

To Colin Elliott et al

I have received the letter that the President of the Professional Standards Board has circulated.

In his letter Colin Elliott raises, and implicitly, if not explicitly, questions me as the Church authority to whom the PSB was making a 'recommendation', about my reasons for not completely accepting one particular recommendation.

Before responding to that questioning, I need to indicate my understanding of my role as the Church Authority. In coming to this understanding I have valued the advices given to me by both the Chancellor and Deputy Chancellor of the Diocese of Newcastle, both eminent jurists.

My understanding is and from which I have acted in making my decisions that the Bishop has reserve powers accorded to the Bishop by the Constitution of the Anglican Church of Australia. I have used these reserve powers as the Church authority to evaluate the recommendations given to me by the PSB from its Hearings.

Recommendations are recommendations; they are not instructions. If the sole determination lay with the Board Hearing the Ordinance would have indicated such and the Church authority would simply be required to execute that determination.

That is my first point: the recommendation was a recommendation. I too had to bring my judgement upon the recommendation. My perspective is not simply judicial; it is a governmental perspective that has to decide upon the fitness for office of those about whom the PSB's recommendations are made.

My second point is that in making my decision, unlike the Board, I have to have a perspective that includes the welfare of the community and the church. I am more than any other person in the Diocese of Newcastle identified with the decisions.

I receive first-hand the further wounding of people who become secondary and tertiary victims from the cases of abuse that come before the PSB. And in stating this I am not unaware of the trauma that members of the PSB, the PSC and the PSD himself must suffer as they hear the heart-break of those complainants who have been sexually abused by clergy or by lay workers of the Church. I am not recoiling from my task or position. Rather, I am indicating that I encounter the further scope of victims from the decisions we take and the publicity given to those decisions.

Although in his letter Colin Elliott details a list of crimes that he believes were committed by all the respondents present in that motel room in Narrandera in 1984, the investigating police as at this time have not laid any charges against the respondents. This listing, heinous as it is, cannot be used by me to determine mechanically my decision because I cannot supersede the police in this matter.

The Professional Standards process is not a criminal process; it is a process to determine whether or not the priests in question are fit for office. The process is not punitive; it is protective. I am not sure whether Colin Elliott in the style of his letter has fully appreciated this distinction.

Now, in regard to Graeme Sturt I thought long and hard about his involvement. I concluded because of my knowledge of the influentially powerful personalities of both Bruce Hoare and Graeme Lawrence (in particular) that Sturt having been Lawrence's curate was most likely dominated by Lawrence and led by Lawrence. I think that to some extent Sturt was a victim in this episode.

Those who have closely known Graeme Lawrence in this Diocese would recognize the estimation I am giving of his power. In a much smaller Diocese like Riverina was (that is in its number of priests and Lawrence was the Archdeacon-Administrator) and as isolated as it then was from the mainstream of the Anglican Church of Australia, and given the weak leadership of the Bishop of the that time (from whom I received a letter pleading that I not depose Bruce Hoare), the influence and power of Graeme Lawrence was unchecked.

Sturt was weak and his conduct reprehensible but he did not engage in the sexual acts that the others did. I therefore determined that his actions, largely his passivity and subsequent concealment, arose out of his being dominated by Lawrence. I appreciate that this is an inferior form of victimhood, but it is victimhood, nonetheless.

In some respects Sturt has borne the greater financial punishment: he has been deprived of his stipended position. The others are retired.

Sturt has lost his place of residence, his income and any possibility of being re-employed by the Church. The five year prohibition takes him beyond the mandatory retirement age. He will be on the National Register. This has been a high profile case and his name has been widely publicized and is easily retrievable from the web with all the accusations and decisions made against him open for public scrutiny. He has received hate mail too.

Sturt also faces because of his foolishness in joining in the action against the Diocese that went to the Supreme Court legal costs from the Diocesan Insurer that will financially cripple him.

I therefore concluded that the sentence I imposed upon Sturt indicated the extent of his unfitness for office and was harsher than the psychological impact of the sentences imposed upon Hoare and Lawrence.

The Prohibition document given by me to Graeme Sturt declared:

THE ANGLICAN CHURCH OF AUSTRALIA ~ DIOCESE OF NEWCASTLE

Brian, by divine providence Bishop of Newcastle

To the Reverend Graeme Sturt

GREETING

I do by these presents hereby

ACCEPT

the recommendation from the Professional Standards Board that you be deposed from Holy Orders

BUT SUSPEND the implementation of that recommendation provided that you are not the subject of an adverse finding by a Professional Standards Board or equivalent body for a period of five years and from that time permanently stay the implementation of that recommendation

AND IN ADDITION HEREWITH PROHIBIT YOU FROM THIS DAY FORWARD AND FOR FIVE YEARS FROM

- (i) officiating or acting in any manner as a priest or deacon of this Church; or
- (ii) accepting or holding any office in this Church capable of being held only by a person in Holy Orders;
- (iii) wearing any vestment that would indicate to others that you are a priest or deacon;
- (iv) wearing any dress that would indicate to others that you are a priest or deacon without the agreement of the Bishop in writing for each occasion
- (v) holding yourself out to any person as being a priest or deacon in good standing;
- (vi) having any right, privilege or advantage attached to the office of priest or deacon;
- (vii) holding an office in a diocese which may be held by a lay person without the consent of the bishop of the diocese;

AND AS A CONSEQUENCE OF THAT PROHIBITION REVOKE YOUR LICENCE AND DECLARE THE OFFICE OF THE RECTOR OF CARDIFF TO BE VACATED AND RESERVE TO MYSELF OR MY SUCCESSORS BISHOPS OF NEWCASTLE THE POWER TO END THE SUSPENSION OF THE RECOMMENDATION AND DEPOSE YOU FROM HOLY ORDERS SHOULD YOU FAIL TO ABIDE BY THE PROHIBITIONS SET OUT IN THESE PRESENTS.

This Prohibition (as with the documents of Deposition) was sent to every Bishop in Australia, including currently retired Bishops.

One final point: the conclusion of these matters, protracted as they have been, has been mired within the Diocese through the disastrous meeting held in Saint John's Cooks Hill in regard to the PSB decision about Garry Dodd. That meeting was held against my strong advice and negated explosively the outcome that its engineers had promoted –restorative justice.

The dreadful presentation that night at Cooks Hill still reverberates around the Diocese, especially amongst the clergy, and has caused loss of confidence in the Professional Standards processes of the Diocese. I also felt that I was heavily compromised by that meeting and the inadequate written recommendation from that Board Hearing.

Upon the advice of the Chancellor, Mr Justice Young, I invited each of the respondents –Lawrence, Hoare and Sturt- to make a submission to me before I made my determination. Each of them gave as their reason for their refusal to appear before the Board in an open hearing the fracas of that Cooks Hill meeting.

Nevertheless, I have consistently, continually and publicly upheld the Professional Standards processes of the Diocese. And in the letters that obviously crossed, I thanked each of the members of the PSB, the PSC, and the Professional Standards Director for their committed service and assistance.

I hope this letter leads to your further understanding of my role as the Church Authority and the rationale for the decision which Colin Elliott is questioning.

Grace and peace,

**Dr Brian Farran,
Bishop of Newcastle.**