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SPA TSL 03 1371 2311

15 September 2004

Justice T. Olsson
Presiding Member
Anglican Church Board Of Inquiry
C/- Anglican Church Office
26 King William Road
NORTH ADELAIDE SA 5006

Dear Justice Olsson

Board of Inquiry Report published 26 May 2004

We refer to the above report, authored by yourself and the other member of the Board of Inquiry, Dr Donna Chung pursuant to your respective appointments made by the Synod of the Diocese of Adelaide.

The Report at paragraphs 155 to 200 is highly critical of the CEO of Anglicare at the relevant time, Mr Gerard Menses. We have been instructed by Mr Menses to critically analyse the findings of the Board. A draft copy of that analysis is enclosed for your reference. The draft is supplied to you for the purpose of inviting any response before the document is finalised. We also enclose copies of relevant documents which the Board did not obtain for itself during the conduct of its inquiry.

We should state that Mr Menses' employment and career prospects have been severely affected by the Board's adverse findings which we consider are, for the reasons set out in the enclosed documents, unjustified. You will be aware, for example, that the publicity surrounding the Board's criticism of Mr Menses led directly to the termination of Mr Menses employment with the Salvation Army. Further it has hindered his search for employment since that time. In order to revive his career, Mr Menses is seeking to have the findings corrected on the public record via an appropriate forum.

Given that the Inquiry was a purely private exercise by the Church, there would appear to be no immediate avenue for Mr Menses to appeal the findings of the Board which are clearly wrong. One avenue available to Mr Menses is therefore to approach the Church as the body responsible for the publication of the findings for a public acknowledgment that the Report is clearly incorrect as it relates to Mr Menses. Mr Menses proposes to do so subject to any action the Board may wish to take to correct the findings itself.

It may be that in light of the matters referred to in the enclosed draft review, the Board collectively would wish to approach the Church and to advise it that the findings it has made against Mr Menses are unfounded and should be corrected on the public record.

If the Board wishes to pursue this course, it should be aware that Mr Menses has recently been offered employment subject to public acknowledgment in satisfactory terms that the Board's conclusion of "gross procedural error" by Mr Menses and subordinate findings in support of that conclusion are wrong. We are instructed that that offer of employment will lapse by 30 September at the latest. Accordingly, we

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invite the Board to advise us as soon as possible (and in any event no later than 12:00 pm on 22 September) whether it will approach the Church to have the findings corrected on the public record and, if so, the terms of that approach. If the Board chooses to do so, and the terms are satisfactory, it is unlikely that Mr Menses will need to take any further action to have the findings corrected.

Should the Board choose not to do so, we invite your comments on the enclosed draft review document no later than 12:00 pm on 22 September, on the basis that any such comments may be included in our document prior to its final release.

In any case, we advise that Mr Menses reserves his rights to take any legal action which may be available to him in relation to the Report, the process by which it was produced, and its publication.

Yours faithfully
BLAKE DAWSON WALDRON

cc: Dr Donna Chung
Member
Anglican Church Board Of Inquiry
C/- Anglican Church Office
26 King William Road
NORTH ADELAIDE SA 5006