

Dear Secretary,

I refer to your recent email regarding the enquiry of the Commissary as to delivery of the determination and recommendation of the Professional Standards Board following any hearings.

It has been my policy that, in keeping with what I regard as the clear spirit and intendment of the Ordinance, all proceedings before the Board be in the public arena. It is not my intention to favour any person with the determinations and recommendations of the Board prior to them being publicly delivered.

Further, my policy also is, that a copy of those determinations and recommendations be transmitted to the Bishop/Commissary immediately after they have been delivered at the open hearing.

It might be made known to the Bishop/Commissary that I am keenly aware of the public interest in proceedings before the Board and will do the best I can to ensure the Board's integrity. That integrity is likely to be affected should I, or a member of the Board transmit its findings to him prior to being publicly delivered at the hearing.

I add that I have been reflecting upon the duties imposed upon the Board. For me they are not onerous. But I do recall the wholesome and willing support of my colleagues on the Board in the determination and recommendations made involving Sturt & Lawrence. For those unfamiliar with the requirements of the law it must have been challenging.

You will recall the time, legal advice and work I personally contributed when the Bishop, the Board and the Committee were taken to the Supreme Court by Sturt & Lawrence seeking declarations that the Ordinance was invalid, that the Board was prejudiced and denied natural justice, and an order that the Bishop be restrained from implementing the Board's recommendation.

Each of the allegations made by Sturt & Lawrence was dismissed. The determinations and recommendations of the Board were upheld. I understand there has been no appeal from the decision of the Supreme Court. I recall Bishop Brian mentioning he felt a great weight had been lifted from his shoulders. Something akin, I suspect, to the feeling one has when vindicated by some public authority charged with that responsibility.

One of the results that can be achieved in proceedings before the Board is Restorative Justice. Such Justice occurs when victims of wrongdoers are vindicated and compensated and - as best as can be done - victims are restored to where they should have been but for the wrongdoing. Sometimes that occurs when criminals are locked up and or required to pay compensation.

The victim of Sturt & Lawrence has not sought compensation. However I am sure he has an expectation that the recommendation of the Board will be carried out so that he too might feel a great weight lifted from his shoulders. Indeed that great weight was identified by his Honour Justice Sackar in his decision of 27 April last when he addressed (at 125) ".....the complainant's struggle to come to terms with what had occurred (and) which had haunted him...."

I have not heard that the Bishop has followed the recommendation of the Board. I understand that he went to England for a holiday. If the recommendation was not followed by Bishop Brian, will the Commissary do so and quickly out of concern for the victim so that he may have some restorative Justice?

Truth & Justice,

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

*Re Sturt decision  
from PSB President*