

Janine Wilson

From: Peter Stuart <[REDACTED]>
Sent: Thursday, 16 June 2016 8:53 AM
To: lmclaughlin@hunterstreetchambers.com.au; Janine Wilson
Subject: FW: Professional Standards
Attachments: Draft PSC amendment Ordinance.docx; Determination in the matter of The Reverend Bruce Hoare.pdf; hoare recommendation.docx

From: BishopPeter@newcastleanglican.org.au
To: pdjstuart@[REDACTED]
Subject: FW: Professional Standards
Date: Wed, 15 Jun 2016 22:42:24 +0000

From: Bishop Peter
Sent: Monday, 9 July 2012 9:47 PM
To: 'p.w.young@[REDACTED]'
Subject: Professional Standards

Dear Peter,

1. Please find attached a draft Bill to cover a number of issues we discussed about the Professional Standards Ordinance.

After the Ordinance has been amended I think it would be timely for the protocols to be reviewed.

2. There is an outstanding question about how the Diocese can ensure that it has enforceable arrangements in place for people the subject of criminal, PSB or tribunal findings who are involved in our parishes. The Professional Standards Commission guidelines are helpful but there are some incumbents who may not comply with them if they are put in place and thus increase our risks.

I was grateful the other day for your advice in relation to the actions that Church authority might take on receiving a recommendation. I presume that because both the Board and the Church authority must inform the National Register of their actions there is a built in understanding that they might be different.

4. I am perplexed by the recent determination and subsequent recommendation from the PSB that I forwarded to you last week. I have attached them again for your convenience.

I am surprised at the nature of the reference from the PSC to the PSB including allegations of a crime that ceased to be a crime in June of that year. That crime being the subject of substantial public discourse in the years 1983 – 84 with a decision by the authorities of the day not to prosecute two men who turned themselves in. I was surprised by the reference to withholding notification of that crime.

I was surprised by the reference to Canon 75 of 1603 which was repealed in 1992.

I was troubled by the implication that a person might be subject to allegation of unfitness for not reporting their own misconduct.

I observed but questioned that the Board found that, on the balance of probabilities, all the references from the PSC were proven and are thus indicating that the respondent was guilty of criminal conduct.

In determining the seriousness of the charge, the Board also decided that there must be clear signals sent to the community at large that conduct of this type is viewed seriously and will not be tolerated so that like-minded persons may be deterred and

unfortunate victims assured of obtaining some restorative justice. I wondered whether this was in excess of the Board's responsibility to ascertain the fitness or otherwise of a church worker.

Had I read the Ordinance in the manner that I previously thought was correct then I would have been concerned that the Church authority was prevented from seeking advice about the decision.

I am concerned that there is no provision for the Church authority to request a review of the decision. Only the respondent may do this.

5. I cease to be Commissary on Friday and so this matter will revert to Bishop Brian. I anticipate that there is no action or function that I could or should undertake before then. However, if you think there is something I should do, please advise me.

Grace and peace

+Peter

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