

Michael Elliott

From: Michael Elliott
Sent: Friday, 15 February 2013 12:26 PM
To: Bishop Peter
Subject: RE: draft ps protocol 2013

Dear Bishop Peter,

Thank you for the opportunity to review the draft Professional Standards Protocol 2013. Please see my comments below;

1. P3 No. 7 para 4: typographical error at "the suspension or prohibition the bishop" perhaps that should read "from the bishop"

2. P3 No 8 para 4: "Where DOCS or Police are involved..."

Could you please give consideration to the addition of the words "or any other relevant agency"

I can foresee circumstances where other agencies may require the same level of consideration, for example investigators appointed by the Royal Commission, The NSW Ombudsman's Office etc.

3. P3 No 8 last para: "The investigator may collect information from sources such as interviews, physical evidence and specialist advice"

I am uncomfortable with any statement that attempts to define the scope of evidence to be obtained in an investigation. The sources mentioned are logically where the bulk of evidence is likely to arise however there may be circumstances where other sources of evidence are relevant and I do not want any basis provided for respondents to argue for exclusion of such evidence based on such expectations set in the protocol. I would argue that some interpretations of this statement would put forward that any alternative evidentiary source is excluded by its omission from the specified sources of evidence.

To correct this I would prefer to see a statement like;

"The investigator should collect information from sources such as (but not limited to) interviews, physical evidence and specialist advice"

4. P4 No. 9 para 3. See point 2 above

5. P 4 & 5 throughout: I would prefer the word 'report' to be substituted for 'complaint'

Report infers to me a formal written report that causes confusion when that is introduced such as P5 No. 11 para 1: that speaks of the 'Investigators report' as well as the 'report' against the churchworker.

6. P4. No. 10 para 1: Could the words "if done within a reasonable timeframe and without undue delay" be inserted at the end of the first sentence. I don't want respondents delaying the progress of matters by unreasonable delays then seeking the protection of this provision eg; My lawyer is overseas for 3 months, My support person is not available until next year, I am still awaiting my legal advice it should be ready in two years".

7. P6 No 15 para 1: typographical error at the end of the 2nd sentence "for supported".

8. P6 No 16. See point 2 above & a suggestion for the following to be added after the work 'investigated' properly with the aim of determining the truth of the situation and addressing any issues that are subsequently identified as part of that process.

Could you please advise the outcome of this feedback I have provided.

Kind Regards

Michael Elliott

Director of Professional Standards

Anglican Diocese of Newcastle / Armidale / Grafton

134 King St Newcastle, PO Box 494 Newcastle, NSW 2300 Ph: (02) 49 263 733

e: psd@newcastleanglican.org.au w: www.newcastleanglican.org.au

This email is intended for the named recipients only. It may contain copyright protected, privileged and/or confidential information. Named recipients may only communicate this message to third parties if authorised to do so. If you are not the intended recipient of this communication please delete all copies and kindly notify the sender by reply email or telephone the Anglican Diocese of Newcastle on 02 263733.

The views expressed are those of the individual sender, and not necessarily those of the Anglican Diocese of Newcastle, NSW, Australia. It is your responsibility to ensure that this message and any attachments are scanned for viruses.

From: Bishop Peter
Sent: Thursday, 17 January 2013 4:00 PM
To: Michael Elliott
Subject: draft ps protocol 2013

Dear Michael,

Last year I indicated that we needed a protocol to go to the Diocesan Council. I suggested that I might do a first draft and base it on the ombudsman recommendations for an investigation. I have put together this first draft from that source together with material from the Diocese of Adelaide. It is very much a first draft. I would appreciate your review of the material so that it can then go to the DC working group (Copeman, Walsh, Williams) to come to DC.

Grace and peace

+Peter