

Doc 2

14 March 2004

Mr John Witham
Executive Officer to the Board of Inquiry
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Dear Mr Witham

I refer to the interview that has been tentatively arranged for 8.30 am on 25 March 2004.

As you know, I am hoping to resolve questions of indemnity with the Diocese of Adelaide. I also have requested its Secretary to provide me with copies of various files and documents so that I can assist the Board as best I can. Without these documents my answers will not be as complete or informative as I would like them to be.

Your letter to me of 27 February enclosed excerpts of transcripts of Board hearings which you stated "provide a good indication of the matters that the Board would like to discuss with me". I regret to say that they do not. The transcript pages consist of pages where my name appears in various contexts, but they are incomplete. For example, topics concerning me are raised on certain pages but the following pages, which apparently continue the discussion on the same or a related topic are not included. I would be interested to receive a more complete transcript. I suspect that at least pages 24, 27, 29 of the evidence of Reverend Owers record a continuation of evidence that relates to me.

In any case, I am not sure what matters the Board would like to discuss with me. I would appreciate notice of these matters, so that I can consider those matters and obtain relevant documents, if possible. Without such notice, my responses to questions will not be as helpful to the Board as they could be.

The form and content of your letter of 27 February does not suggest to me that the Board considers that the evidence before it raises allegations of impropriety, neglect of duty or other matters which, if proved, would result in adverse findings against me.

If the Board wishes to raise any such allegations, then I expect the Board to do so in a form which clearly specifies the particulars of the allegation and the material upon which it is based, to provide me with a proper opportunity to respond to the allegation and to otherwise accord me procedural fairness.

Since the Board has not specified any such allegations, I apprehend that the interview proposed for 25 March is in the nature of an information gathering exercise, not an investigation of allegations against me.

Please let me know if my understanding is wrong, since it will affect the basis upon which I proceed and may affect my preparedness to meet with the Board on 25 March.

I trust that before 25 March the indemnity issue will be resolved and that I will have been provided with the material that I have requested from the Diocese. Without that material I am placed at a great disadvantage. These contemporaneous records, including files that I created, are important in determining the sequence of events, participants in events and the information that I and others had at the time.

I am not sure whether you intend to record any interview, and, if you do, whether I will be provided with a transcript.

Please let me know at your earliest convenience how long you expect the interview will occupy and the names of the representatives of the Board who will be attending.

I look forward to receiving a complete copy of relevant pages of transcript and a list of the matters that you would like to discuss with me. This will enable me to better prepare for the interview and to help the Board with its inquiries.

Yours sincerely,