

**Janine Wilson**

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**From:** Bishop Peter  
**Sent:** Wednesday, 29 September 2010 11:49 PM  
**To:** Bishop Brian  
**Cc:** John Cleary  
**Subject:** RE: Proposed amendments to PS Ordinance 28.09.10

Dear Bishop:

I have reviewed, briefly the document prepared by Michael Elliott. I advise in relation to the Amendment Ordinance

- a. That Paul has not incorporated the correct numbering in section 3 of the amendment ordinance. It should read "its powers under section 35". This was agreed at our meeting with Paul. In that form it is consistent with the Model Professional Standards Ordinance. The effect is that the PSC cannot delegate the power to recommend a suspension to another person or body.
- b. The amendments in section 4 of the amendment ordinance have been canvassed in principle with the Diocesan Council.
- c. In relation to section 6 of the amendment ordinance,
  - a. I note that the proposed Section 81 is modelled very closely on section 74A of the Model. The principle behind an independent authority appointing a suitable barrister was to offer a sense of independence in the review. The default position, in the national model ordinance and the proposed amendment, is that the Chancellor makes the appointment. We could address the matter of independence in a protocol.
  - b. Paul indicated in our meeting that section 83(f) was a new section and allows a reviewer to consider a significant point of law. He suggested that it is a protection for the Diocese that any challenge in this area would be addressed before the Church authority passed sentence.
  - c. Section 90(2)(a) directs the application for a review to the Church authority rather than to the Director. That being said, the Director is responsible for all the subsequent steps. It would be up to a protocol to define the mechanism by which the Church authority advises the Director of the application for review.

I note Michael's concerns about the Chancellor's conflict of interest. There is nothing in the proposed amendments that would inhibit the Professional Standards Director and Professional Standards Committee undertaking any of their functions and as such assisting the police with the conduct of their enquiries or assisting complainants seek pastoral support through the Diocese. There are no questions of remuneration, suspension or review in relation to the identified respondent.

+Peter

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**From:** Michael Elliott  
**Sent:** Tuesday, 28 September 2010 1:21 PM  
**To:** Bishop Brian; Bishop Peter

**Cc:** John Cleary  
**Subject:** Proposed amendments to PS Ordinance 28.09.10

Dear Bishops Brian and Peter,

Following consideration of the proposed amendments to the Professional Standards Ordinance I wish to reaffirm my advice to you of the 9<sup>th</sup> September 2010.

Please find attached my advice of 9/9/10, a submission I have prepared and a summary table of my preliminary assessment outlining my concerns. Could you please give this material careful consideration.

Kind Regards

**Michael Elliott**  
Director of Professional Standards  
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