

Janine Wilson

From: Bishop Peter <BishopPeter@newcastleanglican.org.au>
Sent: Tuesday, 12 July 2016 8:42 PM
To: Janine Wilson
Cc: pdjstuart@REDACTED
Subject: Significant email re 4.30

From: REDACTED
Sent: Tuesday, 14 May 2013 4:25 PM
To: Bishop Peter
Subject: Review of professional Standards

Dear Peter,

You may remember that at the last synod there was argument as to whether protection was needed for persons being investigated for misconduct. Stephen Williams strongly said there was need, Geoff Spring and I opposed.

The matter was temporarily settled by Stephen withdrawing the measure on my agreement to draft some provision which might solve the problem.

I was against the insertion of protection because it has become almost a standard defence in secular life if a person is accused of misconduct for them to challenge the impartiality of the adjudicator. This happens even at the level of ICAC. The aim is to see if a different and perhaps softer adjudicator can be had or, even if not, that the proceedings are delayed for as long as possible.

The traditional approach of courts was not to hear these applications until after the misconduct enquiry was finished. If the person accused was acquitted, it was unnecessary and if there was unfairness and the person was found liable, that finding could be quashed.

I think that system works well. Unfortunately in more recent times, courts have yielded to the temptation to intervene earlier.

Thus, it is prudent indeed whether or not there is a clause in the relevant ordinance stating a right in the respondent to challenge his or her adjudicators or accusers, to see that any such challenge is dealt with internally and as soon as possible.

My suggestion is that we set up a Diocesan Integrity Commission. This might consist of the Assistant Bishop, the senior archdeacon and the Business manager. The Bishop should not be a member as he or she may come into the case at a later stage. If a person complains of unfairness in the disciplinary process, he or she may make a complaint to the Integrity Commission with full details in writing accompanied by a fee of, say, \$600. The Intergity Commission shall then refer the complaint to a person who is or has been a Chancellor or Deputy Chancellor in the Church for decision and that person's decision shall be final. If the complaint is upheld, the \$600 is refunded. I have said \$600 so that the person appointed can be paid a modest \$500 and the Registry can cover its expenses with the other \$100.

If you think the suggestion is OK, it should go to Diocesan Council. I was supposed to report to it by the May meeting. If you think it more prudent we can talk it over in Newcastle next week. I won't contact Stephen Williams until I've spoken with you. I assume that with the abbreviated ordinary synod this year, this matter will not be listed.

Best Wishes, PETER YOUNG

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