



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

### **Terms of Reference**

Margaret Cunneen SC was appointed by Letters Patent issued in the name of the Governor of New South Wales on 21 November 2012. Amending Letters Patent were issued on 25 January 2013 so that the Inquiry will now report on the following terms of reference:

1. the circumstances in which Detective Chief Inspector Peter Fox was asked to cease investigating relevant matters and whether it was appropriate to do so; and
2. whether, and the extent to which, officials of the Catholic Church facilitated, assisted, or co-operated with, Police investigations of relevant matters, including whether any investigation has been hindered or obstructed by, amongst other things, the failure to report alleged criminal offences, the discouraging of witnesses to come forward, the alerting of alleged offenders to possible police actions, or the destruction of evidence.

### **In these Letters Patent:**

**"relevant matters"** means any matter relating directly or indirectly to alleged child sexual abuse involving Father Denis McAlinden or Father James Fletcher, including the responses to such allegations by officials of the Catholic Church (and whether or not the matter involved, or is alleged to have involved, criminal conduct).

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

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

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

The Commission is also further authorised to establish such lawful arrangements as considered appropriate in relation to the National Royal Commission, including for the referral or sharing of evidence and information, including of matters that may come to its attention which may fall outside the scope of the above terms of reference but which may be of relevance to the National Royal Commission or matters which, whilst falling within the scope of the above terms of reference, are considered more appropriately referred to the National Royal Commission.

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

The Commissioner is due to provide a report on, or before, 30 September 2013.