

Please reply to our Newcastle office

Our Ref: MTS:AMP:MAD:90207

Email: albert.ponte@harriswheeler.com.au

10 November 2016

Mr Tony Giugni
Solicitor Assisting
Royal Commission into Institutional
Responses to Child Sexual Abuse

BY EMAIL ONLY: solicitor@childabuseroyalcomission.gov.au

Dear Mr Giugni

SUMMONS TO PRODUCE

We refer to your letter of 31 October 2016 enclosing the *attached* Summons to Produce (Summons).

We have conducted a search of the firm's records for any documents falling within the category of documents described in the schedule to the Summons. This included searching our electronic records, as well as our remaining hard copy records for that part of the relevant period that pre-dated the introduction of computerised record keeping in this firm.

Our searches did not reveal any documents held by this firm falling within the category of documents described in the schedule to the Summons.

Yours sincerely

HARRIS WHEELER



Matthew Smith
Managing Partner

NEWCASTLE

Hunter Mall Chambers
Level 3 175 Scott Street Newcastle ph 02 4907 6300
PO Box 500 Newcastle NSW 2300 fax 02 4907 6333
DX 7814 Newcastle

W www.harriswheeler.com.au

TORONTO

20 The Boulevard Toronto ph 02 4935 8600
PO Box 234 Toronto NSW 2283 fax 02 4935 8666
DX 7632 Toronto

E law@harriswheeler.com.au

No. S-NSW-818

NEW SOUTH WALES
Royal Commissions Act 1923
ROYAL COMMISSION INTO
INSTITUTIONAL RESPONSES TO CHILD SEXUAL ABUSE
SUMMONS TO PRODUCE

To: Matthew Smith
Managing Partner
Harris Wheeler Lawyers
Level 3, 175 Scott Street
Newcastle NSW 2300

Pursuant to section 8 of the *Royal Commissions Act 1923* (NSW), I, the Honourable Justice Peter David McClellan AM, Chair of the Royal Commission established under Letters Patent dated 25 January 2013 to inquire into and report on institutional responses to child sexual abuse, summon you to produce this Summons and the documents described in the Schedule to:

Tony Giugni, Solicitor Assisting
at Level 17, Governor Macquarie Tower, 1 Farrer Place, Sydney
on or before 11 November 2016 at 10am

SCHEDULE

1. All documents recording or relating to any advice or services provided by Harris Wheeler Lawyers for or on behalf of the Anglican Diocese of Newcastle during the period 1980 to 2007 in relation to any matter directly or indirectly concerning allegations of child sexual abuse against Peter Rushton.

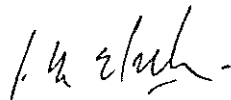
For the purposes of this Summons:

1. the term 'child sexual abuse' includes:

Any act which exposes a child to, or involves a child in, sexual processes beyond his or her understanding or contrary to accepted community standards. Sexually abusive behaviours can include the fondling of genitals, masturbation, oral sex, vaginal or anal penetration by a penis, finger or any other object, fondling of breasts, voyeurism, exhibitionism and exposing the child to or involving the child in pornography. It includes child grooming which refers to actions deliberately undertaken with the aim of befriending and establishing an emotional connection with a child, to lower the child's inhibitions in preparation for sexual activity with the child.

2. the term 'document' includes:
- a. anything on which there is writing;
 - b. anything on which there are marks, figures, symbols or perforations having a meaning for persons qualified to interpret them;
 - c. anything from which sounds, images or writings can be reproduced with or without the aid of anything else;
 - d. anything in hard copy or electronic copy stored in or on any form of media;
 - e. a map, plan, drawing or photograph,
- in the possession, custody or control of you or your organisation.

Dated this 24th day of October 2016



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 The Honourable Justice Peter David McClellan AM
 Chair of the Royal Commission

NOTES

1. Failure to comply with this Summons

Failure, without reasonable excuse, to produce a document or other thing as required by a Summons issued under section 8 of the *Royal Commissions Act 1923* (NSW) is an offence punishable by a penalty of not more than four penalty units.

2. Production of documents or things by delivery or post

You may comply with this Summons by delivering or sending the documents or things sought by the Summons to the address specified in the Summons.

3. Electronic production of documents

You may comply with this Summons by emailing an electronic copy of the documents sought in the Summons to solicitor@childabuseroyalcommission.gov.au. Please specify the reference number of the Summons in the subject line of your email.