



Anglican Diocese of Newcastle

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Submission by the Director of Professional Standards to Diocesan Council re proposed amendments to Professional Standards Ordinance.

Following review of proposed amendments to the Diocesan Professional Standards Ordinance being considered at the Diocesan Council meeting of Thursday the 30th September 2010, I wish to formally raise the following serious concerns;

1) Poor Consultation Process

There has been a lack of thorough consultation with relevant stakeholders on this matter.

The Professional Standards Committee have not had an opportunity to view, consider or discuss the proposed amendments. The Chairperson of the PSC, Mr Geoff Spring, is currently overseas on leave and has not seen the proposed amendments, Mr Spring is the only member of the PSC with formal legal qualifications and should be consulted in this process along with the rest of the Committee.

The Professional Standards Board has not been consulted of the proposed amendments and is not aware of them.

The Director of Professional Standards has had limited time to consider the proposed amendments thoroughly. I have constructed a preliminary review (attached) which raises serious concerns.

2) No Independent Advice

No independent advice has been sought regarding several important principals;

- a) The validity and implications of the proposed amendments
- b) Does D.C have the jurisdictional power to amend the Professional Standards Ordinance?
- c) Any liability implications

3) Inadequate Time For Thorough Consideration of Current Case Reviews

I understand that preliminary findings in current case reviews of the Gumbley and ^{COJ} matters (being undertaken by Professor Patrick Parkinson) are to be delivered on the 30th September 2010, the same day Diocesan Council meet to consider this issue. This is inadequate time for stakeholders to thoroughly consider those case reviews which should be extremely relevant in shaping any amendments to the Professional Standards Ordinance or processes.

4) Conflict of Interest

Most of the proposed amendments are being instigated by the Chancellor. The Chancellor is representing Mr Jim BROWN in current criminal proceedings (as confirmed to me by Mr BROWN and his Solicitor Mr Peter CLEAVES). BROWN has been charged with an extensive number of child sexual abuse charges many of which allegedly occurred while BROWN was engaged by this diocese as a church worker. The Chancellor has also previously represented Mr BROWN in prior criminal proceedings of the same nature.

This matter was referred to the PSC on the 5th August 2010 and remains a current matter. I believe this is a clear conflict of interest that has not been declared by the Chancellor. Such a conflict should mean that the Chancellor is not in a position to play any role in amendments to the Professional Standards Ordinance.

5) Concerns Regarding Current Matters

The proposed amendments as tabled WILL seriously compromise current Professional Standards Matters.

6) Implications Not Clearly Understood

I don't believe there is a clear understanding of the full implications of the proposed amendments and this issue warrants further investigation and consultation in order for informed decisions to be made.

7) Proposed Amendments Outside of Model Ordinance

As indicated on the attached preliminary review, many of the proposed amendments are not derived from the Model Professional Standards Ordinance. Those amendments that are not from the Model Ordinance deserve very close scrutiny and thorough consideration.

RECOMMENDATIONS

I would like to make the following recommendations;

- 1) That this report be distributed to all members of Diocesan Council prior to the meeting of Thursday the 30th September for their consideration.
- 2) That the issue of proposed amendments to the Professional Standards Ordinance be deferred until the issues raised by me are able to be adequately addressed.

Yours Sincerely



Michael Elliott

Director of Professional Standards