

Petition. To the Presbytery of Melbourne East of the Presbyterian Church of Victoria. This petition shows that:

1. I was advised by the presbytery that matters raised in my letter to them dated 30<sup>th</sup> September 2019 should be raised by petition.
2. Therefore, I Craig Manners, an Elder of South Yarra Presbyterian Church where I have been involved since 1998, wish to raise by petition serious concerns regarding a situation which I believe places SYPC at some risk and has the potential to damage SYPC ministry, reputation and financially.
3. In 2017 a member of the Session (possibly along with associated business entities) was awarded design and project management contracts amounting to approximately \$488,850.00 in fees for work related to developing the SYPC church property, and an ongoing role guiding the Board and congregation toward building.
4. I am concerned that there has been at the very least a lack of due process in granting such large fee contracts to parties within the Board when those parties themselves have been a part of the decision-making process.
5. The Chairman/Moderator of the Board of Management that awarded the Design and then Project Management contracts stated strongly to the Board in May 2017 when calling for a vote between the tender from an external company, Studio B tender (approx. \$375,000 including both Design and Project Management) and the tender from parties within the Board (\$488,850 for both Design and Project Management), that the Board “should not even be considering anyone other than Jack for this,” and that “we should be keeping this in the family.”
6. I consider this undue pressure from the Minister to have tainted all decisions regarding tenders submitted by the Session Clerk Jack Adlawan and/or his associates and with the benefit of hindsight consider this has led to a grave injustice to all tenderers then and since, as they have not been treated fairly.
7. I cite as example of this pressure the Board meeting in May 2017 where the Board were asked to vote toward midnight on just two competing tenders for the Design contract for the project. One was Fred Batterton’s Studio B the other was from the company and collaborators directly associated with the SYPC Session Clerk. In the lead up to that vote, the Session Clerk was given generous opportunity to present his proposal to the Board and was then also given considerable time to thoroughly criticize the Studio B proposal. On the other hand, Studio B were not at this stage given any opportunity to either present their proposal in person, nor to equally as thoroughly criticize the competing proposal.
8. When it became apparent to the Chairman that the Board were not going to support the Session Clerk’s tender it was suggested by the Chairman to the Board that, “We should not even be considering anyone other than Jack for this” and that, “we should be keeping this in the family.”
9. This favouring of an insider and fellow church leader by another senior church leader over an external independent tenderer would seem grossly unfair to the external party to say the least.
10. I would have been content if the Session Clerk had excused himself from the Session and all Board and Tender Committee involvement until after the whole project was completed if he wanted to tender, and if other tenderers were given opportunity to

critique the competition. Instead he remained in these positions and as a tenderer and has in fact been effectively leading the whole process.

11. The project was initially for a \$3.5 to \$5m hall/office/apartment complex. Tenders from builders received based on the Session Clerk's design proposal have come in much higher than SYPC can afford at between \$8.4 to \$9.7m. With the loan from the PCV, I believe there are funds remaining and available of approximately \$6m, leaving a considerable shortfall.
12. This seems to have resulted in the Session Clerk now being put forward as the one to come to the rescue and "Owner Build" the project, supposedly for much less, but with no guarantees as to quality, final price nor timeframe for completion, let alone any consideration of the heightened risks involved in this path.
13. The Session Clerk himself emailed those on the Tender Committee (22<sup>nd</sup> August 2019) about to make a decision, promoting this "Owner Build" option as his preference along with his preference to sell some of the property to raise necessary funds. Given that this was to fund a project from which he was in all likelihood to gain financially, I consider it highly inappropriate for Jack to have made any such recommendation to the Tender Committee.
14. Having aired my concerns about this to the Tender Committee, on the 29<sup>th</sup> August 2019 Jack emailed me (and included the Tender Committee as recipients) raising the threat of action against me for speaking up. Given there was to be a vote by the Board of Management based on recommendations from this committee regarding tender submissions and given that it has been put forward that the Session Clerk may stand to benefit significantly from this process, I find this intimidation quite concerning.
15. I had previously concluded that I could possibly be content to overlook some of my concerns if SYPC appointed a professional, independent expert construction company to build our building. This would help negate many of the concerns I had, as this builder would be legally contracted to build a quality building within a contracted timeframe and their professional involvement would balance out any perceived risks from having the Session Clerk as Project Manager. In fact, having dissented from Malawi in writing from the decision to appoint the Session Clerk as Project Manager in June 2017 and then further raising my concerns with the Session in a meeting at SYPC in early 2018 I was not only met with a continuing disinterest in dealing with my concerns but with threats of Contumacy instead.
16. I agreed at this meeting in 2018 to leave the matter as it was, provided that a professional independent builder was contracted to build the building. That has not happened and judging by emails from Jack revealing his preferred agenda to "owner" build, it does not look likely to happen, so I consider myself free, and duty bound, to raise these concerns now.
17. There is at least one other member of the Board and Tender Committee (Email 21<sup>st</sup> August 2019) who potentially also stands to gain financially by being involved in a Session Clerk led building development, but this person also continues to be involved in Board and Committee decision making.
18. With numerous and increasing related party payments being made from SYPC to board members, their family members or related entities, I suggested that a Related Party Transaction Register be established and maintained, as a way of improving governance practices and disclosure of such board activity to the congregation. This was agreed by the Board which established a "Related Party Transaction Register".

19. However, definitions adopted in that register exclude “indirect” involvement, but whether the benefit is direct or indirect should be irrelevant. Benefits can be forthcoming in various forms and over some time. Whether contracts are given to individuals directly or to their employer or through a commercial collaboration of which a board member is regarded as a “Lead Collaborator”, they should all be deemed a commercial arrangement and disclosed. As a result of the definitions in the Register, contracts which resulted in a benefit to some persons now on the Board were not included. I voted in the negative and requested my dissent to be recorded.
20. I have been a part of SYPC since 1998. I have been a Board member of SYPC this time around from 5th March 2017 and previously from around 2007 to 2009. I believe that SYPC has been placed at risk of being caught up in a situation which could be a stumbling block to onlookers, could damage and cause long-term distraction from our main mission as a church and could place our property at risk and could cause further damage to relationships and the witness of the church.
21. Since stating my objections to the Session Clerk’s involvement in this building project in early 2017, I believe that I and my family have been ostracized, shunned and intimidated. I was told privately by the Minister in May 2017 that if anyone objects to the Session Clerk being granted such contracts, “They can leave” the church.
22. Having raised my concerns about the above matters with the Board of Management in correspondence on 2<sup>nd</sup> September 2019, the Session ordered the Board to delete the correspondence *and minute it in a record apart*.
23. I subsequently received a phone call from Elder Ben Nelson which revealed that rather than treating any of my concerns seriously the Session were instead initiating retaliatory action as a result of a complaint from an unnamed (to me) board member who alleged that my correspondence of 2<sup>nd</sup> September, 2019 is disrupting relationships at Board level. Whether the complainant is a board member who may stand to gain from this project in any way was not made known to me. This complainant has not made their complaint directly known to me.
24. I had also advised the Board and Session on the 2<sup>nd</sup> September that I would no longer be participating in the Board as I could no longer be a party to these activities.
25. On the 5<sup>th</sup> September I requested a Leave of Absence from SYPC for 6 months. The Session granted me 3 months from the 7<sup>th</sup> September 2019 and suggested I should then resign. I consider this last suggestion highly inappropriate and prejudicial to my further involvement at SYPC.
26. Sensing there was no will at all for the Session to deal with my concerns but rather that they would be using their position of authority and influence to effectively seek reprisals against me for my differing with their objectives and to pressure and silence me instead, I then forwarded my correspondence to the Presbytery of Melbourne East on 30<sup>th</sup> September 2019, copying in the Board and Session of SYPC as is proper. I also sent this correspondence to the BIF/Trusts Corporation as they are also a stakeholder who have approved a loan of \$5.5m to SYPC. This petition arises from that correspondence.
27. Being assured my concerns would be dealt with by Session I agreed to attend a meeting with Rev. John Stasse and elder Ben Nelson on Monday 14<sup>th</sup> October 2019. I was additionally assured that at this meeting I would be provided with details of the board member’s concerns regarding my correspondence to Board members of 2<sup>nd</sup> September 2019. The meeting went for approximately 2 hours. My concerns were not dealt with. The complaint regarded stresses to relationships between board members due to this

matter however the identity of the complainant was not provided, and a warning was implied that unless I fell into line I would be pursued by Session. This I interpreted as pressure to keep quiet.

28. It now seems to me that the Session do not intend to act in any way to deal with my concerns, but they would rather take action against me for speaking out as a concerned Elder and forced “whistleblower”. I consider this to be an entirely inappropriate use of Church authority.
29. My concern has arisen over time and I now see that decisions I was once a party to ought to have been more strongly opposed, and even appealed, but I did not see them then as I do now. However, my concern now is for the reputation of Christ and His Church and to make correction where we can. We are to be above reproach in matters such as this and we should in many ways be setting a higher standard than the world around us. Yet many government departments and corporates would not allow a situation such as this to have arisen let alone gone so far.

Now therefore:

I, Craig Manners, Elder, South Yarra Presbyterian Church humbly petition the Presbytery of Melbourne East to take these premises into consideration and:

- I. Conduct a Special Visitation to investigate and assess the independence of the entire tendering process and to bring to the Presbytery a course of action which might be recommended to the SYPC to see it through the current project in such a way that does not give rise to allegations of Conflict of Interest.
- II. Request the SYPC congregation to instruct that any member of the congregation who may stand to benefit should be requested to remove themselves from the Board and/or any related committees for the duration of this process.
- III. Request the Session of SYPC to cease any action against elder Craig Manners which may relate solely to allegations of relational differences and contumacy which arise out of concerns expressed in this petition and related management issues, and to await the findings of the Special Visitation.
- IV. Urge the SYPC congregation to resist any pressure to sell off any portion of the SYPC property until the Special Visitation is complete.

And do otherwise as in your wisdom you may consider appropriate.

Signed:

Craig Manners

11<sup>th</sup> November 2019