

Statement of Max Mitchell

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 February 2013, I say:

Preliminary matters

1. My name is Max Mitchell and I am an Assistant Commissioner of Police in the New South Wales Police Force (NSWPF). My present role is that of Commander, Police Transport Command. I have been an Assistant Commissioner of Police since May 2012.
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 was attested as a police officer in September 1981. Since date of attestation, my first 6 or 7 years as a police officer were engaged in my carrying-out general duties. Over the entirety of my policing career, however, the majority of my policing work has been engaged in criminal investigation.
4. I was designated as a Detective in 1990. I was promoted to the rank of Detective Chief Inspector whilst carrying out duties at Tuggerah Lakes in 1998. In 2002, I was promoted to the position of Superintendent of the Tuggerah Lakes Local Area Command.
5. In my policing duties, I have been involved in a number of police investigative strike forces and task forces. One such Task Force was that of Matre, which was responsible for investigating outlaw motorcycle gang activity. Additionally, in my capacity as a Crime Manager and Commander, I have had the responsibility of managing a number of major criminal investigations, particularly in the Central Coast area of New South Wales.

Strike Force Lantle

6. I had an involvement in the setting-up of Strike Force Lantle. To my recollection, the circumstances leading up to the setting-up of the Strike Force are as follows.

7. The NSWPF received information, via the Lake Macquarie Local Area Command in relation to allegations which had been raised with respect to certain clergy of the Catholic Church. That led to consideration being given as to the investigation of the matters which were the subject of the allegations. Annexed to this statement and marked with the letter "A" is a copy of a letter forwarded by Detective Inspector David Waddell, Crime Manager of the Lake Macquarie Local Area Command, dated 3 May 2010.
8. Annexed to this statement marked with the letter "B" is a copy of a letter dated 20 May 2010, prepared by Detective Chief Inspector Tayler, who was then in a position of Crime Manager, attached to the Newcastle City Local Area Command. Detective Chief Inspector Tayler's note relates to allegations of concealing serious offences by clergy formerly attached to the Maitland-Newcastle Diocese of the Catholic Church.
9. It was the expressed view of Detective Chief Inspector Tayler that the Newcastle City Local Area Command did not have the expertise to investigate the matter. The document, as can be seen, was counter-signed by myself, in which I also expressed my view that the Newcastle City Local Area Command should not undertake the investigation, and perhaps the more appropriate body to deal with it would be the State Crime Command.
10. Prior to the preparation of the report of 20 May 2010, I have a recollection of having spoken to Detective Chief Inspector Tayler about the matter in general. Detective Chief Inspector Tayler advised me of the general background and that they related to allegations relating to priests by the name of McAlinden and Redacted
11. Notwithstanding my view that the Newcastle City Local Area Command should not undertake the investigation referred to, I became aware that the Commander of the region (Assistant Commissioner York) was of the view that such an investigation should be undertaken by the Newcastle City Local Area Command. I was advised of this fact by the Operations Manager, Northern Region (Inspector Townsend) through Detective Chief Inspector Tayler.
12. After the determination was made by the Commander, Northern Region, that the investigation would be the responsibility of the Newcastle City Local Area Command, I then engaged in discussions and consultation with Detective Chief Inspector Tayler as to the establishing of an investigation into the allegations, and the manner in which such investigations could be carried out. To my mind, Detective Chief Inspector Tayler was a very experienced police officer, as can be inferred from his then rank. Operational matters discussed amongst ourselves included matters such as document handling, document and information recording, as well as appropriate personnel to lead and take part in the investigation.
13. The discussions between Detective Chief Inspector Tayler and myself largely centred around Detective Sergeant Steel being appointed to lead the investigation. I believed that she was a suitable, if not the most appropriate, person to undertake the task as officer in charge of the investigation as she had the necessary experience. Detective Sergeant Steel had been carrying out relieving duties as a Duty Officer within the command, as well as having undertaken duties as the Professional Standards Manager within the command. I considered her to be a very competent police officer who had the necessary skills to be able to deal adequately and appropriately with the victims to the alleged crimes, so as to be able to obtain their trust. It was my belief that she would provide strong victim support, as and when required. The fact that she was a female also was considered by myself to

Signed

have been of assistance when dealing with the victims who were mainly females. Additionally, having regard to her background generally, and the fact that she had engaged in general duties and duties as a Professional Standards Manager, it was my view that she was a person whose integrity was beyond reproach, and that she could come in to the investigation with what I would describe as a "clean slate" in the sense that her approach to the investigation would be uncontaminated and that she was not burdened with the management of a number of other investigations.

14. Also appointed to Strike Force Lantle, initially at least, was Detective Senior Constable Freney and Detective Senior Sergeant Quinn, who I also considered to be very competent investigators, who could be relied upon to carry out the necessary investigations.
15. I refer to three emails which passed at the following times and dates:
 - (a) Email from Detective Chief Inspector Peter Fox to Detective Sergeant Steel, forwarded at 3.35pm on 16 September 2010 (with other police officers being copied into such email).
 - (b) Email forwarded by Detective Sergeant Steel to police officers, including myself at 6.08am on 18 September 2010.
 - (c) Email forwarded by Detective Chief Inspector Humphrey to Detective Sergeant Steel and other police officers, including myself, at 9.29am on 18 September 2010.

At the present time, I do not have any independent recollection of seeing the contents of these emails. However, I would have expected it to be the case that Detective Chief Inspector Taylor would have briefed me in relation to any difficulties that had transpired between members responsible for the conduct and management of Strike Force Lantle and Detective Chief Inspector Fox, should they have arisen. Annexed to this statement and marked "C" is a copy of those emails.

Meeting on 2 December 2010

16. On 2 December 2010, a meeting was held at the Waratah Police Station in relation to Strike Force Lantle. The circumstances surrounding the calling of this meeting are as follows.
17. In the period leading up to December 2010, I had spent a period of time away from the Local Area Command itself, mainly in September and October of that year. During that period, I was either on leave or carrying out relieving duties in a different command. However, I was aware that there were some difficulties being encountered by other officers within the Newcastle City Local Area Command, in terms of obtaining relevant material from Detective Chief Inspector Fox.
18. Annexed to this statement and marked with the letter "D" is a copy of an email which was forwarded by the Acting Commander of Newcastle City Local Area Command, Wayne Humphrey, to Commander Haggart, Commander of the Port Stephens Local Area Command on 13 October 2010. As the email itself shows, I was copied in on that email. The content of this email was one instance in which it came to my attention that there were difficulties in obtaining necessary documentation from Detective Chief Inspector Fox to assist with Strike Force Lantle investigations. Although I do not have any specific recollection at this time of any

other conversations or emails in relation to the obtaining of documentation from Detective Chief Inspector Fox, I concede that there may have been other discussions with police officers relating to the matter.

19. I was the person responsible for calling the meeting on 2 December 2010. The reason why I arranged for a meeting to be called amongst the personnel in attendance was twofold. Firstly, it was to seek to obtain documentation in the possession of Detective Chief Inspector Fox to be produced to Strike Force Lantle Investigators. Secondly, it was to ensure that the media interest generally (including Joanne McCarthy) from the Newcastle Herald could be handled without there being any prejudice to the conduct or integrity of the investigation to be carried out.
20. It was obvious to me prior to 2 December 2010, based on the information that was being received, that there was leakage of information from information contained in police holdings to Ms McCarthy. My view at the time, and this remains my view today, is that when police conduct an investigative operation, it is essential that there is no media leakage, or other information made known to the media which could impact upon the effectiveness of the investigation, or the possibility that the investigation might be compromised. To my mind it was essential that the handling of the media was crucial to the success of Strike Force Lantle. For this reason, I wanted to make it clear to the personnel involved in the meeting that if any person from the media were to approach them or any person associated with Strike Force Lantle, then I was to be informed of such approach. I also made it clear, as the case conference notes indicate, that it was my view that no police officer should be speaking to the media without my knowledge.
21. It was my belief that, having regard to the matters that were to be raised at the meeting of 2 December 2010, notes should be maintained of the matters that were raised at the meeting. For this reason, I requested Detective Senior Sergeant Justin Quinn to take minutes of the meeting, as well as to produce a full file note of what transpired at the meeting, for future reference. I also directed that any file note produced was to be included in Eagle Holdings. Annexed to this statement and marked with the letter "E" is a copy of the notes of the meeting on 2 December 2010.
22. It was always my intention and wish that Strike Force Lantle, after being set up, would be an investigation that would be conducted thoroughly, exhaustively and comprehensively, and in accordance with then police standard operating procedures.
23. As the minutes of the meeting indicate, Detective Chief Inspector Fox was requested to produce documents, however, he indicated at the meeting that he had mistakenly left those documents behind. For that reason, there was no production by him at the meeting itself. It is also my understanding, and indeed it was my intention prior to a meeting being held, that Detective Chief Inspector Fox would produce what documents he had in his possession at the very meeting itself. It was also my understanding and wish that whatever information Detective Chief Inspector Fox had at the time would be made willingly and freely available to investigators attached to Strike Force Lantle after the investigation had commenced.
24. In relation to the instructions given by myself to those present at the meeting on 2 December 2010, it is my view that the instructions given to the police officers present, as to what they should or should not do, were more in terms of instructions given by myself rather than any formal direction to a police officer. To my mind, a

direction in the meaning of the operation of the NSWPF connotes something stronger than mere discussion and agreement about instructions being given. In my experience and in my belief, a direction is something stated by a senior officer to a more junior officer, in which the senior officer expects compliance in relation to what is requested, and in default of any compliance, disciplinary action may be taken.

Detective Chief Inspector Fox's involvement in Strike Force Lantle

25. In terms of the instruction given at the meeting, in relation to police personnel speaking to the media, it was indicated by myself at the meeting that nobody was to speak to the media, and such instruction was not restricted to Detective Chief Inspector Fox. As far as I can recall of what transpired at the meeting, all police personnel present at the meeting appeared to agree with the terms of instructions given by myself, and any reasons given by myself for such an instruction. On my recollection, there was no dissent made by any person relating to the instruction.
26. I understand from the terms of reference set up for the Special Commission of Inquiry, that the first term of reference relates to the circumstances in which Detective Chief Inspector Fox was asked to cease investigating matters and whether it was appropriate to do so. In relation to this aspect, at the time when Strike Force Lantle was set up, and also as of 2 December 2010, I did not have any personal knowledge as to whether or not Detective Chief Inspector Fox was involved in any other current investigations relating to child sex abuse, or the Catholic Church, in relation to the subject matters relevant to Strike Force Lantle. I can indicate that at no time did I give any instruction or direction to Detective Chief Inspector Fox that he was to cease investigating any matters in which he was engaged in at the time. As far as I was concerned, in my role at the time and in whatever management responsibility I had with Strike Force Lantle, the extent of Detective Chief Inspector Fox's involvement was to be that of providing documentation to Strike Force Lantle that may have been relevant to the investigation, as well as providing information which may have been of assistance to the investigators.
27. At no time did Detective Chief Inspector Fox directly or indirectly raise with me the fact that he wanted to play a more active role in Strike Force Lantle than that which I have already set out in the terms of my statement. My belief at that time was that he was content with his then role as indicated, of providing documentation and passing on information.
28. To my mind, and based on my knowledge and experience, it would not have been appropriate for Detective Chief Inspector Fox to have been appointed to Strike Force Lantle. The responsibility for the investigation was that of the Newcastle City Local Area Command; upon the instructions given and the terms of reference, it was to be managed by that command, with personnel from that Local Area Command to be appointed to it. It was not to be a regional investigation and, for that reason alone, it would not have been appropriate for Detective Chief Inspector Fox to have been appointed to an active role in the investigations. At this time, Detective Chief Inspector Fox was the Crime Manager in a different Local Area Command at Port Stephens.
29. After the setting-up of Strike Force Lantle, having regard to my then rank and responsibilities within the command, I had only limited involvement in the management and conduct of Strike Force Lantle. This was left to other senior officers below my rank, in terms of being responsible for managing the Strike Force. Additionally, at the end of December 2010, I left the Newcastle City Local Area

Command on occasions. This was because I was engaged in other duties, including the Christchurch Earthquake response, as well as being based in Victoria for a period of time in relation to other policing duties.

- 30. It was left by me, whilst engaged in the Newcastle City Local Area Command, to the investigators themselves associated with Strike Force Lantle and the senior police officers responsible for the oversight and managing of the investigation, to deal with the matter on a day-to-day basis. For my part, I considered that I had very competent personnel conducting, managing and dealing with the Strike Force and my input was not necessary unless called upon by any of those officers, should any problems have arisen.

Signed

Signature of Max Mitchell

15 - 2 - 13

Date

11/1

F/2010/11570



NSW Police Force
LAKE MACQUARIE LOCAL AREA COMMAND
CRIME MANAGER

Crime Manager
Lake Macquarie LAC
Charlestown Police Station
Ph. 02 49429921
Fax. 02 49429952

To: Detective Chief Inspector Brad Taylor
From: Detective Inspector David Waddell
Subject: Complaint of concealing serious offence by Joanne McCarthy, Newcastle Herald, in relation to offences committed by Father Denis McAlinden a Catholic Priest and reported to members of the Maitland Newcastle Diocese of the Catholic Church.
Date: 3rd May 2010.

The Newcastle Herald, on Wednesday 28 April 2010 and Thursday 29 April 2010, carried front page articles in relation to allegations of concealing serious indictable offences by the Maitland Newcastle Diocese of the Catholic Church in relation to sexual offences committed by Father Denis McAlinden (now deceased).

The allegations relate to claims that *AL* disclose Redacted at Commissioner's direction in 1995, that she had been indecently assaulted by Father Denis McAlinden. It is further alleged that the Catholic Church's hierarchy in the Maitland Newcastle Diocese failed to report these matters to Police, commencing their own proceedings to have him removed from the Church.

Joanne McCarthy, Journalist from the Newcastle Herald, handed the documents that she had in her possession in respect to this matter to Detective Senior Constable Shaun McLEOD on 23rd April 2010 - due to his involvement in strikeforce Georgiana. Joanne McCarthy has also forwarded McLeod a number of emails in relation to her inquiries relating to this matter. Copies of all these documents are attached herewith.

Redacted at Commissioner's direction

THIS IS THE ANNEXURE MARKED *A*
ANNEXED TO STATEMENT OF *MAY MITCHELL*

SIGNED THIS DAY OF

- 2 -

Redacted at Commissioner's direction

It is alleged that as a result of this complaint, Bishop Leo Clarke (now deceased) and later Bishop Malone commenced proceedings to have Father McAlinden removed from the Catholic Church. From documents provided it would appear that Father McAlinden ceased active ministry in 1993, the matter was reported to the Catholic Church's Professional Standards in 1999 and finally to the Police in 2003.

The current Bishop of the Newcastle Maitland diocese of the Catholic Church, Bishop Michael Malone has publicly acknowledged victims of the Catholic Church, including those of Father McAlinden. He has further made public comment that he could have handled matters of a sexual assault better. Bishop Malone has cooperated fully with the investigations of strikeforce Georgiana, as did Zimmerman Hose, a child protection unit of the Maitland Newcastle diocese of the Catholic Church, established by Bishop Michael Malone. Since these reports the Australian Catholic Bishops Conference has developed "Towards Healing" a comprehensive policy and procedure for dealing with abuse allegations.

These documents relate to the offence of conceal serious indictable offence under section 316 of the Crimes Act, relating to members of the Maitland Newcastle diocese of the Catholic Church located in Newcastle. This matter does not come within the terms of reference for strikeforce Georgiana and the matter is referred for any further investigation.

I have advised the person reporting, Joanne McCarthy, of the Newcastle Herald, that these documents have been forwarded to the Newcastle City LAC.

Signed

David WADDELL
Detective Inspector
Crime Manager
Lake Macquarie
19 April 2010.

Superintendent Craig RAE, Commander, Lake Macquarie

FOR CONSIDERATION

Signed

CRAIG RAE
SUPERINTENDENT

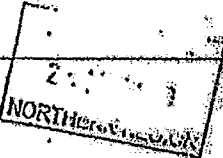
Superintendent Max Mitchell, Commander, Newcastle City LAC.

Detective Chief Inspector TAYLER, Crime Manager, Newcastle City LAC.

"B"

D/2010 1182506
F2010 14966
Newcastle City LAC

**NSW POLICE
NEWCASTLE CITY LAC**



Waratah Station
30 Harriet St,
Waratah NSW 2298

Telephone: (02) 49288599
Facsimile: (02) 49288511

20 May 2010

ISSUE

Allegations of Conceal Serious Offence by clergy formerly attached to the Maitland Newcastle Diocese of the Catholic Church.

BACKGROUND

As per attached file.

CURRENT POSITION

The attached file relates to various allegations of sexual assault and the subsequent covering up of same by various members of the Maitland Newcastle Diocese of the Catholic Church.

Redacted at Commissioner's direction

Newcastle City LAC does not have the expertise to investigate this matter. This already has significant media exposure within the Newcastle area and recent broadcast on ABC national television. The investigation will involve dealings with the hierarchy of the Catholic church and covers offences dating back to 1995.

RECOMMENDATION

It is my submission this file should be forwarded to Sex Crimes, State Crime Command for investigation.

Signed

David TAYLER
Detective Chief Inspector

- 1. Commander, Newcastle City LAC.

Content and recommendation agreed to state crime command & state to organization if not investigated appropriately.

Signed
max Mitchell APM
Superintendent

- 2. Northern Region Commander

- 3. Commander, State Crime Command.

THIS IS THE ANNEXURE MARKED *B*
ANNEXED TO STATEMENT OF *MAX MITCHELL*

SIGNED THIS DAY OF

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 MAX MITCHELL

SIGNED THIS DAY OF

-----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 06:06AM
 Subject: Fw: Church File

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/\(\\$Inbox\)/B6DCCAA230B002...](https://dommp07.glb.police.nsw.gov.au/mail/21627.nsf/($Inbox)/B6DCCAA230B002...) 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 03:13PM
 cc: Stephen Rae/26197/Staff/NSWPolice@NSWPolice, Anthony
 Townsend/20976/Staff/NSWPolice@NSWPolice, Charles
 Haggart/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 Arin 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 and 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/2010/133845 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 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.gib.police.nsw.gov.au/mail/21627.nsf/\(\\$Inbox\)/B6DCCAA230E002...](https://dommp07.gib.police.nsw.gov.au/mail/21627.nsf/($Inbox)/B6DCCAA230E002...) 20/09/2010

304

From: Wayne Humphrey/19634/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
 Tayler/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 *MAE MITCHELL*

SIGNED THIS DAY OF

"E"

NSW Police

INVESTIGATOR'S NOTE

Investigation: S/F LANTLE
 Title of Note: Case Conference in relation to S/F LANTLE

Narrative:

At 12.25pm on Thursday 2 December 2010, a meeting was held at Waratah Police Station in relation to S/F LANTLE. Officers present were:

- Supt. MITCHELL
- Supt. HAGGETT
- DCI TAYLER
- D.I. FOX
- Det. Sgt. STEEL
- Det. Sen. Con. FRENEY
- Det. Sen. Sgt. QUINN

THIS IS THE ANNEXURE MARKED "E"
 ANNEXED TO STATEMENT OF MAX MITCHELL

SIGNED THIS DAY OF

Detective Inspector PARKER (Northern Region) arrived midway through the meeting.

Superintendent MITCHELL outlined that Newcastle City LAC has carriage of investigations relating to AK, AL and GOGERTY. This was at the direction of the Region Commander. Mr. MITCHELL identified that the investigations presented a high level of risk to the organization and needed to be managed well. He acknowledged that Detective Inspector FOX had a strong background in relation to the nature of the complaints, and that for the investigation team to perform their function, it was essential that he disclose all relevant information to the team.

Inspector FOX indicated that he had compiled all relevant documents held by him, but had mistakenly left them behind. He indicated that he had no problem disclosing information held by him to the investigation team. He indicated that he would make arrangements for the documents to be presented to the investigation team. He indicated that the information available would indicate that the clergy abuse/cover up is widespread and that there is a need for a broad ranging task force to be established to investigate it. He indicated that he had recently documented this in a report to the Region Commander.

Page
Investigator's Note

In order to control confidentiality in relation to the investigation, Supt. MITCHELL indicated that nobody was to speak to the media (including Joanne MCCARTHY) without his knowledge. Mr MITCHELL indicated that in the event police are contacted by MCCARTHY, he was to be advised.

Inspector FOX indicated that in addition to his knowledge of the AK and AL cases, he had interviewed another lady named AJ. FOX indicated that AJ had only wanted to deal with him. She is a victim and a witness and has information dating back to the 1960s about offending behaviour by high ranking members of the Catholic Church including Redacted, HART, CLARKE and LUCAS. He indicated that she was from an inter sanotum of the Church and had been privy to a lot of conversations. She is born in 1951 and was ten when offences occurred against her. He indicated that she was very fragile.

Inspector FOX also indicated he had a statement from a Mike STILLWELL who was a teacher at Merriwa.

Inspector FOX indicated that he had begun obtaining a statement from AK who resides in Queensland. He indicated that a loose arrangement had been made to complete that statement when AK returned to the Newcastle area over the Christmas break.

Inspector FOX indicated that he had interviewed Leo CLARKE after his retirement, primarily in relation to his investigations concerning FLETCHER and RYAN. He did however speak with CLARKE about MCALINDEN. He believes that CLARKE deliberately lied to him when CLARKE advised him that he knew of no other incidents involving MCALINDEN.

Inspector FOX indicated that he had come into the investigations on and off over the years. He indicated that in 2004 he submitted two reports to SCC calling for a far reaching investigation of the incident. He had also submitted a number of information reports. He indicated that he had informants in the form of a former priest and sister. He indicated that he had no doubts that there was collusion in the Church.

Det. Insp. PARKER arrived at this stage of the meeting.

Insp. FOX indicated that due to the scale of the investigation it was imperative that a task force was established.

Page 3
Investigator: [redacted]

Supt. MITCHEL indicated that there was a need for LAC Investigators to collate available information at this stage in order to allow further assessments to be made.

Insp. PARKER indicated that the Region Commander's firm view was that the file was to remain with the LAC. It was a matter for the LAC to collate the information and present that to S.C.C. If that was appropriate. Insp. PARKER indicated that if the information gathered went beyond the Terms of Reference, the L.A.C. would need to identify why.

Insp. FOX outlined that the information given by AJ discloses other witnesses and potential witnesses. He reiterated his earlier view that a task force needs to be pursued.

The meeting was concluded at this point and Supt. HAGGETT and Insp. FOX departed.

Inspector TOWNSEND arrived at this time and was briefed by Sgt STEEL. Present for this briefing were:

- Supt. MITCHELL
- DCI TAYLER
- Insp. PARKER
- Insp. TOWNSEND
- Det. Sgt. STEEL
- Det. Sen. Const. FRENEY
- Det. Sen. Sgt. QUINN

Det. Sgt. STEEL indicated that she had spoken with Helen KEEVERS earlier that morning. KEEVERS was the Manager of Zimmerman House for 30 years. She indicated that she had a high level of knowledge about MCALINDEN'S offending and other priests and victims. She indicated that she has seen numerous critical documents outlining such conduct.

She indicated that the most crucial documentation had been forwarded by Zimmerman House to the Catholic Church's insurance body. She made reference to a document authored by Monsignor COTTER where he indicated that it was fortunate that MCALINDEN'S offending was on children and not adults and females. She also indicated that MCALINDEN had engaged in a course of conduct regularly used by Catholic Priests where children were taken swimming in deep water so that they would need to hold onto the priest for assistance.

[REDACTED]

STEEL outlined the 'Encompass' program that was set up by Archbishop PELL to treat priests who have problems (primarily child abuse). The program maintained files outlining the problem behaviours and identified treatment plans. KEEVERS indicated that PELL had closed the program down without notice. She indicated that the files relating to the program had been moved by a man known to her for storage.

STEEL indicated that senior clergy moved MCALINDEN to P.N.G. for a period after his offending behaviour was discovered.

Redacted at Commissioner's direction

Other Senior Clergy (BURSTON/HART and LUCAS) were involved in cover ups.

KEEVERS told STEEL that police would only get one chance at a search warrant because she is certain that Church members would destroy documents.

Supt. MITCHELL indicated that the issue for the L.A.C. is the scope of the investigation. Inspector TOWNSEND agreed that the scope of the investigation had greatly broadened since it was first allocated to the L.A.C. It was agreed that the following would occur:

1. Inspector PARKER would contact Insp. JACOBS of S.C.C. to invite an Investigator(s) from Sex Crimes to attend a debrief to be held with KEEVERS.
2. Det. Sgt. STEEL to conduct the debrief in the week commencing 6 December 2010.
3. Det. Sgt. STEEL to collate all information available to date after the debrief and formulate a summary document to be forwarded to S.C.C. for their consideration as to whether or not the investigation would fit their charter.

Meeting Concluded 1.15pm

Investigator's Note

Prepared By: Detective Senior Sergeant Justin Patrick Quinn
Registered No: 26028
Date: 3/12/2010