

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

**FURTHER SUPPLEMENTARY STATEMENT OF  
BISHOP MICHAEL MALONE**

**OF  
IN THE STATE OF NEW SOUTH WALES  
STATES ON OATH:-**

I provide this statement in accordance with the provisions of the Special Commissions of Inquiries Act, 1983.

I am providing this further supplementary statement in accordance with a request from Special Counsel for the Inquiry and contained within a letter dated 3 June, 2013.

1. *I have been requested to comment in respect of my visit to Father James Fletcher on 4 June, 2002.*

1.1 I visited Father Fletcher after receiving information in respect of the alleged abuse of AM from two sources. The first was from his father and thereafter Detective Inspector Peter Fox.

1.2 I believed in visiting Fletcher that the Towards Healing document provided that when an allegation was made against a Priest the Priest should be informed of the allegation as soon as possible. I now realise that this obligation applied in non-criminal matters. In Fletcher's case the matter was criminal and I should not have spoken with him.

1.3 To understand my visit to Father Fletcher you need to understand the relationship between a Bishop and his Priests.

1.4 The relation between a Bishop and his Priest is quite unique in that it is a relationship based on a priestly brotherhood in the service of Jesus Christ and the Church, rather than an employer — employee relationship.

Signed

Signed

Deponent

Witness

- 1.5 As a consequence of that relationship I believed at the time, one of my roles as Bishop was to offer support to Fletcher, although the possibility of him making admissions to me in respect of the alleged conduct was one of the factors which motivated me to visit him.
- 1.6 At the time of my visit to him there had been no proof that Fletcher had committed sexual abuse. I had been aware that there were suspicions that Fletcher may be involved in inappropriate activity which could constitute abuse and I was aware of this from a couple of sources. I formed the opinion after speaking with I AM's father that even he remained unconvinced at that stage that the events had taken place. At that point in time it was my own opinion that Fletcher would not have done the things that were alleged of him. I recognise now that, of course, I and other members of the Clergy were wrong.
- 1.7 My visit to Fletcher was not malicious. It was motivated by Pastoral concern for him in a potentially difficult situation and the possibility of extracting an admission.
- 1.8 It never occurred to me that I might be hindering a Police investigation.
- 1.9 I now acknowledge that in approaching Fletcher that I may have hindered Detective Chief Inspector Peter Fox's investigation of the AM complaints. I realise that any admission that I may have been able to extract from Fletcher was a possibility that was removed from the control of Detective Chief Inspector Peter Fox. I now understand that it is possible that potential evidence could also have been destroyed by Fletcher as a consequence of him becoming aware of the allegations; however, that did not occur to me at the time.
- 1.10 In 2002 I had not arrived at the realisation that sexual abuse by Clergy within the Church was endemic. At that point in time I was still defensive of the Church's reputation and wanted to avoid unwelcome scandal. My views have certainly changed since that time.
- 1.11 As a consequence of my belief at that time, my actions were defensive and uncertain. I was inclined to believe that the Church was being attacked by vulnerable people who were trying to embarrass it. I now realise that such an attitude on my part was wrong and it added to the distress of victims of abuse.

Signed

Signed

Deponent:

Witness:

- 1.12 My actions in visiting Fletcher on 4 June, 2002 have been the subject of investigation by the Ombudsman, who released a report dated 17 March, 2004 and there has been discussion concerning the visit in the media.
- 1.13 The Ombudsman's report looking at the deficiencies into the Church's handling of sexual abuse issues in general, and my own handling of the Fletcher matter in particular, caused me to realise that I needed more professional assistance in dealing with cases of abuse. In addition, at that point in time, my attitude in respect of abuse by Clergy and the support of victims was changing. I realised that I needed professional assistance in dealing with cases of abuse.
- 1.14 When Head of Agency status was moved by the Ombudsman from the Catholic Commission for Employment Relations to each diocesan Bishop I determined to establish a qualified Child Protection Unit for the Diocese of Maitland - Newcastle.
- 1.15 The Child Protection Unit, later known as Zimmerman House began its work in or about 2005. It offered training in Child Protection, support for victims, advice for perpetrators and reconciliation of broken and divided Parish communities within the Diocese.
- 1.16 I believed that the establishment of the Child Protection Unit was a valuable initiative and I am pleased that it continues to the present time. The aim of the Child Protection Unit is to provide an environment where child safe communities are created.
- 1.17 Over the years of its operation the Child Protection Unit has assisted many victims together with their families. Victims and their families have been supported and Parish communities have been visited and offered healing. Financial settlements have been offered to victims and in some circumstances to members of their family. In addition Diocesan personnel have been given training in Child Protection Awareness.
- 1.18 The functions of the Child Protection Unit are now contained within Zimmerman Services. Zimmerman Services has established a solid relationship with the NSW Ombudsman and the NSW Police Service. I believe that the obligations of the Diocese in respect of the reporting of abuse

Signed

Signed

Deponent

Witness

matters are now strictly attended to in a very professional manner by Zimmerman Services.

1.19 I acknowledge that in approaching Fletcher that I made a mistake. I acknowledge that my actions therefore could have been seen as a hindrance by Detective Chief Inspector Fox in his investigation of the AM matter. As I have indicated above it was not my intention to cause such a hindrance.

1.20 I did speak about matters touching upon my visit with Fletcher in the ABC's Lateline Programme which was broadcast on 26 May, 2008. In that programme I stated the following:-

"I regret now that I didn't take it as seriously as I should have and that I didn't start more immediately to introduce the processes that would lead to him being stood aside and then the case unfolding."

1.21 In addition to this comment as I have indicated above I regret now that I did not provide to Detective Chief Inspector Fox and to the NSW Police a full opportunity to investigate the AM matter without Fletcher being aware of the complaints which had been made against him.

Sworn at Newcastle

Signature of Deponent

Signed

Name of witness

David Ben Jones

Address of Witness

Unit 5, 384 Hunter Street, Newcastle

Capacity of Witness

Solicitor

And as a witness, I certify the following matters concerning the person who made this affidavit (the deponent):

1. I saw the face of the deponent.
2. I have known the deponent for at least 12 months.

Signature of witness

Signed

Signed

Signed

Deponent

Witness