

**ROYAL COMMISSION INTO INSTITUTIONAL
RESPONSES TO CHILD SEXUAL ABUSE**

**Public Hearing
(Day 22)**

Level 17, Governor Macquarie Tower
Farrer Place, Sydney

On Tuesday, 26 November 2013 at 10am

Before the Chair: Justice Peter McClellan AM
Before Commissioners: Justice Jennifer Coate
Mr Robert Fitzgerald AM

Counsel Assisting: Ms Gail Furness SC
Mr Simeon Beckett

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<THE WITNESS WITHDREW

MR BECKETT: I call Mr Michael Elliott.

<MICHAEL IAN ELLIOTT, sworn: [3.05pm]

<EXAMINATION BY MR BECKETT:

MR BECKETT: Q. Mr Elliott, I wonder if you could state your full name and occupation for the Royal Commission?

A. Yes, it's Michael Ian Elliott. I'm the director of professional standards for the Anglican dioceses of both Newcastle and Grafton.

Q. You've completed a statement in this matter dated 25 October 2013?

A. Yes.

Q. Have you had occasion to read that recently?

A. Yes.

Q. Do you say it is true and correct to the best of your knowledge?

A. I had a couple of typographical amendments, but outside of that, yes.

Q. Would you like to indicate what they are?

A. I apologise, I didn't bring them to the witness box with me, but I believe Mr Brady may have them available.

Q. We can deal with that perhaps later. Mr Elliott, as I understand it, you became the professional standards director for both Grafton and Newcastle in 2009; is that correct?

A. Yes.

Q. Could you please explain what the nature of the arrangement for your services as professional standards director was in 2009?

A. I was employed full time - sorry, part time initially by the Newcastle Diocese. The arrangement with the Grafton Diocese was a little more unclear. It had been indicated to me that I would be used on an as-needs basis by the Grafton Diocese.

Q. What did that mean in practice if we start in 2009?

1 A. In practice it meant that I was reactive to when I was
2 given instructions by Grafton Diocese to act for them and
3 to pursue matters or engage on their instruction.

4

5 Q. I think you say in your statement that the
6 professional standards committee during, the period 2009 to
7 2012, was effectively defunct; is that correct?

8 A. I don't know about "defunct". I'd call it somewhat
9 dysfunctional.

10

11 Q. I think you said in your statement that it met four
12 times in 2009?

13 A. That sounds correct.

14

15 Q. And then only twice in 2010, 2011 and 2012?

16 A. That's that I'm aware of unless they met without me
17 present.

18

19 Q. During that time, what were you doing in your role as
20 professional standards director?

21 A. For Newcastle or Grafton?

22

23 Q. For Grafton.

24 A. Early on in my appointment, I travelled to Kempsey,
25 where I presented some training around safe ministry and
26 faithfulness in service, a protocol document. I also
27 travelled to the Grafton Diocese to attend at least one of
28 those professional standards committee meetings. Outside
29 of that, I took part in some of those meetings by
30 teleconference. And besides that, there wasn't a whole lot
31 of work coming through from that diocese.

32

33 Q. Presumably you were in attendance at the professional
34 standards committee meetings that did occur?

35 A. I think I only attended one in person, and the rest by
36 teleconference.

37

38 Q. So how many times did you travel to Grafton, do you
39 think, in the period 2009 up to the end of 2012?

40 A. It was definitely two, possibly three, but I think it
41 was only two.

42

43 Q. And did you have many files in your possession from
44 the Diocese of Grafton?

45 A. No, I didn't have any. For quite a period of time,
46 I didn't have any files. When the national register was
47 introduced, I requested all of the files, and I think only

1 about three or four were forthcoming.

2

3 Q. No doubt you've been following the evidence to some
4 degree here. Are you aware of claims made by [CE], [CF]
5 and [CG] on that list of pseudonyms there?

6 A. I am now.

7

8 Q. Do I take it that when those matters were referred to
9 in correspondence between Mr Roland and Mr Harrison in
10 2009, you did not receive copies of those matters?

11 A. That's correct.

12

13 Q. Just to clarify something that has arisen - each of
14 those matters, as I understand it, involves physical or
15 psychological abuse. Are they matters - that is, physical
16 or psychological abuse matters - matters that you would
17 expect to be referred to you?

18 A. Under the protocol, no. I'm not convinced that none
19 of them were sexual matters, either. I might need to refer
20 back to them, but my expectation under the protocol was
21 that only sexual matters would be referred to me.

22

23 Q. You're aware of the claim made by [CA], are you not?

24 A. Yes.

25

26 Q. You're aware now, I presume, that she was one of the
27 group claimants who did not accept the settlement in 2007?

28 A. Yes.

29

30 Q. When you started in 2009, was her file, if you like,
31 referred to you?

32 A. No.

33

34 Q. When was the first time you came to know about [CA]
35 and her claim?

36 A. I became familiar with her - not so much her claim,
37 but her version of events, through my conversations with
38 Mr Champion, but I was unaware of any details of a formal
39 claim through the diocese until 2013.

40

41 Q. We have further correspondence that was sent in the
42 nature of claims of child sexual abuse by [CB] and [CC]
43 that was received by the bishop in February and March 2011.
44 You're aware of those claims now, aren't you?

45 A. Yes, I became aware of those in 2013.

46

47 Q. So the first time you became aware of those was when,

1 as I understand it, Ms Hywood wrote to you, referring those
2 claims to you for consideration under the protocol?

3 A. I was aware of [CB] indirectly through
4 Bishop Peter Stuart, who had mentioned that matter to me,
5 so I had some knowledge of it. [CC] - I was unaware of
6 that matter until Ms Hywood referred it to me. But I was
7 certainly unaware of the details of the claim of [CB] until
8 Ms Hywood referred me the file.

9
10 Q. At no stage during the period 2009 through to January
11 2013 did you have files opened for [CA], [CB] or [CC]; is
12 that correct?

13 A. That's correct.

14
15 Q. None of those had been referred to you by the Diocese
16 of Grafton, had they?

17 A. Not until Ms Hywood referred them to me in 2013.

18
19 Q. In 2010 the Royal Commission has heard evidence of the
20 bishop having negotiated a financial settlement with
21 Mr Campion. Are you aware of that now?

22 A. Now, yes.

23
24 Q. I think you say at paragraph 37 of your statement that
25 there was some contact between you and Ms Catt about
26 Mr Campion; is that correct?

27 A. Yes.

28
29 Q. So do I take it that there had been some
30 correspondence between you and Mr Campion about his claim
31 at about that time; is that right?

32 A. Yes.

33
34 Q. I think essentially she indicated to you that
35 Mr Campion was difficult to deal with and a constant
36 agitator to the diocese; is that correct?

37 A. Yes, that was the indication from both Ms Catt and
38 Mr Comben.

39
40 Q. And were you brought into any of those negotiations or
41 discussions with Mr Campion about a financial settlement
42 with the diocese?

43 A. No.

44
45 Q. Were you asked, in your capacity as professional
46 standards director, to provide him with any of your
47 services?

- 1 A. No. Quite the contrary, I had offered my services on
2 a number of occasions and they were declined.
3
- 4 Q. Who did you offer them to?
5 A. Bishop Slater and Rosie Catt.
6
- 7 Q. I think you say that the bishop indicated to you that
8 the matter was being handled and that there was no need for
9 you to be involved; is that correct?
10 A. He went further than that and later told me not to
11 have any further contact with Mr Champion.
12
- 13 Q. Do you understand why he said that?
14 A. I have my own view.
15
- 16 Q. Did he state why he did not want you to be involved?
17 A. He said that the matters had been finalised and he
18 didn't give a reason why.
19
- 20 Q. Were you concerned about the bishop expressing that to
21 you in those terms?
22 A. Yes, I was very concerned. I had been concerned about
23 Mr Champion and the way he had been responded to right
24 throughout that period that I had contact with him.
25
- 26 Q. Did you express that to the bishop?
27 A. Yes.
28
- 29 Q. Did you suggest to him that it would have been better,
30 preferable, at least, for you, as professional standards
31 director, to be dealing directly with Mr Champion?
32 A. Yes, definitely. I sent a letter to him that you have
33 in evidence expressing that view.
34
- 35 Q. I understand that Ms Hywood commenced as acting
36 registrar in January 2013, and her evidence has been that
37 she discovered, first of all, that there were a number of
38 professional standards files that were kept in the registry
39 at Grafton, and this was of concern to her?
40 A. Yes.
41
- 42 Q. Do you recall that, and that she took steps to have
43 those files transferred from Grafton down to you; is that
44 correct?
45 A. Yes, she brought them down personally.
46
- 47 Q. And then also on 22 January 2013 she sent you a letter

1 formally referring [CB] and [CC] for you to undertake your
2 duties with respect to; is that correct?

3 A. Yes.

4

5 Q. I understand you had some concerns when you were first
6 told that you had not received [CB]'s and [CC]'s claims; is
7 that correct?

8 A. Yes, I was very concerned at the way they had been
9 treated and the way the matters had been handled.

10

11 Q. I think you indicated something about your position.

12 A. Yes.

13

14 Q. What was that?

15 A. I drafted my resignation. I thought that I could no
16 longer work for the Diocese of Grafton, that they were
17 compromising my integrity and my position and that they
18 were re-traumatising those people who had come forward
19 alleging abuse.

20

21 Q. You clearly decided not to resign.

22 A. Yes. Ms Hywood spoke to me, and I decided to stay and
23 try and do what I could to change that situation and that
24 culture and respond to those people properly.

25

26 Q. Were some steps taken in 2013 to formalise the
27 arrangement between you and the Diocese of Grafton?

28 A. Yes. At that time I told Ms Hywood and the Diocese of
29 Grafton that I would not continue under that previous
30 arrangement, which I felt had contributed to the process
31 failures, and I drafted a new agreement where I was to be
32 remunerated, which I hadn't been to date, and there were
33 expectations around matters being referred to me and my
34 responses.

35

36 Q. The expectation about matters being referred to you -
37 you indicated to the professional standards committee,
38 I think, at a particular meeting, that you wanted to ensure
39 that all claims of child sexual abuse came to you; is that
40 correct?

41 A. That's correct. That was back in about 2009, perhaps
42 2010. It was early on. I had formed the view that matters
43 weren't being referred to me - or the suspicion, at least -
44 so I developed a form and asked them to use that form to
45 ensure that all professional standards matters were
46 referred to me.

47

1 Q. By 2013 you took further steps, didn't you, to make
2 sure that that referral process of child sexual abuse
3 matters was reinvigorated, if you like?

4 A. Yes. I told them I wouldn't continue unless that
5 occurred.

6

7 Q. Some evidence was just given a moment ago by
8 Archdeacon Ezzy about the development of a new pastoral
9 care and assistance package within the Diocese of Grafton.

10 A. Yes.

11

12 Q. Have you been involved in the development of that
13 particular package?

14 A. Yes, I've been assisting the professional standards
15 committee in the development of that.

16

17 Q. Do you have any concerns about that particular
18 package, the one that was recently adopted at
19 Bishop-in-Council?

20 A. No, I'm comfortable with it. I think it's consistent
21 with what many other dioceses are using at this point in
22 time.

23

24 Q. We've also received some evidence today about the way
25 in which the claims of [CA], [CB], [CC] and [CE] have been
26 dealt with. I understand that you have set out in your
27 statement that not long after those matters had been
28 referred to you, particularly [CB] and [CC], you made
29 contact with those two people; is that correct?

30 A. I did, yes. I contacted them and engaged with them
31 and asked if they would be prepared to have ongoing contact
32 with me, with the aim of providing a more appropriate
33 response than what they had received to date.

34

35 Q. [CB]'s claim, I think, was approximately two years old
36 by the time you made your first call to [CB]; is that
37 correct?

38 A. Yes.

39

40 Q. And at that point in time essentially he had been
41 offered a pastoral support person?

42 A. Yes.

43

44 Q. And he had been offered no further support in terms of
45 the way the protocol is drafted?

46 A. That's my understanding.

47

1 Q. He hadn't been offered even counselling by that stage?

2 A. That's correct.

3

4 Q. So did you offer counselling and other support to him
5 at that point in time?

6 A. Yes, I did. He was very angry at the way he had been
7 treated, so it took some time to just even establish
8 a communication with him and have him agree to work with me
9 and have me support him.

10

11 Q. What did he say to you that he was angry with the
12 diocese about?

13 A. He was angry with Bishop Keith Slater for the way that
14 he had responded to him and treated him, specifically.

15

16 Q. You also, I understand, spoke with [CC]; is that
17 correct?

18 A. Yes.

19

20 Q. How had she responded to the similar lack of contact
21 over the previous two years?

22 A. It had been extremely traumatising to her, the
23 responses that she had received. She was in a very fragile
24 emotional state and had been for some time. She had fairly
25 serious psychological symptoms as a result of the abuse she
26 had endured in the home, and this very much brought that to
27 the surface. She was suicidal and on several occasions
28 indicated to me in my dealings with her that she didn't
29 know how much longer she could go on and that she was on
30 the brink of taking her own life.

31

32 Q. You took some steps to support her?

33 A. I did. I made an immediate recommendation, through
34 the professional standards committee, for an emergency
35 payment of \$5,000 to be made to her to assist her to
36 improve her housing situation and enable her to have better
37 access to services that she needed.

38

39 Q. Was she able to achieve some counselling or other
40 support?

41 A. She didn't wish to take up counselling. She said that
42 she had had a lot of counselling over the years and didn't
43 wish to pursue that at this stage.

44

45 Q. Did you take any steps to refer [CB]'s and [CC]'s
46 matters to the police?

47 A. Yes, I did. I referred both of those matters.

1 I actually referred all of the files that Ms Hywood gave
2 me, and they were quite extensive - I scanned all of them
3 and provided them to police.

4

5 Q. You're probably aware of a schedule that was prepared
6 by Mr Comben, setting out the 40 or 41 claimants in the
7 group claim?

8 A. Yes, I've seen that.

9

10 Q. When was the first time that you were given a copy of
11 that document?

12 A. I believe in 2013 with the documents Ms Hywood
13 provided to me.

14

15 Q. So no steps, as far as you were aware, were taken by
16 the diocese to refer those matters to you in the period
17 2009 to January 2013?

18 A. That's correct, and I re-did another version of that
19 table and read through those documents and pulled more
20 information that was relative to any criminal acts and
21 referred that to the police as well, to assist them.

22

23 Q. I'll just ask you a couple of disciplinary matters and
24 then I'll ask you about the national register. If we can
25 take Reverend Kitchingman, to begin with, what's the
26 current state with respect to Reverend Kitchingman's matter
27 in terms of disciplining or considering him for discipline
28 based on his 2002 convictions for indecent assault?

29 A. I have recently referred that matter to the
30 professional standards committee of Grafton and provided
31 them with a copy of his conviction records.

32

33 Q. What was the recommendation, if any, you made to the
34 PSC about how that should be dealt with?

35 A. A recommendation hasn't been made yet. It hasn't
36 formally been considered. But it is on their agenda.

37

38 Q. I understand that Reverend Kitchingman is in fact
39 resident within the Diocese of Newcastle; is that correct?

40 A. Yes.

41

42 Q. I also understand that there is a safe ministry
43 practice within Newcastle, that is to say, the approach in
44 the Diocese of Newcastle is that where somebody has been
45 convicted of child sex offences, the diocese will enter
46 into a memorandum of understanding, or some sort of
47 informal agreement, with the person about their attendance

1 on church property; is that right?

2 A. That's only a very recent development. It only
3 occurred within the last few weeks. There's no such
4 arrangement as yet with Reverend Kitchingman.

5
6 Q. So in your period in the Diocese of Newcastle as
7 professional standards director, do I take it that there is
8 no arrangement between the diocese and Reverend Kitchingman
9 about his attendance upon church property?

10 A. I understand that the current administrator bishop has
11 given instruction to the dean where Reverend Kitchingman
12 attends around identifying and managing that risk until
13 a formal process can be put in place.

14
15 Q. You said the practice has only been recently adopted.
16 Is that the safe ministry practice, or what's the nature of
17 that particular policy?

18 A. No, it's titled the safe ministry - it's got a long
19 title - safe ministry and managing persons of concern and
20 persons convicted of sexual offences.

21
22 MR BECKETT: I'll hand up a document - three copies for
23 the Bench and one for the witness.

24
25 Q. Is this the safe ministry document you were referring
26 to a moment ago?

27 A. Yes, that looks like it. There have been several
28 amendments recently, so I'd have to read it a bit more
29 thoroughly just to ensure it's the most current version.

30
31 Q. We also have a copy of a tracked changes document with
32 respect to this issue. In any event, if you could just
33 review it to see whether it is, to your knowledge, the most
34 current version?

35 A. What I'm looking for, Mr Beckett - you might be able
36 to assist me - is the most current version has reference to
37 risk assessment being conducted by the professional
38 standards committee.

39
40 Q. I'll hand you up another document and see whether that
41 assists. That's a tracked changes document. I'll tender
42 the first one, but I won't tender the second one at the
43 moment.

44 A. Thank you. Yes, this looks more like my understanding
45 of what is the most current version.

46
47 Q. We have been given a letter from the bishop

1 administrator, Dr Peter Stuart, dated 25 November 2013,
2 providing us with that tracked change document and with an
3 accepted changes document. Do you accept that the one
4 without markings is the current policy adopted by the
5 diocesan council on 21 November?

6 A. Yes.

7
8 MR BECKETT: I tender the first of those documents.

9
10 THE CHAIR: Very well, the safe ministry document will be
11 exhibit 3-20.

12
13 **EXHIBIT #3-20 SAFE MINISTRY DOCUMENT**

14
15 MR BECKETT: Q. Mr Elliott, are you aware of why this
16 safe ministry document seems to have only been created in
17 the last two weeks?

18 A. I have a view on it.

19
20 Q. You're the professional standards director at
21 Newcastle. These safe ministry practices have been around
22 for some years, have they not, in other dioceses in the
23 Anglican Church?

24 A. Yes. I've been asking for them to be implemented in
25 Newcastle, but it's been slow to occur.

26
27 Q. You have been there since 2009 and no safe ministry
28 policy has been adopted during that time until this year?

29 A. We have safe ministry policies and Professional
30 Standards Ordinance and the like, but as far as a document
31 specifically relating to management of persons of concern,
32 this is the first one that has been implemented.

33
34 Q. I think you indicated earlier that no steps have been
35 taken by the Diocese of Newcastle to adopt practices,
36 irrespective of any written policy, with respect to those
37 convicted of child sexual abuse?

38 A. No, I had taken steps to attempt to have some risk
39 management practices in place, with varying levels of
40 effectiveness.

41
42 Q. But with respect to Reverend Kitchingman at least, no
43 steps had been taken with respect to him; is that correct?

44 A. That's correct.

45
46 Q. The last thing I want to ask you about is that we have
47 some evidence about the Anglican national register.

1 A. Yes.

2

3 Q. As I understand it, the register commenced operation
4 in 2009?

5 A. Yes.

6

7 Q. That's notwithstanding that there were canons passed
8 with respect to the register both in 2004 and in 2007; is
9 that correct?

10 A. Yes.

11

12 Q. Do you understand that there was a number of disputes
13 about the nature, if I could call it that, of the register
14 and how it would operate?

15 A. Yes.

16

17 Q. From 2009, that being the same year in which you
18 commenced as professional standards director in Grafton and
19 in Newcastle, what has been your experience of the
20 operation of that particular register?

21 A. The register has been somewhat problematic. There
22 have been a lot of technical problems that are being
23 rectified over time, but it has been difficult to use and
24 somewhat problematic.

25

26 Q. Let me ask you about that. First of all, am I correct
27 in saying that all clergy are entered on the register?

28 A. Clergy and lay who fit within the criteria to be
29 listed.

30

31 Q. That doesn't mean that you have necessarily done
32 something wrong, does it, the fact that you're on the
33 register? It's the fact that you're a member of clergy or
34 a member of laity?

35 A. No, it would only be persons of concern.

36

37 Q. Thank you for clarifying that. Let's start with
38 Grafton first. Have you had occasion to enter or at least
39 attempt to enter any persons associated with the Diocese of
40 Grafton on to that national register?

41 A. Yes. In I think it was 2009 I requested from
42 Rosie Catt at Grafton persons who fitted the criteria of
43 the canon to be listed. It took her some time, but she
44 eventually provided me four names, which I did enter on the
45 register. And Mr Kitchingman was not one of those.

46

47 Q. Was Reverend Brown one of them?

1 A. No.

2

3 Q. Were any of the people that you subsequently came to
4 know to be on the list of people who had allegations
5 against them in the group claims provided to you by Ms Catt
6 or by anybody else at the diocese?

7 A. No, not until 2013.

8

9 Q. Were you able to successfully put those four names on
10 to the register?

11 A. I believe so.

12

13 Q. Then what's your experience in Newcastle with putting
14 names on to the register from Newcastle?

15 A. Again, it's problematic and a difficult task. I have
16 been able to enter some names on to the register. Others,
17 it's difficult to actually make the assessment as to
18 whether they fit the criteria to go on or not.

19

20 Q. Why is that difficult?

21 A. One of the criteria is that if it's a complaint of
22 a sexual nature that's not deemed to be exhausted, then it
23 goes on the register. But the category of "exhausted" took
24 in false, vexatious or finalised, yet a lot of the
25 historical files that I have at Newcastle don't fit into
26 any of those categories. They perhaps haven't been dealt
27 with or haven't been dealt with appropriately. Some of the
28 files are compromised. And it's difficult to determine -
29 I wouldn't categorise them as exhausted.

30

31 Q. So am I correct in saying that it needs to be
32 exhausted before you can have it entered on the register;
33 is that correct?

34 A. No, if it's exhausted, it doesn't get entered.

35

36 Q. But in that case, why can you not have entered on the
37 register that there are allegations against a particular
38 person?

39 A. Once you enter a person on the register, a letter is
40 automatically sent to them notifying them of the register
41 entry and providing them the opportunity to dispute that
42 entry. In some of these cases, it may not be appropriate
43 to notify that person of the complaint, should it become
44 a current investigation or in fact a police investigation.

45

46 Q. I see, so in other words in order not to interfere
47 with what the police are doing in a particular

1 investigation, you're prevented, if you like, from having
2 allegations with respect to that person entered on the
3 register?

4 A. I wouldn't say "prevented". I think there is
5 a provision for a warning that lasts for 30 days that must
6 be continually renewed, but again it's technically
7 problematic and difficult to use.

8
9 Q. I understand from your statement, particularly
10 annexure ME-52, that there has been some correspondence
11 between you and other professional standards directors
12 about the register; is that correct?

13 A. Yes, the directors meet regularly and correspond
14 regularly, and there has been a lot of correspondence. It
15 has been a point of discussion and an agenda item since its
16 introduction.

17
18 Q. If I can bring up the first page of ME-52, you will
19 see there, there is an email to you and a number of other
20 people, presumably professional standards directors - first
21 of all, is that correct, that's an email from
22 Peter Caporaso to a number of professional standards
23 directors?

24 A. That would be all of the professional standards
25 directors nationally.

26
27 Q. You'll see that Mr Caporaso is indicating that he is
28 anxious because he has so much information in Adelaide that
29 has not been loaded on to the register. Do you see that?

30 A. Yes.

31
32 Q. In fact, he says there is almost nothing from Adelaide
33 on the register. Do you see that?

34 A. Yes.

35
36 Q. Is that your experience with respect to communications
37 about the register from other professional standards
38 directors in Australia?

39 A. Not all dioceses. I know Brisbane, the director in
40 Brisbane has managed to get all of his matters listed
41 effectively, and some others have, but this is the
42 experience of some of the other dioceses, that they have
43 experienced difficulty.

44
45 Q. Would you consider yourself one of the people who has
46 experienced difficulty with the operation of the register?

47 A. Definitely.

1
2 MR BECKETT: Those are the questions for Mr Elliott.
3
4 THE CHAIR: Q. You talk about the register and one gets
5 the feeling that you might have some ideas as to how things
6 might be changed with it. Do you?
7 A. Yes. There are some things under way that I think
8 will rectify the register. They may not be in full swing
9 until early next year.
10
11 Q. Can you let us know what that's all about?
12 A. Yes. The software, I believe, is being reassessed,
13 and the whole program is being re-evaluated and some
14 resources put into simplifying the software and how it's
15 actually used. I think that should go a long way to
16 rectifying some of the issues.
17
18 Q. How do the current problems manifest themselves?
19 A. I guess there's a general lack of confidence in the
20 register among the directors of professional standards.
21
22 Q. That if you search it, you may not find --
23 A. Well, that's one of the other issues that we've had
24 instances where unless you search for the exact name, then
25 it won't come up. So if you have an abbreviated name or
26 a shortened name or a slightly different spelling, you
27 won't necessarily get a result on the register.
28
29 Q. Are there other issues that need to be addressed?
30 A. Yes. The hardware component of the register. We each
31 have a portable laptop that we use that could be improved.
32
33 Q. To what advantage? How would that help you with the
34 register?
35 A. It would be simpler if it could be integrated into our
36 desktop computer. It's a small computer that I need to -
37 for example, when I use mine, I need to unplug my network
38 cable from my desktop and plug it in and start the thing
39 up. It's a time-consuming process.
40
41 Q. A matter of convenience?
42 A. There's many passwords to try to enter at different
43 points, because the information is encrypted and bounces
44 back and forth between the national register office in
45 Sydney and your location.
46
47 Q. Any other issues?

1 A. Yes, I think that that is a significant issue - the
2 one where the letter is sent out. I understand that that's
3 a procedural fairness issue, but the directors need a flag
4 for people who may be under current police investigation
5 but without necessarily that respondent being made aware of
6 that.

7
8 Q. So what do you suggest should happen?

9 A. I would like to see the directors of professional
10 standards to take control of the register in some way,
11 rather than it be managed by the General Synod office,
12 because I think they have a better understanding of the
13 functionality of it.

14
15 Q. So how would you do that?

16 A. Well, I think collectively we would have to discuss
17 whether one diocese was prepared to take responsibility for
18 it, and I know that poses difficulties around resourcing
19 and management of it and time, but that might be able to
20 make it more effective, because at the moment in order to -
21 acknowledging the failures of the register, the directors
22 simply email each other and say, "Does anyone know this
23 person?"

24
25 Q. So effectively you bypass the register?

26 A. Yes.

27
28 Q. Which means the register, at the moment, doesn't sound
29 like it performs any useful function; is that what it
30 amounts to?

31 A. Well, I guess it does, to some degree, but it's not as
32 failsafe as it could be, and there are problems with using
33 it. The technical problems are to a point where it's
34 exceptionally time consuming and the directors have lost
35 confidence in it and don't tend to use it as much as they
36 could, I guess, or should.

37
38 Q. Has someone put all this on paper? Is there
39 a document that records the problems and what should happen
40 to fix them?

41 A. Yes, the directors have sent at least three letters to
42 General Synod office indicating their concerns.

43
44 THE CHAIR: Do we have those letters, Mr Beckett?

45
46 MR BECKETT: Yes. Tomorrow, your Honour, the Royal
47 Commission will hear from Martin Drevikovsky. A number of

1 letters have been written to him and he has replied to
2 those. He has also made, as I understand it, a number of
3 reports to General Synod or to the standing committee of
4 General Synod, in any event, about the particular register.
5 I haven't seen those documents, but I'm hoping after we
6 finish today to sit down and read them.

7
8 THE CHAIR: I think we need to know, before we let
9 Mr Elliott go, whether there are issues that he would seek
10 to have you put to anyone who comes along to talk about
11 what is going to happen.

12
13 MR BECKETT: Indeed.

14
15 MR GRIFFIN: Your Honour, might I raise an issue on that
16 topic?

17
18 THE CHAIR: Yes.

19
20 MR GRIFFIN: Mr Drevikovsky provided a supplementary
21 statement yesterday to the Commission, and that statement
22 was further amended this morning. It relates to the
23 national register. It might assist the Commission - I'm
24 purely in your hands on this - if Mr Elliott had the
25 opportunity to read Mr Drevikovsky's statement.

26
27 THE CHAIR: That's what I have in mind. I don't want him
28 to go until we know we have the whole story and can
29 identify whether there are remaining problems.

30
31 MR GRIFFIN: Based on my instructions, I have the same
32 concerns you have just expressed, your Honour.

33
34 THE CHAIR: Mr Beckett, I don't know how we should deal
35 with that.

36
37 MR BECKETT: Ask Mr Elliott to perhaps stay overnight and
38 he can review the documents this afternoon and return in
39 the morning.

40
41 THE CHAIR: Q. Mr Elliott, this is not an unimportant
42 matter for us.

43 A. I understand, your Honour.

44
45 Q. If you have the time, I think it would be of real
46 benefit - and Mr Griffin, I'm sure, would share this view -
47 that you have a chance to look at what has been sent to us

1 so that tomorrow morning you might come and let us know --
2 A. Yes, I'm happy to do that, your Honour.
3
4 Q. We would really like in summary form a list of any
5 outstanding issues and how you suggest they should be
6 addressed?
7 A. Certainly. I was reflecting there during that period.
8 To me, the simplest version of a national register would
9 simply be - it only needs to be a list of names with a flag
10 that a file exists in a particular diocese about that
11 person, and then a director can then make inquiries to
12 access that file.
13
14 Q. That may be right.
15
16 THE CHAIR: When do you anticipate calling Mr Drevikovsky?
17
18 MR BECKETT: Immediately after Mr Elliott.
19
20 THE CHAIR: He is here, is he?
21
22 MR BECKETT: When I say immediately, I was going to seek
23 the indulgence of the Royal Commission until tomorrow
24 morning so I could read his statement which has just come
25 in to me today.
26
27 THE CHAIR: Q. I think it would be a good idea if you
28 had a chance to talk to him when you have read his
29 material. I assume you know him?
30 A. Yes. He is present.
31
32 Q. He is present, is he? Well, perhaps if someone can
33 facilitate you having the documents, and then you might
34 have a chat to him.
35 A. Yes.
36
37 Q. We really would like to get to the bottom of it so we
38 can provide, if necessary, some authoritative statement
39 about what we think should happen.
40
41 THE CHAIR: You want to adjourn, do you?
42
43 MR BECKETT: Just before we do, I can ask one more
44 question and then perhaps ask your Honour to adjourn.
45
46 THE CHAIR: Very well.
47

1 MR BECKETT: Q. I wonder if tab 154 in exhibit 3-2 could
2 be brought up on the screen. It is Ringtail
3 ANG.0022.001.0001. Mr Elliott, you will see this is an
4 email from Bishop Peter Stuart of the Anglican Diocese of
5 Newcastle to you and to Alison Dalmazzone dated 7 June?

6 A. Yes.

7
8 Q. You will see that this is a letter from
9 Dr Philip Selden to various bishops saying if they are
10 "approached by the following persons regarding employment
11 in ministry please contact the Registry of Sydney Diocese"?

12 A. Yes.

13
14 Q. And then there are four names which the Commission has
15 redacted. Do you see that?

16 A. Yes.

17
18 Q. This is an example of the informal process that has
19 been instituted amongst the professional standards
20 directors that you referred to earlier?

21 A. No, this is an informal process that the bishops from
22 time to time use. The professional standards directors
23 would adopt that on a more frequent basis, probably weekly,
24 where any person applying for a licence or a significant
25 position in the diocese would be circulated on a group
26 email to ascertain if any other director had concerns or
27 a file about them, but in a similar vein.

28

29 Q. So the process that you've adopted at least, within
30 Newcastle, is that if somebody applies for a licence, then
31 you circulate that name to all the 23 dioceses around
32 Australia; is that correct?

33 A. Yes, if those names are referred to me, which
34 currently they usually are.

35

36 MR BECKETT: That's the additional matter.

37

38 THE CHAIR: Thank you. We will adjourn until 10 o'clock
39 in the morning.

40

41 **AT 3.55PM THE COMMISSION WAS ADJOURNED TO WEDNESDAY,**
42 **27 NOVEMBER 2013 AT 10AM**

43

44

45

46

47

#	2	4
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