

Brian Farran

From: John Cleary
Sent: Wednesday, 25 August 2010 2:38 PM
To: Bishop Brian
Subject: Confidential Notes from Phone Conversation with Garth Blake

Importance: High
Sensitivity: Confidential

Dear Bishop Brian,

My previous email outlined the draft responses to questions received from the Chancellor and also Fr Stephen Williams. The advice below is not to discuss these at Diocesan Council however I have answered them to you nonetheless.

Garth's Blake's comments are as follows

Advice

- For you to not to be intimidated, subverted and to "hold your nerve" when dealing with these matters/submissions from those critical of the process
- co-operate and follow the process
- not to pre-judge the process and the PSC, PSD or the Director of Professional Standards (this would include commentary/responses to the submissions that came from the Chancellor and Fr Stephen Williams yesterday as this could be seen as the Diocesan council pre-judging the process in his view)
- supervision of the process could damage the process. Garth's view is to not be involved in the process along the way (note - this is completely different to the Chancellor's email to you - I will refer to that below)
- demonstrate confidence in the DPS, PSC and the process
- the DPS has an administrative function. Decisions ultimately lie with the PSC, PSB and you (note - Geoff Spring made this point in our meeting with him as well by indicating that the DPS cannot proceed without the PSC concurrence)
- Garth completely disagrees with the Chancellor's view that you should intervene/supervise/pre-judge the process - there is a risk that this would be seen to compromise the outcome. Garth's counter argument to the Chancellors view with respect to abdication is that your early intervention could create doubt over the proper handling of the matter (and in his words you

Finally/In summary

Garth viewed there to be very little alternative to the above course of action. He was of the view that any threat of court action by respondents could be defended by proper following of the process above. He indicated that he is often aware of threats of supreme court action - very few eventuate in his experience. Finally, he has questioned the suitability of the Chancellor to continue to be your legal advisor. He has indicated that he would be willing, if ever you needed assistance, to identify possible people in Sydney who would be happy to serve in this capacity for you.

I hope this is of assistance

Regards
 John

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