

Robert N Caddies

PO Box 1126

NEWCASTLE NSW 2300

Right Reverend Dr B Farran

Bishop of Newcastle

Diocesan Office

Bishop Housden Hall

King Street

NEWCASTLE NSW 2300

26 May 2012

Dear Bishop Brian

Father Graeme Lawrence and Father Graeme Sturt

I realise you cannot respond to me about the matters I raise.

You should be aware I have read the document of the Professional Standards Board relating to Father Graeme Lawrence and Father Graham Sturt.

My understanding is the Police decided not to proceed against them because they were not satisfied as to the reliability of the evidence given to them by the complainant.

Unlike many people in the Diocese, even though the Police did not consider they should prosecute, I have always understood your reasons as to why the complaints should proceed to the Professional Standards Board.

I believed at the time it was announced, and I continued to believe prior to the Supreme Court decision, that the respondents' election on legal advice not to participate in the open hearing and cross-examine the complainant was a very serious error.

It is greatly troubling to me, given their denials, that the complainant's evidence before the Board was not truly tested as to its veracity or reliability. The members of the Board could in no way put themselves in the place of the respondents to adequately cross examine the complainant.

You are placed in an invidious position. What you are being required to do is make a decision, with extreme consequences for the respondents, based on largely untested evidence. To think that the reason for their election was based on legal advice is very disturbing. These are people who have rendered their entire professional life to God. The gravity of the allegations heightens the way in which such evidence should have been tested and weighed by the Board even if to be decided upon

the balance of probabilities. For a decision to be made by you now with extreme consequences based on evidence which could possibly be flawed must be deeply troubling.

Is there any way you could direct the enquiry to be re-opened to give the complainants the opportunity to test that evidence? I would have thought it is legally permissible for you to do so. I understand that complainant may be required to participate in a further case before the Board in any event. That enquiry, again, would not enable the facts, known only to the complainant and each accused respondent, to be tested or challenged by a third party.

It is disturbing to me that what was in effect a report to you should have been released to the media and to those in attendance at the time. This had the potential for defamatory action in the absence of qualified privilege possibly being available as a defence. The media were certainly in my view not legally bound to follow the purported non- publication order in relation to the complainant's identity. There may have been rights under defamation laws but the prohibition could not have had contempt or criminal sanctions imposed against the media.

The Board's recommendation as announced by some of the media also compromised your position and the options available to you in your own decision making process.

The other matter of concern to me is the public hearing in such matters. It seems to me it must be extremely difficult and highly embarrassing for the complainant as well as for the respondent. If a priest or church worker is innocent the public hearing has disastrous consequences. There is almost a presumption of guilt whenever such allegations are made against anyone, especially against a priest. A public hearing can lead to sensationalised and salacious copy in the tabloids. The more so will this be the case if the witness is to be seriously challenged and the case runs for more than a day.

As a professional person, it would be difficult for me to conceive of any greater disgrace than being disbarred for life. We in the law often speak of a *locus poenitentiae*. The report seems to countenance no shades of grey. No notion that the punishment should be proportionate to the offence. The notion that a *locus poenitentiae* may not exist for its own priests within the Church is a terrible indictment of what we purport to proclaim.

I hope that what I have said may be of assistance to you in your deliberations.

Yours truly,

A handwritten signature in cursive script that reads "Robert Caddies".

Robert Caddies