



# Barry O'Farrell MP Premier of NSW Minister for Western Sydney

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## MEDIA RELEASE

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Thursday 21 November, 2012

### TERMS OF REFERENCE FOR SPECIAL COMMISSION OF INQUIRY

Premier Barry O'Farrell today released the Terms of Reference for the Special Commission of Inquiry into allegations about the police handling of child sex abuse by the clergy within the Catholic Church in the Hunter.

The inquiry, to be headed by Margaret Cunneen SC, will also examine allegations made by Detective Chief Inspector Peter Fox about church interference in police investigations.

"These allegations deserve to be fully examined and they will be," Mr O'Farrell said.

"The NSW Government will not let this go until all the relevant issues have been thoroughly and properly investigated – the victims and their families deserve nothing less."

Mr O'Farrell said while the NSW Government was determined to avoid duplication between State and Federal inquiries, the NSW Special Commission of Inquiry would proceed.

The Terms of Reference for the NSW inquiry require Ms Cunneen to inquire into and report on the police investigation into matters relating to Father Denis McAlinden referred to on ABC TV's Lateline program on 8 November 2012.

She will examine:

- the circumstances in which Detective Chief Inspector Peter Fox was asked to cease investigating the matters and whether it was appropriate to do so; and
- the extent to which officials of the Catholic Church have co-operated with the investigation, including whether the 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.

For the purposes of the Special Commission, the definition of *Catholic Church* is broad and includes any organisation operated under the auspices of the church.

The definition of a *church official* is also broad – it includes not just the clergy and members of any other Catholic religious order; but also any representative of the Catholic Church including staff member, lay assistant, or volunteer.

“These Terms of Reference have been carefully drafted to make sure Commissioner Cunneen has all the authority she needs to carry out her inquiry,” Mr O’Farrell said.

“NSW Special Commissions of Inquiries have all the powers of a Royal Commission.

“We will make sure the victims are heard and we will make sure any guilty people - whether they are offenders, or whether they have been party to a cover-up – are identified and dealt with.

“I have asked Commissioner Cunneen to ensure her investigation does not interfere with or delay any current police investigations.”

The Governor approved the Terms of Reference this morning.

The Special Commission of Inquiry is due to report on or before 5 April 2013.

**ATTACHED:** A copy of the Terms of Reference.

**MEDIA: Brad Burden or Cameron Hamilton 9228 5239**

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

By these Our Letters Patent, made and issued under the authority of the Special Commissions of Inquiry Act 1983, We hereby, with the advice of the Executive Council, authorise you as Commissioner to inquire into and report to Our Governor of the said State on the following terms of reference concerning the police investigation of matters relating to Father Denis McAlinden referred to in the ABC Lateline television report broadcast on 8 November 2012:

1. the circumstances in which Detective Chief Inspector Peter Fox was asked to cease investigating the matters and whether it was appropriate to do so; and
2. the extent to which officials of the Catholic Church have co-operated with the investigation, including whether the 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,

AND hereby establish a Special Commission of Inquiry for this purpose.

IN these Letters Patent:

“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):

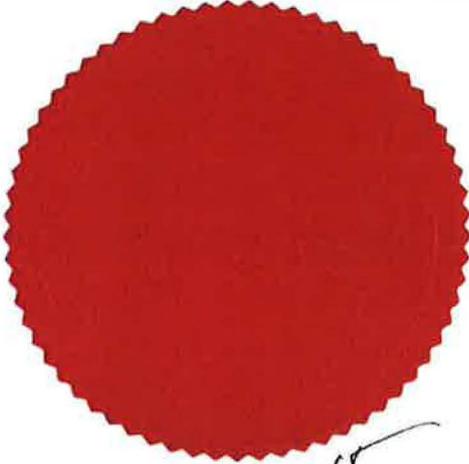


- (a) any person who acts as a representative of the Catholic Church;
- (b) any officer, staff member, lay assistant, or volunteer of the Catholic Church; and
- (c) a member of the clergy or any religious order of the Catholic Church.

AND pursuant to section 21 of the Special Commissions of Inquiry Act it is hereby declared that sections 22, 23 and 24 shall apply to and in respect of the Special Commission the subject of these Our Letters Patent.

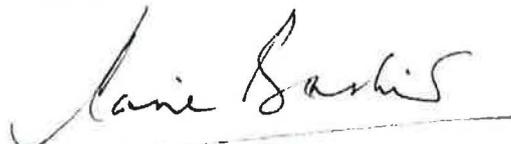
AND OUR further will and pleasure is that you do, as expeditiously as possible, but in any case on or before 5 April 2013, deliver your report in writing of the results of your inquiry to the office of Our Governor in Sydney.

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, Governor of the State of New South Wales in the Commonwealth of Australia.

Dated this 21<sup>st</sup> day of November 2012.

  
Governor

By Her Excellency's Command,

  
Premier.