

Mr^{CKA}
REDACTED

Dear^{CKA}

[PREFATORY GREETINGS BY BISHOP]

Thank you for writing to me and expressing your concern that confidential conversations were "provided to Parkers defence counsel".

The Diocese and the Dean were subpoenaed to produce records at the trial. The records which were produced were produced in consequence of a Subpoena to Produce Documents. The Diocese in fact sought legal advice as to whether such records could be withheld from production under Subpoena on the grounds of privilege. The advice given was that unless communication constituted a confession to a member of the Clergy according to the ritual of the Church or religious domination concerned, the communication was not a privileged communication (even though confidential). The advice that we obtained at the time was that the Church was bound to produce records to the Court. What access was given to those records became a matter for the Court to determine including access being given to the prosecution and defence.

The Church did not in any direct way provide records to Reverend Parker's defence except through compulsory Court processes.

You are of course correct that the Diocese has a protocol which involves confidential support and counselling. I do assure you that further approaches to the Church in search of counselling or support will be treated confidentially, however, the Church cannot, if litigation arose, guarantee that records brought into existence may not be the subject of any compulsory procedure by law to produce such communications to a Court. I understand that similar communications (even though confidential) between patient and doctor do not attract privilege.

[ADD RELEVANT COMMENTS OF PASTORAL NATURE]

Yours etc.