

Statutory Declaration

I, Stephen David Rae do solemnly and sincerely declare:

1. I hold the rank of Sergeant of the NSW Police Force.
2. On 2 May 2013 I signed and produced a statement in answer to a summons for production issued on 23 April 2013 by the Special Commission of Inquiry into matters relating to the Police investigation of certain child sexual abuse allegations in the Catholic Diocese of Maitland-Newcastle.
3. Annexed to this statutory declaration at page 2 and marked "A" is a copy of that statement.
4. The statement which appears at Annexure "A" to this statutory declaration is true and correct.
5. This statutory declaration is made on the same basis as set out in paragraphs 2 and 3 of my statement dated 2 May 2013 at Annexure A to this statutory declaration.
6. I make this solemn declaration conscientiously believing it to be true, and by virtue of the provisions of the Oaths Act 1900.

Declared at Kurri Kurri on 02 July 2013
Signature of declarant

Signed

Certificate of witness

I certify the following matters concerning the person who made this statutory declaration (the declarant): Stephen David RAE

[please strike out the option in each paragraph that does not apply]

1. * I saw the face of the declarant OR ~~* I did not see the face of the declarant because the declarant was wearing a face covering, but I am satisfied that the declarant had a special justification for not removing the covering, and~~
2. * I have known the declarant for at least 12 months OR ~~* I have confirmed the declarant's identity using the following identification document:~~

Signature of witness

Identification document relied on (may be original or certified copy)

Signed

Justice of the Peace

ROBYN C. WYNDHAM

Name

192542

Registration No

Statement of Stephen David Rae

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 2nd day of May 2013, I say:

Preliminary matters

1. My full name is Stephen David Rae and I currently hold the substantive rank of Sergeant with the New South Wales Police Force (NSWPF). I am currently attached to the Police Prosecutions Command at the Hunter Drug Court.
2. This statement is prepared by me for the sole purpose of responding to a summons dated 23 April 2013 issued by the Special Commission of Inquiry (established by way of letters patent dated 21 November 2012 and varied by letters patent dated 26 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.
3. Pursuant to section 23(2) of the *Special Commissions of Inquiry Act 1983* I object to the information contained within this statement, and any attachments to the statement, being used in any criminal, civil or other proceedings or inquiries or investigations of any kind.

Background

4. I was attested as a police officer in July 1989. After my date of attestation I performed general duties at Paddington for a period of approximately 18 months. Thereafter, I was attached to the Goulburn Patrol where I also carried out general duties for a period of approximately 2 years. After that, I then commenced duties with the Highway Patrol at Goulburn for a period of time. My next substantive position was when I was transferred to Raymond Terrace Patrol also carrying out Highway Patrol duties for a period of about 12 months.
5. In September 1995 I moved to what was then called Legal Services within the New South Wales Police situated at Gosford. I commenced training as a prosecutor and have been engaged in prosecution duties since that date. My experience of investigating crime occurred when I was engaged in general duties policing.
6. In terms of my experience as a prosecutor, since 1995 up until March 2011, I was engaged exclusively in the prosecution of matters before the Local Court. I have been engaged in prosecutions including general criminal prosecutions, coronial proceedings which are heard within the Hunter Valley Region and matters involving apprehended and domestic violence. Since March 2011 up until the present date I have been engaged exclusively in the prosecution of matters before the NSW Drug Court at Toronto.

Signed

Strike Force Lantle

- 7. In general terms, I am familiar with Strike Force Lantle having been created within the Newcastle Local Area Command. In saying this, I can also indicate that I had no role in setting up Strike Force Lantle and was not aware of the procedure which was employed to establish that Strike Force other than the involvement that is set out below.

Secondment to Northern Region

- 8. I was seconded to the Northern Region by then Assistant Commissioner Lee Shearer in 2009. When Assistant Commissioner Shearer left the Region, I was kept on in the Northern Region's Office by the relieving Commander, Geoff McKechnie as a Staff Officer. Later, when the Command was placed in the hands and responsibility of Assistant Commissioner Carlene York, I was involved in the hand-over to Assistant Commissioner York. I assisted her to take over the role of Region Commander. After Assistant Commissioner York took on that role, I received a request to make myself available to carry on relieving duties as the Staff Officer from time to time. I agreed to this request, and performed relieving duties in April and August 2010. I did not return to the Region office after the relieving duties performed in August 2010.

Report of Inspector Anthony Townsend

- 9. It was during the period of 9 to 16 August 2010 that I carried out duties as a relieving Staff Officer. It was during that period that I became aware of the contents of a report prepared by Inspector Anthony Townsend. I became aware of Inspector Townsend's report when I commenced the relieving duties, and when it was brought to my attention by Inspector Faye Dunn who had provided me with a "hand-over" document setting out those duties requiring attention during the course of the period when I was to relieve. It was within the list provided to me that I was made aware that there was a need to review the report compiled by Inspector Anthony Townsend into allegations of (historical) sexual offences, potentially having been concealed by clergy attached to the Maitland-Newcastle Diocese of the Catholic Church.
- 10. Having read and reviewed Inspector Townsend's report dated 12 July 2010, and being concerned about the contents of the report, I gave the matter priority in terms of my review of the file itself and any action to be taken with respect to the file. My reading of Inspector Townsend's report was that it was comprehensive in its terms, and in my view, was factually and legally accurate in terms of its critique of the material that he had been asked to report upon. Subsequently, during the course of the week of 9-16 August 2010, I briefed the Commander as to its contents and the operational options available to respond to the matters raised in the report.

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REDACTED

Signed

- 12. Upon my reporting the matter to the Commander, I recall that the Commander appeared to readily accept that those same alleged victims (both specifically nominated within the report and in a more general sense) deserved the support of the NSWPF by taking investigative steps to establish whether the State could prosecute known persons for concealing serious offences. It was indicated to me that the public interest in establishing whether there was a case to answer was overwhelming. I shared this opinion
- 13. At that stage, and to my knowledge, the Lake Macquarie Local Area Command had conducted a long-running investigation into allegations of sexual assault by members of the Catholic Church by way of Strike Force Georgiana. Having regard to this fact, it was my view at the time that the investigators involved in Strike Force Georgiana would be well-placed to take carriage of any further investigation that may have been taken on. The Commander agreed with my views on the matter and the initial referral of the file for operational investigations to commence was to be allocated to the Lake Macquarie Local Area Command.
- 14. It was my view, based on the recommendations made by myself and the responses received from the Commander and the Operations Manager that there was to be a committed and professional preparedness on the part of those persons to ensure that a diligent investigation into the allegations would be conducted. This was because of the general public interest and for the sake of the alleged victims of the alleged criminality.

Joanne McCarthy

- 15. It was my understanding that the material upon which Inspector Townsend had prepared his report had been provided, initially at least, to the NSW Police Force by a journalist, Joanne McCarthy who was associated with the Newcastle Herald. Because of Joanne McCarthy's involvement in the matter up to that point of time, I contacted Joanne McCarthy by way of a mobile telephone number that had been provided by her. The purpose of my call was one of a courtesy to her having regard to her actions up until that point of time, and also to inform her as to what was then envisaged would happen with the matter.
- 16. Upon my contacting Joanne McCarthy I advised her of who I was and what my position was within the Command. I also advised her of the role that I was performing with respect to the matters raised by her. During the course of our telephone conversation I advised her that the file was in the Region's office, and was in the process of being reviewed. I also advised her that a comprehensive report had been prepared in relation to the matter by the Operations Manager within the Region, being Inspector Townsend. During the course of the same conversation which was held during the week of 9 to 16 August 2010, I also advised her that section 316 matters were difficult, and there were further matters raised that required further police investigation, and that such an investigation was going to take place. I also raised in the conversation, as a purely personal comment, that I wished there was a better framework that would provide a greater tangible benefit to assist the alleged victims of the criminality, other than the criminal justice system itself. I raised with her the example of the apparent success of the Truth and Reconciliation Commissions utilised in post-Apartheid South Africa, and encouraged her to consider researching and advocating for something similar.

Signed

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17. At no stage during the course of my conversation with Joanne McCarthy did I indicate to her that there was nothing there to base a prosecution. As referred to previously I indicated to her that there further police investigation required.
 18. At no stage during the course of my conversation with Joanne McCarthy did I indicate to her that the matter would not be pursued by NSW Police Force, or that the matters would not be properly and adequately investigated. After that conversation with Ms McCarthy, I had no further contact with her with respect to the subject matter of the investigation, or the operation of Strike Force Lantle. To the best of my belief, her point of contact thereafter would have been Inspector Dave Waddell who was then attached to the Lake Macquarie Local Area Command or Inspector Anthony Townsend who was the Operations Manager for the Region.

Contact with Detective Chief Inspector Fox

19. After I finished my relieving duties on 16 August 2010 I returned to carrying out my duties within the prosecutions area. At the time, my office was located in the nearby area to and physically opposite that of Detective Chief Inspector Peter Fox. Although I was not in the office on a daily basis whilst I was carrying out prosecuting duties, I would from time to time come into contact with Detective Chief Inspector Fox, particularly late in the evening. I was aware from my duties as a prosecutor that DCI Fox was a police officer who had been involved in prosecutions involving sexual abuse and members of the clergy previously. I was also aware that he had a general interest in the area as a result of his prior prosecutions. It was during the course of one of our conversations, and knowing that DCI Fox had an interest in sexual abuse allegations of such a kind, that I told him of the file, I have spoken of above, that had passed through the Region and that investigators would be following up the matters raised in the file. From the context of my discussion with DCI Fox, it was my understanding that I was the first to bring it to DCI Fox's attention that there would be such an investigation to be carried out within the Region.
20. As indicated previously, when speaking with DCI Fox it is my recollection from things that had been said that DCI Fox was not aware that Region was to undertake an investigation. At no time on my recollection did DCI Fox contact me for the purposes of getting an investigation officially started or that any such investigation that was to be undertaken by Region was to use his material as a starting point to commence a wider investigation of a number of clergy.
21. Attached hereto and marked with the letter "A" is a true copy of an email dated 16 September 2010 forwarded by Detective Chief Inspector Fox to Kirren Steel with myself being copied in to the email. Apart from this communication from Detective Chief Inspector Fox, I have not had any other communications by way of email with DCI Fox since that date. To the best of my recollection I did not discuss with DCI Fox the investigation that had been carried out by Strike Force Lantle after it had been set up within the Region other than in the manner set out below. As indicated previously in this my statement, after I had completed the relieving duties carried out by myself in August 2010, I had no ongoing involvement in any way with what would become Strike Force Lantle.

Signed

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22. I met with DCI Fox in November 2012 and during the course of that meeting the subject matter of Strike Force Lantle was discussed with DCI Fox on a superficial level only with there being no exchange of details between DCI Fox and myself relating to the complaint made by him on the television program Lateline.

Signed _____
Sergeant Stephen David Rae

2nd May 2013
Date

Annexure A

From: Peter Fox/18127/Staff/NSW Police
To: Kieran Steal/26458/Staff/NSW Police
Cc: Stephen Rae/26197/Staff/NSW Police, Anthony Townsend/20976/Staff/NSW Police, Charles Haqqett/19499/Staff/NSW Police

Date: Thursday, September 16, 2010 03:34PM
Subject: Child File

THIS IS THE ANNEXURE MARKED "A"
ANNEXED TO STATEMENT OF
STEPHEN DAVID RAE
DATED 11/09/2010
May 2013

Kieran

Signed

sf

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 paedophilia matters. During that time I interviewed Vincent RYAN, James FLETCHER, Leo CLARK, Michael MALONE and other clergy regarding abuse. Mark WATERS and I took out the warrant for Dennis 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 deliberately 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 LUCAS and her own abuse by MCALINDEN. This resulted in me speaking to Mike STARWELL, AL and AE. 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/2010/13945 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 Intel Report I 21049201 is attached 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 19/10/10. 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 threads together on this.

Peter Fox
Detective Chief Inspector
Crime Manager
Port Stephens LAC
0418 201561