigation discloses evidence where it could be said a properly instructed jury is likely to be satisfied beyond a reasonable doubt then approval would have to be obtained from the Attorney General before any prosecution could be commenced.

Public Interest

However the real question that has to be decided is whether it is in the public interest that there is an investigation into the matter or after an investigation, assuming sufficient evidence is identified to establish an offence against a member of the Catholic Church for concealing a serious offence and the Attorney General approves a prosecution, whether criminal proceedings are instituted.

Guidance in relation to this matter can be found in the NSW Police Force withdrawal policy which has adopted guidelines for "The decision to Prosecute" from the DPP as attached. It is clear the public interest is the dominate consideration in making that decision.

The first two considerations are whether there is sufficient admissible evidence available and that there is a reasonable prospect of securing a conviction. The third consideration is whether or not discretionary factors nevertheless dictate that the matter should not proceed in the public interest.

The third consideration takes into account 23 factors which are attached. I have highlighted a number of those factors that I feel are important in making a decision in relation to whether or not the NSW Police Force should expend its finite resources to undertake an investigation into this matter and if so assuming there is sufficient evidence whether it should institute criminal proceedings.

Discretionary Factors that would Favour Proceeding

- The seriousness as opposed to the triviality of the offence.
- Whether the offence is of considerable general public concern.
- The necessity to maintain public confidence in such basic institutions as the Parliament and the Courts.
- The prevalence of the alleged offence and need for deterrence, both personal and general.
- The attitude of the victim's to the prosecution.

Discretionary Factors that would Favour Not Proceeding

- Whether or not the prosecution would be perceived as counter-productive; for example, by bringing the law into disrepute.
- Special circumstances that would prevent a fair trial from being conducted.
- The staleness of the alleged offence.
- The availability and efficacy of any alternatives to prosecution.
- The likely outcome in the event of a finding of guilt, having regard to the sentencing options available to the court.
- Whether or not the proceedings or the consequences of any resulting conviction would be unduly harsh or oppressive.
- The degree of culpability of the alleged offender in connection with the offence.
- Any mitigating factor.
- The alleged offender's antecedents and background.
- The attitude of the alleged victim.
- Any entitlement or liability of a victim or other person or body to criminal compensation, reparation or forfeiture if a prosecution is undertaken.
- Whether or not the Attorney General's consent is required to prosecute.

The guidelines also indicate that a decision whether or not to proceed must not be influenced by;

- (i) The race, religion, sex, national origin, social affiliation or political associations, activities or beliefs of the alleged offender or any other person involved (unless they have special significance to the commission of the particular offence or should otherwise be taken into account objectively)
- (ii) Personal feelings of the prosecutor concerning the offence, the alleged offender, or a victim;
- (iii) Possible political advantage or disadvantage to the government of any political party, group or individual;
- (iv) The possible effect of the decision on the personal or professional circumstances of those responsible for the prosecution or otherwise involved in its conduct; or
- (v) Possible media or community reaction to the decision.

It is recognised that the resources available for prosecuting are finite and should not be expended pursuing inappropriate cases. Alternatives to prosecution, including diversionary procedures, should always be considered.

It should be said at the outset that there would be enormous media and public interest in any investigation and/or prosecution. The news print stories in this file are self-evident of that. This arises because of the involvement of the Catholic Church and more so because two of the person's identified are leaders in that church. This of itself raises issues of advantage and/or disadvantage to groups, impact upon the personal and professional circumstances of those responsible for the prosecution and wide media and community reaction. These factors of themselves are not relevant.

Comment on Factors Favouring an Investigation/Prosecution

The concealing of offences relating to child sexual assault is particularly serious where the offences are alleged to have been committed by persons who are in a position of trust. There is a strong public interest that these matters are reported to the police in a timely manner to ensure they are properly and fairly investigated. Delay creates a forensic disadvantage to the investigators. General deterrence against persons who fail to report is an important factor. There is little doubt that there is wide general public concern about the Catholic Church covering up allegations of sexual abuse by priests. This would arise because it could allow the alleged offender to continue their offending behaviour and the reputation of the church could be seen as having greater importance than the rights of the victims. The seriousness of the allegations is aggravated by the fact that police were conducting investigations into the concealment of offences by another member of the church about the same time clear evidence of the conduct of McAlinden was disclosed. It is also apparent that some of those involved were well aware and concerned that the matter could be referred to the police. It now appears that the victim's would strongly favour and urge an investigation and/or prosecution to occur.

Comment on Factors Not Favouring an Investigation/Prosecution

The offence is alleged to have occurred in 1995. Although it could be seen as continuing in nature that is almost 15 years ago and could be seen as stale. The wide media coverage and community debate that would flow from any prosecution could potentially prevent any alleged offender from receiving a fair trial. Having regard to the antecedents and position of the alleged offenders and the circumstances surrounding the commission of the offence it is probable that any penalty imposed would be minimal. On the other hand the resulting public scrutiny of the alleged offenders particularly should they be convicted, having regard to their office could be seen as harsh and oppressive

REDACTED

Bishop Malone was continuing a process begun by Bishop Clarke. Bishop Clarke in this sense had the authority to report the matters to police. He is now deceased. It would appear that the manner in which the Catholic Church deals with these matters has substantially changed since 1995. This includes the "Towards Healing" process and procedure, Bishop Malone's co-operation with *Strike Force Georgiana* and his involvement in *Zimmerman House*. The fact alleged offenders were in fact actually taking steps to remove him from the church could also be seen as a mitigating factor. Investigating and prosecuting persons with this background and in these circumstances could potentially bring the law into disrepute. It also appears that the victim's attitude in 1995 was that the matter should not be reported to police. This obviously needs to be clarified. In these circumstances an investigation and/or prosecution could be seen as harsh and oppressive. The fact that the victim's may have been already compensated by the Catholic Church and would have not lost their entitlement to criminal compensation could also be relevant. The fact the Attorney General has to authorise any prosecution is indicative of the caution that must be undertaken before one is commenced. Finally, the availability of an alternate to the criminal process via the "Towards Healing" process would mitigate against embarking on this course of action.

Final Comment

A decision needs to be made at an Executive Level about how the New South Wales Police Force respond to these allegations as any decision undertaken will undergo close public scrutiny. This decision would need to be made at an early stage as it is likely that any investigation and subsequent prosecution would be costly and protracted.

It would assist in making an informed decision that some preliminary matters are clarified with the principle complainants in this matter, AL and AK including their attitude to reporting the matters to the police in 1995 and when the offences by McAllinden occurred.

The options available are:

1. Refer the file to an appropriate unit of the NSW Police Force for a full investigation and then seek legal advice in relation to whether there is sufficient evidence to institute criminal proceedings and if so place the matter before the Attorney General for authorisation.
2. Undertake preliminary enquiries with AL and AK to clarify the matters above and then make a decision about whether the matters should be fully investigated.
3. Decline to investigate the allegations contained in this file.

RECOMMENDATION

Forwarded for the information and attention of the Commander of Northern Region.

Signed

Anthony Townsend
Inspector
Operations Manager
Northern Region
12 July 2010

1. The Commander Northern Region

Initial statements to be taken to ascertain the extent of the brief to then assess the appropriateness of potential involvement of SCC. Commander to identify an appropriately skilled investigator to undertake initial enquiries. The report may be comprehensive background. Consideration may be taken in advising SCC as in an advisory capacity to assist if matter is transferred appropriate then

2. Commander, Newcastle ¹¹

Signed rcc 1/9/10.

NSW POLICE SERVICE
Newcastle City

"B"

Terms of Reference

CASE TITLE: Conceal Serious Offence by Clergy Members
STRIKE FORCE: S/F LANTLE

To: Detective Sergeant STEEL

You are hereby directed to take command of a Strike Force code named S/F LANTLE with the following Terms of Reference: -

Investigate allegations of concealing serious offence by clergy formerly and currently attached to the Maitland Newcastle Diocese of the Catholic Church stemming from complaints made by *AL* *AK* and Peter GOGARTY.

The following personnel have been assigned to the investigation:

Detective Sergeant STEEL

Detective Senior Constable Jason FRENEY.

THIS IS THE ANNEXURE MARKED *B*
ANNEXED TO STATEMENT OF *Wayne Humphrey*
SIGNED THIS *11th* DAY OF FEB, 2012

Signed

Additional staff will be allocated as required upon request.

THE INVESTIGATION WILL:

1. Be commanded by Detective Sergeant STEEL.
2. During the course of the investigation all staff will report to Detective Sergeant STEEL who will be accountable for all operational and administrative decisions (i.e. deployment of staff, overtime, reports, diaries etc).
3. Be conducted in accordance with the Police Service 'Code of Conduct and Ethics'. Any information concerning corrupt and/or unethical conduct, including conflicts of interest, whether involving your staff or others, will be reported in writing immediately to the Detective Chief Inspector TAYLER.

4. Utilise e@gle.i for information/intelligence/case management purposes.
5. Utilise vehicle/s strictly in accordance with the NSW Police Service Handbook.

YOU WILL:

1. Ensure that Corruption Prevention risk management strategies, including Informant management practices, are established, effectively implemented and documented, communicated clearly to staff members and continually monitored and evaluated. Identified risks will be addressed immediately and corrective action recorded.
2. Clearly communicate to all members of the investigation team that when they identify:
 - (a) corrupt or improper conduct on the part of team members and/or
 - (b) improper associations between police, including former police, and criminals and/or persons of interest to the investigation,team members are to immediately notify you in writing of that corrupt and/or improper conduct or association. You will immediately notify in writing Detective Sergeant STEEL of that corrupt and/or improper conduct or association. All action taken by you must be documented.
3. Ensure appropriate confidentiality is maintained.
4. Regularly report to Detective Chief Inspector TAYLER by way of Situation Report, Progress Report and verbally as required. Your first Progress Report is due by 29 October 2010. Subsequent reports will be submitted monthly and will form the basis for a monthly review of the investigation.
5. Address any positive and negative aspects of the investigation in the monthly reports if urgency or impact does not require immediate notification to Detective Chief Inspector TAYLER.
6. Provide a comprehensive Operational Assessment at the completion of your involvement in the investigation.
7. You are required to read and acknowledge that you understand this document by signing hereunder.

Signature:

Signed



NSW Police Force

LOCAL AREA COMMAND

E@GLE TERMS OF REFERENCE

STRIKE FORCE: LANTLE

To: Detective Sergeant Jeff LITTLE

You are hereby directed to take command of a Strike Force code named S/F LANTLE with the following Terms of Reference: -

Investigate allegations of concealing offences by clergy formerly & currently attached to the MAITLAND-NEWCASTLE Diocese of the Catholic Church during the period 1986-1999, stemming from complaints made by AL, AK Peter GOGARTY and AJ

The following personnel have been assigned to the investigation:

Detective Sergeant LITTLE

Additional staff will be allocated as required upon request.

THE INVESTIGATION WILL:

1. Be commanded by Detective Sergeant LITTLE.
2. During the course of the investigation all staff will report to Detective Inspector Graeme PARKER who will be accountable for all operational and administrative decisions (i.e. deployment of staff, overtime, reports, diaries etc).
3. Be conducted in accordance with the Police Service 'Code of Conduct and Ethics'. Any information concerning corrupt and/or unethical conduct, including conflicts of interest, whether involving your staff or others, will be reported in writing immediately to the Detective Inspector Graeme PARKER.

4. Utilise 9@gle.i for information/intelligence/case management purposes.
5. Utilise vehicle/s strictly in accordance with the NSW Police Service Handbook.

YOU WILL:

1. Ensure that Corruption Prevention risk management strategies, including Informant management practices, are established, effectively implemented and documented, communicated clearly to staff members and continually monitored and evaluated. Identified risks will be addressed immediately and corrective action recorded.
2. Clearly communicate to all members of the investigation team that when they identify:
 - (a) corrupt or improper conduct on the part of team members and/or
 - (b) improper associations between police, including former police, and criminals and/or persons of interest to the investigation,team members are to immediately notify you in writing of that corrupt and/or improper conduct or association. You will immediately notify in writing Detective Sergeant LITTLE of that corrupt and/or improper conduct or association. All action taken by you must be documented.
3. Ensure appropriate confidentiality is maintained.
4. Regularly report to Detective Inspector Graeme PARKER by way of Situation Report, Progress Report and verbally as required. Your Progress will be submitted monthly and will form the basis for a monthly review of the investigation.
5. Address any positive and negative aspects of the investigation in the monthly reports if urgency or impact does not require immediate notification to Detective Inspector Graeme PARKER.
6. Provide a comprehensive Operational Assessment at the completion of your involvement in the investigation.
7. You are required to read and acknowledge that you understand this document by signing hereunder.

Signature: Signed

From: Wayne Humphrey/19634/Staff/NSWPolice
To: Kirren Steel/26458/Staff/NSWPolice@NSWPolice
cc: Brad Taylor/21627/Staff/NSWPolice@NSWPolice, Max Mitchell/19788/Staff/NSWPolice@NSWPolice, Anthony Townsend/20978/Staff/NSWPolice@NSWPolice

Date: Saturday, September 18, 2010 09:29AM
Subject: Re: Fw: Church File

Kirren (Brad),

As if I knew this wouldn't happen!

No contact with him until after we (Brad and I) discuss the matter on Monday with you. Tony, I will also need to speak with you re this.

If this matter is Newcastle City's, and I believe it is, then we will run it. 'Getting our heads' together with Peter Fox will not necessarily be the most advantageous strategy despite his best intentions.

Lastly, Fox will address communications through the Crime Manager in future. I will address that.

I note he is now on four weeks leave so Kirren you shouldn't have any issues with contact until after our decision is made.

I look forward to some robust discussion on this matter.

regards

wdh

THIS IS THE ANNEXURE MARKED 'C'
ANNEXED TO STATEMENT OF *Wayne Humphrey*
SIGNED THIS *17TH* DAY OF *FEBRUARY*, 2013

-----Kirren Steel/26458/Staff/NSWPolice wrote:-----

To: Brad Taylor/21627/Staff/NSWPolice@NSWPolice, Max Mitchell/19788/Staff/NSWPolice@NSWPolice, Wayne Humphrey/19634/Staff/NSWPolice@NSWPolice
From: Kirren Steel/26458/Staff/NSWPolice
Date: 09/18/2010 08:06AM
Subject: Fw: Church File

Signed

From memory one of you told me to let you know if Peter Fox contacted me in relation to this sexual assault file that I'll be doing when I get back to the D's. Anyway, he has and below is his email. Can you tell what I need to do with regard to him and whether I am entertaining any of his inquiries regarding this??

Thanks
Kirren

Kirren Steel
A/Inspector
Newcastle City Police

[https://dommp07.glb.police.nsw.gov.au/mail/21627.nsf/\(\\$Inbox\)/B6DCCAA230E002...](https://dommp07.glb.police.nsw.gov.au/mail/21627.nsf/($Inbox)/B6DCCAA230E002...) 20/09/2010

-----Forwarded by Kirren Steel/26458/Staff/NSWPolice on 09/18/2010 06:03AM -----

To: Kirren Steel/26458/Staff/NSWPolice@NSWPolice
From: Peter Fox/18127/Staff/NSWPolice
Date: 09/16/2010 03:35PM
cc: Stephen Rae/26197/Staff/NSWPolice@NSWPolice, Anthony
Townsend/20978/Staff/NSWPolice@NSWPolice, Charles
Haggett/19499/Staff/NSWPolice@NSWPolice
Subject: Church File

Kirren

I have recently spoken to Dave WADDELL & Steve RAE and understand you have, or are about to be allocated a file concerning alleged paedophilia and cover-up within the Catholic Church.

I was involved in a number of investigations in the late 90's & 2000's concerning a number of paedophile priests. During that time I interviewed Vince RYAN, James FLETCHER, Leo CLARK, Michael MALONE and other clergy regarding abuse. Mark WATTERS and I took out the warrant for Denis McALINDEN in 1999 and I spoke to Leo CLARK. If material I have read in the Herald is correct Leo CLARK told Ann JOY and I deliberate lies to conceal crimes committed by McALINDEN. It may be that I will have to do a statement regarding what he told me.

Further to this I have a number of statements concerning McALINDEN. The primary witness approached me some time ago after speaking to a number of victims I have dealt with over the years. At this time she has asked I not disclose her identity but has very strong evidence of first hand dealings with CLARK, ~~redacted~~ and LUCAS and her own abuse by McALINDEN. This resulted in me speaking to Mike STANWELL, *AL + AK*. I don't believe the main witness would not be known to the church, police or media.

It appears a lot of the material I have compiled may cross over with what you have been allocated.

Today I was handed a TRIM file D/2010/193845 that has been through the AG's and Police Minister's office alleging 'possible cover-up of the crimes of paedophile priests by senior people within the Catholic Church'. It refers to some matters I investigated in addition to others that were looked at Lake Macquarie. A copy of an Intell Report 1 21949203 is cited where I raised connections with a number of clergy paedophile matters and possible paedophile network and concealment back in 2004.

Unfortunately today is my last day until 18/10/10. No doubt this matter will take some time but can you contact me when I return as we probably need to put our material and heads together on this.

Peter Fox
Detective Chief Inspector
Crime Manager
Port Stephens LAC

Redacted

[https://dommp07.glb.police.nsw.gov.au/mail/21627.nsf/\(\\$inbox\)/B6DCCA230E002...](https://dommp07.glb.police.nsw.gov.au/mail/21627.nsf/($inbox)/B6DCCA230E002...) 20/09/2010

From: Wayne Humphrey/19534/Staff/NSWPolice
To: Charles Haggett/19499/Staff/NSWPolice@NSWPolice
cc: Anthony Townsend/20978/Staff/NSWPolice@NSWPolice, Kirren Steel/26458/Staff/NSWPolice@NSWPolice, Justin Quinn/26028/Staff/NSWPolice@NSWPolice, Fay Dunn/19092/Staff/NSWPolice@NSWPolice, Max Mitchell/19788/Staff/NSWPolice@NSWPolice, Brad Taylor/21627/Staff/NSWPolice@NSWPolice

Date: Wednesday, October 13, 2010 01:18PM
Subject: Re Strike Force Lantle

Dear Commander Haggett,

As per our conversation regarding SF Lantle (the investigation into the alleged coverup by members of the Catholic clergy) I would ask for the following to occur.

Detective Chief Inspector Fox has initiated contact with Detective Sergeant Steel (OIC) of the Strike Force. DCI Fox has indicated that he has possession of a file in regards to this matter and other documentary and anecdotal evidence. An examination of this file indicates a file originated at State Crime Command, was sent to Central Hunter and then ultimately to DCI Fox. That file and any associated documentation should be collected and hand delivered to Detective A/Inspector Quinn, Crime Manager Newcastle City LAC as soon as possible.

DCI Fox should be advised that he will be contacted by DS Steele in due course regarding information pertaining to this investigation. DCI Fox should not initiate contact with DS Steele directly, all contact should be through the Crime Manager at Newcastle City LAC.

I probably don't need to remind all recipients of this email that this enquiry has been subject of much media interest (Commander Haggett you might also make the following very clear to DCI Fox please) It is my view that whilst this investigation rests with Newcastle City LAC then this command will be responsible for the overall management of the investigation, the investigative strategies and directions and any relevant media strategy.

I thank you all for your assistance in this matter.

Kind regards

Wayne D. Humphrey
 A/Commander
 Newcastle City LAC

THIS IS THE ANNEXURE MARKED - D
 ANNEXED TO STATEMENT OF Wayne Humphrey
 SIGNED THIS 14th DAY OF February, 2010

Signed

NSW POLICE SERVICE
Local Area Command, Port Stephens.



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

Raymond Terrace Stn
Ph: 0418 201581
18 October 2013.

ISSUE:

Correspondence received from: **BC** re possible Catholic Church Conspiracy. "E"

BACKGROUND:

See attached file.

COMMENT:

The attached file was received just prior to completion of my last shift prior to 4 weeks leave. After speaking to C/Inspector WADDELL & Sergeant RBA I was unable to contact C/Inspector TAYLER. As a result I forwarded an E-Mail to A/Inspector STEEL (cc to Pt Stephens Commander & Region Ops Commander) I have conducted no inquiries on that file.

The author initiating the file is known to me from investigations of the abuse of her brother **AB** and Mr Peter GOGHERTY by paedophile priest James FLETCHER.

In March 2010 I was contacted by the region office regarding my knowledge of alleged conspiracy or cover-up of child sexual abuse within the Catholic Church. I advised in 2004 I forwarded two files to State Crime Command. These files could not be located. I forwarded another through departmental channels to the Ombudsman's Office who initiated an inquiry. I also cited a number of intelligence reports (including 121949203 attached) that I created and disseminated to SCC around the same time.

Over many years I interviewed a number of priests and bishops concerning sexual abuse of children. From evidence gathered in those investigations and included in my reports strongly suggested a paedophile ring existed in the Newcastle/Hunter area and other members of the clergy were concealing this. Matters investigated by S/F 'Georgiana' and the charging of a number of priests in the same areas over the same time periods lends weight to those 2004 suspicions.

In my own investigations I encountered interference from Bishop Michael MALONE, Mon Signor Jim SAUNDERS and Fathers Bill BURSTON and Desmond HARRIGAN. I considered charging these persons over what I believed to be lies to alert a paedophile priest of police inquiries, destroying evidence and covering up suspicious conduct.

In relation to Priest Denis McALINDEN, I have evidence that former Bishop Leo CLARK blatantly lied to Detective Ann JOY and I in 2004 with respect to his knowledge of McALINDEN's sexual offences. That evidence also implicates other senior clergy. It also supports they concealed McALINDEN's whereabouts from Detective WATTERS and me for a number of years prior to his McALINDEN's death.

Much of this evidence relates to conversations and inquiries conducted in the early part of this decade. I would be happy to provide statements or other evidence from my earlier investigations if deemed helpful.

THIS IS THE ANNEXURE MARKED "E"
ANNEXED TO STATEMENT OF *Wynne Humphrey*
SIGNED THIS *19th* DAY OF *February*, 2013

Signed

2622

RECOMMENDATION:

Forwarded at the request of Superintendent HAGGITT and A/Superintendent HUMPHREY.

Signed

Peter R. FOX
Detective Chief Inspector
Crime Manager
Port Stephens Command

~~1. Port Stephens Commander~~

1. Forward to Det. Sgt STEEL for reference to S.F. LAMBLE.

Signed

DCL. TAYLOR
27.10.10

2. ASgt STEEL

Page No. 2

2823

"F"

NSW POLICE SERVICE

Local Area Command, Port Stephens.

0/20/1978



Raymond Terrace Stn
Ph: 0418 201581
25 November 2010.

D120 10 197839
F20 10 1

Newcastle City LAC

ISSUE:

Allegations of child sexual abuse and cover-up within the Midland Newcastle Diocese of the Catholic Church.

BACKGROUND:

In 1999 Detective Mark WATERS and I investigated priest Denis McALINDEN following allegations by AE that he had sexually assaulted her as a child. The Catholic Diocese disclosed that McALINDEN was believed to be in Ireland and we were given an assurance to be notified upon his return. Incredibly the church was not in contact with McALINDEN. We took the assurances on face value and swore a warrant for McALINDEN's arrest.

In 2002 I commenced unrelated investigations of priests James FLETCHER and Desmond HARRIGAN. In 2003 I interviewed priest Vincent RYAN in Junee Gaol regarding suspected links to FLETCHER, HARRIGAN and others alleged to be involved with paedophilia in the Hunter area.

Soon after commencing investigations I learned that Bishop Michael MALONE and Vicar General James SAUNDERS had alerted FLETCHER to the police investigation and disclosed the identity of the alleged victim. This negatively impacted on the investigation and was reported to the ODP for consideration of charges for hindering a police investigation, however it was elected not to proceed.

Bishop MALONE then refused a request by me to remove FLETCHER from his parish or restrain him from visiting schools. In defiance of my request MALONE extended FLETCHER's parish to include both the Catholic High School and Catholic Primary School in Lochinvar.

I later obtained statements from MALONE, SAUNDERS, HARRIGAN and priest William BURSTON. All had met with FLETCHER following the allegations. All those statements were remarkable for their author's poor recollection of critical conversations and smacked strongly of collusion and concealment.

It was intended to execute a search warrant for pornographic images on FLETCHER's presbytery; however I learnt FLETCHER removed a quantity of homosexual pornographic videos and magazines before this could happen. I suspected this material contained some images of young boys as mentioned by a victim. Undoubtedly this happened directly as a result of MALONE and SAUNDERS' forewarning.

I was told by a source that FLETCHER passed the mentioned pornography to priest Des HARRIGAN. HARRIGAN was heavily intoxicated when I confronted him in the presbytery at Raymond Terrace. He admitted being given homosexual pornographic magazines and videos by FLETCHER, but denied it contained illegal images of children. He claimed he owned the items and had inadvertently left them in FLETCHER's presbytery. He also said he had destroyed all these items but could give no plausible explanation why he decided to do so.

THIS IS THE ANNEXURE MARKED "F"
ANNEXED TO STATEMENT OF Wayne Humphrey
SIGNED THIS 14th DAY OF February, 2013

Signed

As the investigation progressed a priest and nun approach me separately to provide statements and information. That nun was later ostracised by her Order of St Joseph at Lochinvar for assisting police and forced to leave. She has not returned to the church. The priest disclosed to me details of inner workings of the diocese and what he referred to as 'the old boys club' of Hunter priests and his suspicions. He was pivotal in having another victim come forward with critical evidence that was later instrumental in FLETCHER's ultimate conviction.

The assistance rendered by this 'good priest' led to a series of clashes between him and senior clergy including Bishop MALONE. This priest suffered considerable stress from his treatment and was moved to Sydney. He has since elected to leave the priesthood and return to another profession. I have remained in contact with both these individuals who are highly critical of the silence within the church concerning child sexual abuse.

I was aware that Bishop Leo CLARK and Priest Patrick COTTER had been interviewed by police some years prior concerning alleged concealment of Vincent RYAN's activities. Sufficient evidence existed against COTTER but it was decided not to proceed purely on the basis of his age and health. I understand that the evidence was not in question.

Detective Ann JOY and I also spoke to Leo CLARK during my investigation. We predominately discussed FLETCHER and RYAN and his possible knowledge of their activities. I then asked about McALINDEN who I still believed to be overseas. (I later learned he had already returned to Australia and was residing in a Catholic locality near Perth.) I asked CLARK, "An alleged victim of Denis McALINDEN has told us that she believes the church is aware of at least two other alleged sexual assault victims of this priest. Do you have any knowledge of that?" He said, "No. You would have to ask Michael MALONE about that."

Redacted

I was becoming disturbed by the number of priests in the region alleged to have been involved in sexually abusing children. They were all in adjoining parishes and giving one another support. This was compounded by senior clergy interfering in investigations and potentially concealing their knowledge of crimes and admonishing those prepared to speak out. All of this caused me considerable concern.

I recorded most of this information in a number of COPS Intelligence Reports for dissemination to State Crime Command. I also forwarded two reports expressing concern that a paedophile ring possibly existed in the Maitland Newcastle Diocese and should be investigated. I have never been contacted in respect to my reports. Since that time Maitland Newcastle Priests NP3 (Tom BRENNAN, NP4 and NP) I understand that others may also be under investigation.

In 2003-4 I also forwarded a series of reports and complaints to Ann BARWICK of the NSW Ombudsman's Office which conducted an investigation. I have been told their report was critical of the church but the findings cannot be made public. Nevertheless this process finally saw FLETCHER stood down by the church and prevented from accessing schools.

File No. 2

In late 2005 I was advised by the Catholic Church that Denis MoALINDEN was critically ill in a Catholic Retirement Home in Subiaco, Perth. I made inquiries regarding his possible extradition but learnt he was not able to travel and he died two weeks later. Despite the church knowing MoALINDEN's whereabouts for some time I was not informed until his death was imminent.

COMMENT:

Earlier this year Joanne McCARTHY of the Newcastle Herald contacted me. She indicated a woman; ^{AJ} had confided in her allegations of being sexually assaulted in the 1960's by Catholic Priest Denis MoALINDEN. ^{AJ} allegedly had knowledge of a number of other women who had also been sexually assaulted including ^{AK + AL}

Although I had never met with ^{AJ} I had come across her name in 2003-4 when investigating FLETCHER. I was told ^{AJ} was reluctant to speak to police as her knowledge implicated a number of high ranking clergy in 'covering up' known paedophile priests. She stated I was the only police officer she would speak with as she had apparently spoken to victims of paedophile priests and their families with whom I have dealt with. I agreed to meet with ^{AJ}

Redacted

Redacted ^{AK} provided me with a number of documents and a statement outlining MoALINDEN sexually abusing her and ^{AL} ^{AN + AV} have also been sexually abused by MoALINDEN and have never got over the trauma. ^{AK} still feels guilty at not being able to protect ^{AN + AV}

Exhibit 2

Redacted

Redacted

Documents in possession of *AK* and the statement of *AJ* confirm without a doubt that retired Bishop Leo CLARK knew of a number of McALINDEN's victims. He knew of the serious nature of the abuse. He also knew that victims had complained of their suffering to various clergy under his direct supervision. When Detective JOY and I asked,

"An alleged victim of Denis McALINDEN has told us that she believes the church is aware of at least two other alleged sexual assault victims of this priest. Do you have any knowledge of that?"
He said, *"No. You would have to ask Michael MALONE about that."*

Clearly he told us a blatant lie and concealed the names of victims known to the church. By doing so he concealed crimes that McALINDEN committed and his admissions of abuse. Worse still is the fact that CLARK knew McALINDEN was still at large and had returned to Australia with the potential to continue committing his crimes.

During my service I have had to speak to hundreds of victims of sexual assault. All of them are disturbing. Sexual assaults of children are the most abhorrent and abuse of children by the clergy is amongst the worst. To conceal such a crime is akin to condoning that behaviour. I do not believe such conduct can ever, or should ever, be forgiven by the law.

Page No. 4

I have seen the pain of the victims of child sexual abuse within the Church. I have visited victims in psychiatric institutions and seen the damage it has caused their families. I spoke to a member of the Newcastle ODRP who broke down crying and was unable to continue reading a victim's statement, apologising to me when she requested to be removed from the case.

I took another statement from a mother who was unaware of years of sexual abuse her son was suffering at the hands of her family priest. As a teenager he came home in a drunken stupor. When he attempted to hang himself in the family barn his mother screamed hysterically trying to take the weight of his banding legs until another son arrived to cut him down. In desperation the family called their priest for the boy to stay overnight in his presbytery with the aim of counselling him when sobered. This priest took advantage of the situation and buggered the boy again that night. This same priest, James FLETCHER is one of those whom fellow clergy went to such extraordinary lengths to protect.

Reprisals are another distasteful aspect of sexual abuse within the church. Some have reported to me having had their cars damaged and eggs thrown at their houses following guilty verdicts after a family member disclosed abuse. Most victims' families are devout Catholics who are surrounded by friends until someone comes forward with allegations of abuse. The family is ostracised within their community and particularly at church. They are no longer spoken to and made to feel unwelcome. They have backs blatantly turned on them until they no longer attend. Most believe this is silently condoned by other priests and perpetuates the silence of abuse in fear of speaking out.

RECOMMENDATION:

I believe there is sufficient evidence to conduct a full and comprehensive investigation into the conduct of the Maitland Newcastle Diocese of the Catholic Church. There is more than enough evidence to put before the Attorney General under section 316 of the Crimes Act to prosecute a number of clergy based on evidence already cited. I strongly believe that further investigation will only enhance such a brief and possibly disclose other offences and/or offenders.

AE revealed that in the 1990's she also told the church of her abuse but nothing was done and the police were not told until she decided to do so herself. Sadly *AE* died in 2007 after years of counselling and psychiatric treatment resulting from her abuse. Her husband *BD* spoke to me this year and is more than prepared to assist with any police inquiry as the failure of the church to act has impacted negatively on the lives of his entire family. The damage done by such abuse and concealment is enormous. The passage of time should never preclude the New South Wales Police Force from protecting these families and bring persons to justice for such crimes. If we fail to investigate and prosecute such conduct the potential for it to continue remains unaltered.

Over more than a decade of investigating members of the Maitland Newcastle clergy I have built up an excellent knowledge base. I also have an extensive network of contacts within and outside the church. I have also built up a reputation and trust among victims and their families as evidenced by:

AS approach to speak with me. I have spoken to Sister Paula REDGROVE who has also indicated her preparedness to speak with me and provide a statement of her knowledge. I remain objective but passionate to assist with any inquiry or investigation.

Page No. 5

In view of the number of priests charged over the past decade within the Maitland Newcastle Diocese I am requesting consideration be given to the establishment of a task force to undertake a full investigation. I submitted similar reports in 2004 only to see more cases of abuse disclosed since that time. My own experiences coupled with recent evidence strongly indicates that paedophilia by the clergy is widespread in the Hunter and is being concealed by experienced and senior staff within the diocese. Without intervention these crimes are likely to continue.

In order to protect victims and put a stop to these ongoing crimes I respectfully ask that this request be given favourable consideration.

Signed

ref: R FOX
 Detective Chief Inspector
 Crime Manager
 Port Stephens Command

1. Port Stephens Commander. The recommendations of Det Chief Inspector Fox are supported. Given the nature of these allegations, these matters appear beyond the scope of an HIC investigation & could be more appropriately dealt with by a task force. Referred to region.

Signed

Sup. of Command
 25/11/10

2. Operations Manager Northern Region

Newcastle H.A.C have been allocated to investigate allegations that Malone, reduced and others failed to disclose information relating to sexual abuse of AL and AK. All material held by Det Fox should be forwarded to Newcastle City H.A.C Crime Manager for their information. Assessment as to appropriate resources for the investigation to be made by Newcastle City H.A.C

3. Commander Northern Region

Investigation should continue by Newcastle H.A.C to determine the extent of the allegations. Consideration will be given to additional resources at the appropriate time. To ensure all matters are considered it should be noted the Newcastle investigations are the lead role & are to continue.

Signed
 Ops Manager
 Northern Region
 21/12/10

4. Commander Port Stephens H.A.C

Notes: I have informed C/Insp Fox of this outcome

Signed

22/11/10

5. Commander Newcastle City H.A.C

FOR FILING & ENTRY INTO ENCLE 1 WITH ALL DOCUMENTS

Received

Signed

Wayne D. Humphrey 27/11/11
 Detective Chief Inspector
 Crime Manager

**NEW SOUTH WALES POLICE FORCE
NEWCASTLE CITY LAC**



Newcastle City Local Area Command
Waratah Police Station
80 Harriet Street
WARATAH NSW 2228
Phone: (02) 49266599
Mobile Net 60579
Fax: (02) 49266511
Mobile 60511

Email: hump1way@police.nsw.gov.au

19 April, 2011

Reference:

HIGHLY PROTECTED

Assistant Commissioner YORK APM
Northern Region commander

THIS IS THE ANNEXURE MARKED - 4
ANNEXED TO STATEMENT OF *Wayne Hartley*

SIGNED THIS *19th* DAY OF *February* 2011
Signed

Current status - Strike Force Lantle - Investigation into activities of members of the Catholic Church.

* * *

Strike Force Lantle was promulgated to investigate an allegation the senior members of the Catholic Church concealed serious offences by members of the Catholic clergy in New South Wales during the period 1985 - 1999.

Strike Force Lantle commenced as per e@gle.f holdings on the 12 October, 2010. At that stage it was apparent that inquiries were to take the form of review, assessment of current holdings and initial inquiries to determine whether or not the matter should proceed. There had clearly been a period prior to the commencement of this Strike Force where numerous commands had knowledge of the allegation and had seen fit for reasons unknown to me at this time not to commence an investigation. It appears that Lake Macquarie LAC were aware.

I am also aware that Central Hunter LAC was at time in receipt of some form of correspondence which was forwarded to Detective Chief Inspector FOX at Port Stephens Local Area Command. Ultimately the decision was made for Newcastle City LAC to have carriage of the investigation.

¹ Report of Inspector Townsend dated 12 July, 2010 with subsequent written direction of Assistant Commissioner York 1/9/10.

The matter was assigned in the first instance to Detective Sergeant STERLE as officer in charge, with Detective Chief Inspector TAYLER as investigative supervisor. Detective Senior Constable FREBENY was assigned to assist Detective Sergeant STERLE.

Sergeant STERLE commenced inquiries including meetings with one of the victims, State Crime Command staff, and M/s McCarthy from the Newcastle Herald. Sergeant STERLE then reported off sick and is not expected to return to duty. Similarly, Detective Chief Inspector TAYLER reported off sick in late 2010 and is in the midst of medical discharge.

Upon me taking the position of Crime Manager the matter was reassigned to Detective Sergeant LITTLE as officer in charge. He still maintains carriage of the investigation to this date. Detective Sergeant LITTLE's mandate was to review the current holdings (which frankly were abysmally managed up until that point), determine and prepare an investigation plan and submit that plan for approval, and initiate contact with the victim. AL

The contact with the victim was problematic as she had written to DCI TAYLER on the 15 December 2010 dictating she did not want to be spoken to until the new year, and then she would only give her statement to 'Peter Fox' who she had 'met once' and felt very comfortable with.

By this time DCI TAYLER was on sick report and I initiated telephone contact with AL resulting in a meeting with Detective Sergeant LITTLE occurring. This meeting by all accounts was positive with a view to further formal interviews occurring.

In March 2010 (upon return from deployment to Christchurch NZ for the Operation Monro deployment), Detective Inspector PARKER commenced duty in the Newcastle City LAC as Crime Manager (Investigations). With that position came the assumed role of supervisor for Strike Force Lantle.

The continuing conduct of Strike Force Lantle remains, until directed otherwise, the responsibility of this Command. As such the attached investigation plan (HIGHLY PROTECTED) articulates a professional and analytical approach to this matter, including robust parameters on media management.

Redacted

Detective Sergeant LITTLE will be taken off line from general CI inquiries upon his imminent return from annual leave with a mandate to complete this investigation to the point where legal advising can be sought.

There are impacting factors on the conduct of this investigation that are dealt with under separate papers. Those aside, the attached investigation plan articulates the strategic considerations that need to be taken into account whilst the investigation continues.

Signed

Wayne D. Humphrey
A/Commander
Newcastle City LAC
21 April 2011

**NEW SOUTH WALES POLICE FORCE
NEWCASTLE CITY LAG**



CRIME MANAGER
Newcastle City Local Area Command
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80 Hartley Street
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21 April, 2011
Reference:

CONFIDENTIAL

STRIKE FORCE LANTLE - FILE NOTE

Attached to this document is a file note setting out the recent telephone contact between DI PARKER and M/s Joanne McCARTHY of the Newcastle Herald. The file note raises significant concerns regarding the actions of certain police not assigned to this investigation being Detective Chief Inspector FOX and Detective Senior Constable McLEOD.

In the early part of SF Lantle a meeting was held at the Northern Region office between Superintendent MITCHELL, DCI TAYLER, DCI FOX, Superintendent HAGGETT, Det Snr Sgt QUINN and Det Sgt STEELE. The Region representative at that meeting was ironically Detective Inspector PARKER who was then relieving as Operations Manager. The position of the Strike Force was discussed and directions were given in the terms that DCI FOX was to surrender all holdings to Detective Sergeant STEELE, was not to contact her until that contact was initiated by Detective Sergeant STEELE for further interview and not to make any press comment regarding the Strike Force.

The direction was clear, concise and made in the presence of numerous senior police.

As of this date the investigation continues. Detective Inspector PARKER and I have discussed the conduct of the investigation and projected outcomes based on the holdings.

THIS IS THE ANNEXURE MARKED "H"
ANNEXED TO STATEMENT OF Wayne Murphy,
SIGNED THIS 14TH DAY OF FEBRUARY, 2013

Signed

Redacted

I say this as a direct result of the interference demonstrated by M/s McCARTHY which is driven from within this organisation.

This interference can only come from DCI FOX, and to a lesser extent DSC McLROD. The conversation with M/s McCARTHY indicates not only by content, but from phraseology (including her recent article), that someone present at meetings, with access to documentation and with an interest in the matter has been 'leaking' to her.

Of a significantly damning nature is her reference to DCI FOX being excluded from the investigation due to his position in the AVO matter against Sergeant LAWSON. I will not regurgitate that particular matter here as I am aware you have full knowledge of the conduct of the proceedings and those suggested issues of propriety surrounding DCI FOX's behaviour and evidence. However, M/s McCARTHY's assertion for DCI FOX's exclusion is laughable and dovetails perfectly into DCI FOX's opinion that he should run the investigation. There is clearly no nexus between Sergeant LAWSON's matter and that of Strike Force LANTLE, to suggest otherwise is nonsense and only goes to serve DCI FOX's position.

One could draw a number of conclusions of M/s McCARTHY's championing of DCI FOX. The most obvious being DCI FOX in charge of the matter would suit her purposes to continually have exclusivity in reporting the conduct of the matter. DCI FOX's widely expressed view that the matter is of the most serious nature and will result in numerous successful indictments being laid is at odds with the evidence to hand. DCI FOX's view is almost tantamount to a zealous approach and displays an appalling lack of impartiality and professionalism. Any other motivating factor would also be self serving to M/s McCARTHY's ultimate purpose of 'getting the story'.

As an aside, and to demonstrate the relationship between DCI FOX and M/S McCARTHY, it was noted that she attended the Raymond Terrace Local Court at the last hearing date for DCI FOX's evidence. This was extremely unusual and anecdotally it was established that DCI FOX invited M/S McCARTHY to the Court to hear him give evidence. M/s McCARTHY does not do 'police rounds' of the court and her attendance and later allegation of the rationale behind DCI FOX's exclusion from SF LANTLE paint a grim picture indeed of their association.

It is exceedingly clear that M/s McCARTHY will continue to badger police, insert herself into the investigation and lambast the investigation through the press,

I strongly recommend that the following occur:

- Media management of this investigation is adhered to in the terms set out within the investigative plan.
- Secrecy agreements are prepared and signed by all managerial and investigative staff involved or with access to this investigation.
- That the relationship between DCI FOX, DSC McLEOD and M/s Joanne McCARTHY be examined as to its propriety not only in respect of this investigation but generally.

Signed

~~Wayne D. Humphrey~~
A/Commander
Newcastle City LAC

Atts.

Investigator's File Note - DI PARKER 14/4/11
Newcastle LAC 13/4/11 PB.

"I"

THIS IS THE ANNEXURE MARKED • I •
ANNEXED TO STATEMENT OF *Wayne Humphrey*
SIGNED THIS *Wayne* DAY OF *Friday* 2012

Signed

Wayne Humphrey [Redacted]

From: Wayne Humphrey/18634/Staff/NSWPolice
To: Tracy Chapman/29700/Staff/NSWPolice@NSWPolice
Cc: gra11oh, Graeme Parker
Date: 08/11/2012 13:47
Subject: Re: Urgent - SF Information

Tracey,

See below. Responses are provided without prejudice. I have conferred with Graeme and he concurs with my responses as being accurate. Graeme will respond to his specific areas shortly (if he hasn't already).

It is my view that DCI Fox has again breached the media policy with regards to today's articles. He is still a member of the NSWPF and accordingly this is a matter which should be investigated.

regards

wdh



Detective Chief Inspector Wayne D. Humphrey
Crime Manager • Newcastle City LAC • NSW Police Force

☎ (02) 49266599 (60599) ☎ (02) 49266511 (60611) ☎ 0498 664606 ✉ whump1way@police.nsw.gov.au

Tracy Chapman [Redacted]

From: Tracy Chapman/29700/Staff/NSWPolice
To: Wayne Humphrey/18634/Staff/NSWPolice@NSWPolice
Date: 08/11/2012 12:45
Subject: Urgent - SF Information

Wayne,

As discussed, can you please provide a response to any of the questions listed herein that you and/or your team can comment on?

1. What is your response to the letter and article in the Newcastle Herald today in particular the concerns raised by Detective Inspector Peter Fox.

DCI Fox raises personally held views in his letter. There appears to be a degree of validity in his calls for a Royal Commission. The article's references as to his leaving the police being in part due to internal police disputes is a personal view of DCI Fox and one I cannot comment on.

DCI Fox has demonstrated continually his propensity to run investigations 'in the press'. His relationship with Joanne McCarthy is well known and the proof of that rests in this current (and many previous articles). My recollection of the rationale behind excluding him from status reports into the progress of SF Lantle was very sound and it was to prevent the investigation being 'run in the press.' Assistant Commissioner Mitchell would have direct knowledge of this as he gave the direction to DCI Fox, and all others, in respect of the security surrounding the inquiry. DCI Fox was never part of SF Lantle and as far as I can recall was not, nor would not, have been considered.

DCI Fox's continual claims of 'startling and earth shattering evidence' have been tested thoroughly by SF Lantle.

He does not have information (unless he has lied to investigators) that is either admissible or relevant. DCI Fox in fact suggests some of his evidence exists in 'his head'. He has represented evidence from witnesses that has been found to be incorrect. SF Lantle took a specific route of ensuring all witnesses were electronically interviewed so as all allegations and issues arising could be thoroughly exhausted, without later claims by any person that a specific issue was raised and not investigated. Many of DCI Fox's claims surround 'informal' conversations with witnesses. He (and Joanne McCarthy) have claimed certain witnesses refuse to deal with anyone but DCI Fox. This is a nonsense and has been proved so through the conduct of SF Lantle. If DCI Fox was 'running an investigation' it did not appear on what meagre holdings he gave to SF Lantle (as I recall one statement - confirm with DI Parker) to have any structure or in fact any managerial oversight.

It is common knowledge that DCI Fox has actively inputted (if not co-authored) at least one novel in respect of his investigation into a murder at Anna Bay some years ago. There has always been significant concerns that his actions with regards to the content of today's newspaper article are predictors to another novel. Certainly the nature of many of his quoted comments are more in the terms of a 'true crime' novel than the approach an 'experienced' investigator would take.

Trace

I agree strongly with all of Wayne's above comment. I will further add that during S/F Lantle's inquiries there were a number of discrepancies in evidence related, on record during one particular electronic interview, when compared to the manually typed statement taken by Detective Fox. These were significant in their nature, and do not appear to be mistakes or errors in memory. Why there should be such discrepancies I cannot say, but it is highly unusual and I will leave you to draw whatever conclusion you see fit.

2. Are you 100 per cent happy with how the NSW Police are handling the allegations of cover ups and concealing crimes by members of the clergy?

In the terms of the conduct of SF Lantle, yes this SF was extremely thorough. I cannot comment on other investigations held by other commands such as Lake Macquarie.] *

I don't think we should ever be 100% certain of anything. What I will say is I am very happy with the job we did and I believe it is the most thorough investigation we could have been covered within the parameter of the investigation agreement. S/F Lantle should not be viewed as a comprehensive investigation into every possible concealment offence ever committed by the Catholic Church. Its charter was well defined and it dealt comprehensively within that charter.

3. Is the Catholic Church and its senior officers fully cooperating with your investigations including Strike Force Lantle?

No. Further information available from DI Parker in this issue and from the original briefing] *

document supplied by D/Sgt Little.

One the whole I would say the Church was surprisingly cooperative. Indeed, I would have to concede, even most of the individual senior officers were cooperative.

Redacted

4. Do you believe a Judicial Inquiry would jeopardise current police investigations?
Not in respect of SF Lanile . I cannot comment on other investigations.] *

Concur.

5. Have your officers been impeded in their investigations by any member of the clergy ? or officers or employees of the Catholic Church?

See Q 3. Some have exercised their right to silence.] *

Trace, you need to be very careful with the 'right to silence' thing if this is going into any public arena. Please see question 3.

6. Why was Chief Inspector, Peter Fox asked to cease investigating the clergy matter and hand over all his evidence to other police?

See question 1. DCI Fox was not ostensibly conducting any investigation, certainly not one that was declared at any briefing I was present for, nor that I was informed of.

He was not a member of the Newcastle City LAC, the command with carriage of the matter. I have never been present when DCI Fox requested to be part of the SF. If I was, I would not have supported the request.

I note Wayne's reply. I must admit that I was not in the command at the time this investigation was kicked off, however, it's my understanding that it was originally held by Lake Mac and Region requested Newcastle take carriage of it? Not 100% SURE, but if that's the case whomever was responsible for that decision would probably be the person best placed to answer.

At any rate, if my memory serves me, none of the offences disclosed in SF1 were committed in any command every under the control/authority of DCI Fox. The ongoing issues associated with Crime Management and Criminal Investigation associated with Port Stephens are no secret and it defies logic that DCI should attempt to ingratiate himself into a matter that has nothing to do with him. This is typical of the behaviour regularly displayed by DCI Fox, which for all intense and purpose to my knowledge, has gone unchecked and unmanaged for almost as long as I have known him. This appears to be a clear and flagrant breach of the media policy by a senior office of the New South Wales Police Force. The second, too my knowledge. This is just another example of DCI Fox contempt for fellow investigators and the department as a whole.

Cheers
TC

Inspector Tracy Chapman
Staff Officer
Northern Region
Phone 4829 0642 E/N 70642

Redacted