

NEW SOUTH WALES

ELIZABETH THE SECOND, by the Grace of God, Queen of Australia and Her other Realms and Territories, Head of the Commonwealth.

To MARGARET MARY CUNNEEN SC

WHEREAS, by Letters Patent issued in Our Name by Our Governor of Our State of New South Wales on 21 November 2012, We appointed you as sole Commissioner to conduct an inquiry concerning the police investigation of certain matters referred to in the ABC Lateline television report broadcast on 8 November 2012,

AND, by Letters Patent issued in Our Name by Our Governor-General of the Commonwealth of Australia on 11 January 2013 and in Our Name by Our Governor of Our State of New South Wales, We established the National Royal Commission,

AND it is desirable that the Letters Patent of 21 November 2012 be altered and varied as follows.

NOW THEREFORE, by these Our Letters Patent, made and issued under the authority of the Special Commissions of Inquiry Act 1983 (NSW), We hereby, with the advice of the Executive Council, alter and vary the Letters Patent of 21 November 2012 as follows:

- (a) Add "(NSW)" after "Special Commissions of Inquiry Act 1983" in the paragraph beginning "By these Our Letters Patent";
- (b) Omit the words "concerning the police investigation of matters relating to Father Denis McAlinden referred to in the ABC Lateline television report broadcast on 8 November 2012" in the same paragraph;

ENTERED on the Record by me, in REGISTER OF PATENTS, No. 91 Page 28, this 25<sup>th</sup> day of January 2013.

DEPARTMENT OF PREMIER AND CABINET

DIRECTOR GENERAL  


- (c) Omit the paragraphs numbered 1 and 2 and replace them with the following:

- “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,”

- (d) Insert after the paragraph beginning “AND hereby establish” the following paragraph:

“AND, We further authorise you to establish such lawful arrangements as you consider 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 your 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, you consider would be more appropriately referred to the National Royal Commission.”

- (e) Insert in the paragraph commencing “IN these Letters Patent” in the appropriate alphabetical order the following definitions:

“ *‘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.”

“ *‘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).”

- (f) Insert “1983 (NSW)” after “Act” in the paragraph beginning “AND pursuant to section 21”.
- (g) Omit “5 April 2013” in the paragraph beginning “AND OUR further will” and insert instead “30 September 2013”.
- (h) Insert a new paragraph after that paragraph as follows:


“AND IT IS FURTHER DECLARED that these Letters Patent are to be read with the Letters Patent constituting your Commission.”

IN TESTIMONY WHEREOF, WE have caused these Our Letters to be made Patent and the Public Seal of Our State to be hereunto affixed.



WITNESS Her Excellency Professor Marie Bashir, Companion of the Order of Australia, Commander of the Royal Victorian Order, Governor of the State of New South Wales in the Commonwealth of Australia.

Dated this 2<sup>nd</sup> day of January 2013.

  
Governor

By Her Excellency's Command,



Premier.