



The Anglican Diocese of Newcastle

5 March 2015

The Rt Rev Greg Thompson
The Bishop of Newcastle
PO Box 817
Newcastle 2300

Dear Bishop:

Professional Standards Ordinance 2012

In 2012 when the Synod met to consider the revised Professional Standards Ordinance it did so in the context of immense media coverage of some of the findings of the Professional Standards Board. There was a view that the Bishop should know of the findings of the Board prior to them being made public.

The Synod was presented with a draft Bill which included a section 77 which read

The Board shall in a closed hearing make its determination and recommendations by the Board sitting alone. The Board may announce its determination but shall forward its recommendation in confidence to the Respondent and Church authority.

After debate in Committee the section was amended to read

The Board shall announce its determination and recommendations in a sitting at which are present only representatives of the Bishop and the respondent and such other persons as the Bishop and the respondent agree should be present.

which is the form of the current section 77 of the Ordinance.

As I recall the consideration at the time, the intention behind the drafting in 2012 was to preserve the respondent's right to seek a review of a finding and recommendation without them being in the public domain and to preserve the Bishop's ultimate authority as the one to act on a recommendation or take another action. The framework provided by the Professional Standards Act 2009 of the Diocese of Melbourne.

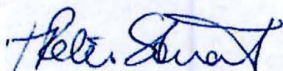
The view is now strongly advanced that the current section 77 has the unintended consequence of excluding the complainant from hearing the Board's determination and recommendation. This could lead to an undermining of the confidence in our processes. I am persuaded by the view.

I think it would be prudent for the Diocesan Council to consider an amendment Ordinance that repealed section 77 with the effect of leaving the matter to the Board's discretion. There would need to be a consequential amendment to section 107(a) to change the words "acts on" to "receives" to enable the Professional Standards Boards to publish its determination and recommendation as soon as the Bishop receives them. I think it would be prudent for the Synod to confirm the action of the Diocesan Council in October.

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In keeping with the policy of the Diocesan Council a proposal of this nature should be sent to the Professional Standards Committee for its comment prior to consideration by the Diocesan Council.

Grace and peace

A handwritten signature in blue ink, appearing to read "Peter Stuart". The signature is written in a cursive style with a large initial "P".

Peter Stuart
Assistant Bishop