

REDACTED

27 January, 2011.

My Dear Bishop,

I have your letter of 24 January, 2011 and note your concerns that the Board's recommendations were made public before you had the opportunity to see them officially.

I also note you heard of the recommendation on a radio news bulletin and from an agitated Cathedral parishioner.

I understood it was well known that the hearings to which you refer would proceed on 13 & 15 December, 2010. I was not informed of your whereabouts, but I did direct that the Board's determinations and recommendations be immediately forwarded to you after they had been delivered at the hearing.

As you acknowledge, the proceedings before the Board are open. It is my view that such openness can only be varied in unusual or exceptional circumstances. Even had I been aware you were not in Newcastle at the time, that would not have been sufficient reason to not publicly disclose the Board's determinations and recommendations.

I recall when you were sermonizing recently at the Confirmation Service in Cessnock, you reflected upon the transparency of proceedings in our High Court and how fortunate we are to have such openness. We are at one with this point of view. I add, it is not trite to say that when things are done in secret, suspicions are heightened.

To do as you suggest, viz., "that determination should be conveyed privately", in my view would give weight to the propositions that the Board lacks independence and has to have the Bishop's approval before delivering its findings. The best way to deal with such propositions is for publicity of the determinations and recommendations of the Board. Such eliminates the prospect of you being capable of being accused of interfering in the Board's processes and determinations.

I suggest that the "...unfortunate pressured environment" you feel placed in for these circumstances, would not be as seriously unfortunate had the Board proceeded in secret as you suggest. Far be it for me to advise you about agitated parishioners, but a prudent response in these circumstances might have been: "I haven't read the determinations of the Board yet, so I can't comment on them. The Board is independent of me and is comprised of experienced professionals from different walks of life, including the law. The Respondents do have a right of review and it would be best if I say nothing until the time for review - 14 days - has passed."

Perhaps if you are going to be absent from Newcastle when the Board is sitting, arrangements can be made by your secretary to contact you as soon as the determinations and recommendations are made public.

Further, whilst the current proceedings in the Supreme Court have taken up more of my time and there are some worrisome aspects, when I accepted appointment as President of the Professional Standards Board, I was aware there would be burdens imposed upon me legally and – to some degree – in the nature of “Church Politics”. I have accepted those challenges, as you must be aware, for the most altruistic of motives.

The current proceedings have been particularly challenging and time consuming. But I accept that as part of the price we have to pay to ensure that truth is heard and justice is done.

The truth is that for Justice to be done, it must be seen to be done.

I am of the firm view that the procedures this Board has adopted will stand scrutiny and the matters raised by you should not alter the manner in which the Board proceeds in the future.

Whilst I feel I am able to enter into correspondence with you about the Board’s processes and procedures, it must be understood that it would be inappropriate for such discourse about particular cases, especially those that might be pending in any arena.

Bishop, thank you for this opportunity to allay your concerns.

Truth and Justice,

C.A. Elliott.
President.
Professional Standards Board.