# **Report by Committee of Presbytery of Melbourne East re Craig Manners and South Yarra Presbyterian Church February 2020**

# This Report is broken up as follows –

# Introduction.

# Recommendations on how the Presbytery should deal with these matters.

# Guidance by Committee to Presbytery on facts.

# Chronology.

# **INTRODUCTION**

# On 11 December 2019 the Presbytery of Melbourne East appointed us as a committee to produce a Memorandum and Chronology concerning a petition lodged by Mr Craig Manners with respect to South Yarra Presbyterian Church and a Code of Discipline proceeding against him. For this purpose he and they were directed to produce documents to us. They did this electronically on 17 December. The documents are voluminous and we indicate below how we have treated them. Without disrespect, because of the length to time taken to compile this document and for brevity we often refer to persons by surname alone and at times have not copied capitalisation. The expression “South Yarra” is used when it is unnecessary to be specific about which church body is involved.

# We have treated the documents thus –

## We have printed and read all documents supplied by Mr Manners and they are summarized below. In an email dated 16 December 2019 to the Committee Mr Manners said that some of what he sent –

“may contain private notes and/or have only been verbally communicated to the Session (e.g. the one read out to Session on 16th August 2018) and I request that these and all documents remain confidential for Presbytery only unless otherwise authorized by myself. Names have been left out to protect some current and past members of the congregation but these names have mostly been revealed to the Session. If required they can be shared with the Presbytery. Where I may have inadvertently left names in documents I request that Presbytery protect the privacy of these people unless otherwise directed.)”

## The documents supplied by South Yarra fall into many categories and will be set out separately in succeeding sub-paragraphs, with how we treat them. The first category is Board of Management (“BOM”) minutes. We have printed and read all and they are summarized below.

## The second Board sub-category is “Emails – Communications” – we have not read these.

## The third Board sub-category is “Governance” – we have not read these.

## The fourth Board sub-category is “Loan from PCV”- we have not read these.

## The second category is called “Project Development”. This was in the following sub-categories: Approvals; Construction Documentation; Project Team and Design Brief; Public Notices; Relevant Communication; Tenders. We have not read any of these because we assume that these sub-categories are sufficiently covered in what Mr Manners provided and the BOM minutes.

## The third category is called “Session”. The first sub-category is called “Code of Discipline record apart” – we have read these and they are summarized below. The other categories are called: “Congregational Minutes”; “Session Correspondence”; “Session Minutes”. We have not read any of these because we assume that these sub-categories are sufficiently covered in what Mr Manners provided, the BOM Minutes and in Code of Discipline record apart documents.

# **RECOMMENDATIONS ON HOW THE PRESBYTERY SHOULD DEAL WITH THESE MATTERS.**

# The petition should be determined before the Code of Discipline proceeding at a special meeting of Presbytery. Knowledge of the facts and issues raised in the petition are background to and will shed light on matters relevant to the Code of Discipline proceeding.

# X (redundant)

# X (redundant)

# X

# **GUIDANCE BY COMMITTEE TO PRESBYTERY ON FACTS**

# Presbyters should read the chronology before any hearing. However we provide the following guidance on where facts are to be located.

# *Architectural.*

# This was the South Yarra Hall building project. The BOM first decided on 22 June 2016 that it needed a Design Brief and a subsequent tender process and that it should have a Design Sub-Committee. The Sub-Committee was established on 22 June and 27 July 2016. The Client Design Brief is dated 9 April 2017 and was put out to tender.

# On 29 March 2017 the Design Brief Committee stated that it was considering opening up the architect tender process to Jack Adlawan, Fred Batterton, Craig Brown and an architect recommended to Craig Manners. Five architects were approached to tender (26 April 2017). On 4 May 2017 Hillcrest Australia Pty Ltd of which the CEO/Executive Director was Jack Adlawan tendered (see two entries under that date). The covering letter stated:

# “Relevant to design architectural design services tender, HCA has collaborated with their architectural partner Mills Gorman Architects (MGA). … We would wish to inform you that since HCA’s executive director is a member of your church, HCA does not wish to avail any monetary considerations in terms of its design fees. All of the other required labours associated with this architectural works will all be directed to MGA, if we are awarded in this tender”.

# The fees were $214,750 - $237,750 broken up into three stages.

# On 5 May Fred Batterton DipArch (Oxford) RAIA Architect Director of Studio B Architects tendered. He had done work at other churches. His proposed fee was $313,000 broken up into stages based upon a project Total Construction Cost of $5m. to which is applied a full service fee of 6.25%, fixed unless the agreed construction cost exceeds $5.2 m. in which case the fee percentage will be applied to the agreed figure.

# On 8 May 2017 John Stasse stated of the tenders: “Please bear in mind these are not ‘finalised’ scenarios – they are a teaser … which as we hold discussions with the successful architect will be manipulated and may even be pushed into a shape quite different to what you will see here in these submissions”.

# On 10 May the submission from Studio B was considered and discussed first, followed by the submission from Hillcrest. Mr Adlawan left the meeting before members considered their decision. The meeting closed without a vote and the members were to vote by email by 12 May. This vote was inconclusive (BOM minutes 31 May).

# On 24 May, Mr Adlawan being absent, the Board received a presentation from Fred Batterton.

# On 31 May the Board voted to request Andrew Wilson (WARC) to present tender submission on 14 June.

# On 14 June, Mr Adlawan being absent, Andrew Wilson gave a presentation, the Board considered the three architectural proposals and resolved to engage Hillcrest/Mills Gorman Architects as the architect and to bring this to a congregational meeting for confirmation.

# On 19 June Mr Stasse sought a fixed price and time frame. On that day Mr Adlawan responded that doing a review based on current preliminary architectural design drawing proposals the fees would be $279,000 less 10% as company offering equals $251,100 plus GST.(This is related to project management – see below as a new insert)

# On 15 July 2017 the congregation approved the Board’s decision.

On 26 July a Design Advisory Team was appointed to liaise with architects.

On 26 July 2017 the Board resolved to advise Mr Manners that Studio B did not advance in the Board’s consideration because it did not sufficiently meet the design brief.

On 27 June 2018 the Board noted that the town planning permit had been granted.

*Project management.*

# On 26 April 2017 is the first mention of the need for tenders for Project Manager, two companies being approached of which two had declined to tender, with others to be approached. As at 10 May 2017 there was only one tender for Project Manager (from 7 firms invited) and through a suggestion from Mr Manners another firm was approached. On 12 May the Board agreed to seek further project management submissions. On 24 May it was noted that three more Project Manager tenders had been received. A total of 12 firms were invited for the project management services of which 3 responded. (This is important to highlight).

# On 14 June 2017 the Board resolved to engage a Project Manager for new Hall Project and to give HASS and Hillcrest/MGA the opportunity to review their tenders for project manager based on the Hillcrest/MGA drawings etc.

# On 19 June Mr Stasse sought a fixed price and time frame. On that day Mr Adlawan responded that doing a review based on current preliminary architectural design drawing proposals the fees would be $279,000 less 10% as company offering equals $251,100 plus GST.

# On 20 July the Board, in answer to Mr Adlawan’s offer to withdraw his tender, requested him not to. On that day it heard presentations re tenders for project manager from J2 Projects (two names), Hass DM (one name) and Hillcrest Australia (Jack Adlawan). Each only present at time of their own presentation. The Board resolved to recommend Hillcrest Australia (Jack Adlawan) to the congregation as project manager.

# On 26 July 2017 the Board appointed a Project Committee.

# On 30 July a congregational meeting confirmed the appointment of Hillcrest as Project Manager.

# On 25 October 2017 the Board received a Memorandum from Ben Saunders on legal principles relating to conflict (Mr Adlawan absented himself from room before commencement of this discussion). Agreed to confirm that Board did receive full disclosure from Mr Adlawan of his interests through his involvement in one of the tendering companies, and to ratify that consent was given by the Board for his continued involvement as a tenderer.

# On 27 November 2019 Board resolved to encourage Mr Adlawan to submit his invoices up to date, including as project manager, to end of November; to release him from prioritizing SYPC, to inform him that Board will delay decisions till after Trusts Corporation meeting.

# *The building works.*

# From 30 May 2018, if not long before, various other companies were appointed to do specific works and were paid for works on the project.

# *Construction Procurement Process Taken – (Design and Construct Process)*

# On 27 February 2019 the Board resolved that tenders be invited for Design and Construct and that there be a Tender Committee to work on the tender process under chairmanship of Project Manager, the Committee to be the members of the Project Committee with some other invited members. It was resolved to vote by email on the type of contract to be tendered.

# On 10 March 2019 the Board resolved to accept the Design and Construct path and to appoint a Tender Committee.

# On 26 March the Tender Committee met and reached general agreement on process subject to finalization of loan.

# On 5 April 2019 Hillcrest Australia project development director of SYPC, Jack Adlawan Project Superintendent, issued an Invitation to Tender for Design and Construct and Construction of multi-purpose function hall, administration building, (five) apartment units, and one level basement parking, closing date of tender 17 May 2019, tenders to be lodged to Hillcrest Australia. On 29 May the date was extended to 7 June. On 26 June Mr Adlawan reported that there was a shortlist of three and on 31 July that the committee was negotiating over price with three builders.

# In about August 2019 there was a Draft Evaluation Report by Amanda Hazell and Marn Chi Lum on behalf of tender assessment committee. Includes that of 13 building construction companies invited to tender; four did (and price is below):

# Orange - $9,014,500

# Melbcon Construction - $9,676,814

# Lloyd Group - $8,401,800

# ARC3 - $8,470,000

# 

# Shortlisted tenderers provided an alternative project scope of less work for less money. Draft recommends the contract go forward with removal of basement carpark and 3 top-floor apartments.

# On 21 August 2019 Marn Chi Lum appeared to propose to the Tender Committee that Jack Adlawan be the builder and that option 3 be taken and he offered to participate in the work

# On 22 August 2019 email from Mr Manners to Tender Committee including Mr Adlawan criticizing the Project Manager.

# According to (~~approximately~~ 20 August 2019) email from Amanda Hazell to Tender Committee seeking comments of the draft Powerpoint slides SYPC Church Building Project Options for Presentation. two tenderers were requested to provide follow up submission within the budgeted price. The following options were put forward - Option 1 – ~~Select Lloyd Group with reduced works – it preferred tenderer with reduced scope of works with no internal fit-out.~~ To construct the building as per documented design. (The latter is the correct Option 1).

# Option 2 – Remove basement and second storey of apartments – ~~Arc3 is the preferred tenderer.~~ (Yes and no as the tender negotiation was still on-going).

# Option 3 – Take a ~~contract~~ construction management approach – SYPC manages the project on its own through the appointment of a construction project manager and a 3rd party licenced builder – ~~directly appoint project manager~~ – all works sub-contracted out.

# Option 4 – Sell part of SYPC block to facilitate required funding and build full project scope.

# On 22 August 2019 Mr Adlawan ~~made lengthy~~ sent his comments on the draft powerpoint presentation to Amanda Hazell copied to Tender Committee.

# On 22 August 2019 email from Mr Manners to Amanda Hazell copied to Tender Committee recommending “Slide 9 to the draft powerpoint as Option 5” below.

# Option 5 – Replace current project manager and be more realistic in our ambitions – this ~~slide looks like it~~ comment in the draft slide was recommended ~~drafted~~ by Mr Manners and is critical of the project manager and supports Studio B.

# On 28 August 2019 email from Mr Manners to Tender Committee criticizing again the Project Manager.

# On 29 August 2019 email response from Mr Adlawan to Mr Manners actions re 22 and 28 August emails. (See point 50 below). [note by P Barton that the number 50 may no longer be correct]

# On 4 September 2019 the Tender Committee recommended to the Board that it adopt Option 2 and recommend it to congregation. (Option 2 is remove basement and second storey of apartments - $5.8 m. tendered). The Board resolved that it had a preference to recommend option 2 to congregation, but has decided to delay making any recommendation until after it has considered a report from a sub-committee (the Options Committee) appointed to evaluate the costs and risks of option 3, and obtained a low-level valuation of the North-West corner (Option 4), sub-committee to report back, consisting of Amanda Hazell, Hallifax, Lum. (Option 3 is build project via contract management approach with a Project Manager and a 3rd party builder (has not yet been assessed but Tender Committee think it could be lower). (Option 4 is sell part of SYPC block and build full project scope at about $7.6m. tendered).

# On 2 October 2019 the Options Committee of the Board reported: Recommendation to continue to explore options 3 and 4. Resolved: to authorise the committee to meet with Mr Mick Brennan and Debtech to obtain external advice regarding contract management issues and report back; request Options Committee to draw up list of suitable candidates for construction management/build of the project; Options Committee should continue to seek the valuation.

# On 30 October 2019 the Options Committee reported that it had met with Debtech, which advised that contract management would not achieve sufficient savings and would heighten risk, and that project and contract management should not be done by the same person or people. Most of their advice was from a risk management perspective. The majority of the committee commended Debtech’s advice. A minority view was that there was some scope in principle for contract management. Resolved to receive report and continue to seek valuation through Charter Keck.

# On 20 November 2019 the Board Minutes include -

# Chairman presented draft report for congregation on the Hall Project. Resolved to adopt draft Report with some amendments, recommend to congregation adopt it, request congregation to confirm its commitment to proceeding towards constructing the hall to the previously agreed design, if above agreed by congregation to recommend to congregation that it authorise the Board to bring further proposals for achieving building to previously agreed design, to recommend that congregation authorise Board to explore appointment of local trustees, to recommend that congregation authorise the Board to enter into discussions with the school re school proposals re purchase of land under lease.

# A congregational meeting decided to follow the recommendations of the Board.

# *The size of the project and funding*

# The initial 2016 – 2017 idea seems to have been for about $5-6 m. (as per Client Brief). However on 28 March 2018 Mr Adlawan reported that the initial draft of quantity surveyor costings indicated about $6.4 million and that it may be necessary to stage the project. On 12 July 2018 Mr Adlawan raised the possibility of subdividing the site, currently on one title (also 26 September 2018).

# In about April 2019 South Yarra was offered a $4.5 m. loan from the Trusts Corporation and $1 m. from the Capital Fund. The congregation approved this. Mr Manners states that he requested his dissent be recorded against the decision to borrow up to $5.5m. Reasons were given on 30 August 2019.

# In about June 2019 tenders for Design and Construction were received which were considerably above that (see above).

# On 21 October 2019 the Trusts Corporation withdrew the $4.5m. loan.

# *The Register of Related Party Transactions/Conflict Of Interest Register*

# There is disagreement between Mr Manners and other South Yarra persons about what should be in this Register(s) (See 24 August 2017, 2 May 2018, 30 May 2018, 20 June 2018 and two immediately subsequent undated items), 1 – 12 November 2018, 19 November 2018, 27 November 2018).

# On 28 November 2018 the Board resolved to adopt the spreadsheet version of the 2017 – 2018 Related Party Transactions Register presented, removing the references to Mills Gorman, and refining some of the descriptions, and to adopt the draft conflict of interest policy in principle, to be refined and completed at a later meeting. Craig Manners asked for his dissent from this decision to be noted. Reasons for Dissent were given on 30 August 2019.

# *Mr Manners*

# On 12 May 2017 Mr Manners first complained about the architectural tenders stating that one was being more positively put before the Board, potentially unfairly to the other tenderer, on the basis that he is a member of our congregation. So he voted for Mr Batterton based mostly on the fact that he is independent from the Session/Board etc. This continued in a later email that day, in a letter of 19 May and in an email of 23 May. In the second email of 12 May 2017 he puts forward other architects.

# On 12 July a letter by him was received by the Board and it was agreed to reply to him. The 12 July Minutes include: agree to confirm and approve governance questions submitted by Chairman to PCV General Manager Michael Ellison and to receive the Chairman’s report on the meeting with him; agreed to reply to Mr Manners, noting his governance concerns, but indicating that Board believes it has adequately managed any potential conflict of interest, a view supported by our consultation with Mr Ellison.

# On 15 July his objection to an elder being awarded large financial contracts was communicated to a congregational meeting.

# On 26 July the Board received a letter from Mr Manners re process for selecting firms for new hall and the Board resolved to write to him.

# In the email 12 May 2017 at 12.46 pm. Mr Manners first puts the argument, repeated subsequently, that if this project went wrong it could cause financial loss to South Yarra. On 8 May 2018 he put forward his own proposal for the order in which works should be done and debt raised and paid off. Also 26 August 2018.

# On 16 August (apparently 2018) Mr Manners, according to notes supplied to the committee by him, addressed a meeting at South Yarra which the Session advises was a meeting with Mr Adlawan in the presence of other elders. He said that there was influence by leadership to encourage the Board to vote for Mr Adlawan’s tenders, that Mr Adlawan was granted approximately $500,000 in fee contracts by the Board, and he did not think Mr Adlawan’s company was capable of doing the work. On 16 August (it seems from the context 2017) Mr Manners, according to notes supplied to the committee by him, addressed the Session in similar terms, (the document commences with notes of Mr Adlawan is said to have said in response) claiming also that Fred Batterton offered to do both the architectural and project management roles for one single fee of approximately $350,000, being approximately $150,000 plus less than Jack offered through two separate tenders for both architectural and project management contracts. Says Jack took an active role in intensely criticizing Fred’s tender to the Board over a period of approximately 2 hours before the Board voted. Says Jack given opportunity to present his tender then criticise Fred’s but Fred not given chance to defend or criticise. He said that Mr Adlawan was given a second opportunity to present your tender, whereas Fred only got one chance and at a separate night when not all the Board could attend.

# In a document dated 27 November 2018 Mr Manners says that Jack was the main person involved in developing the design brief and so had an unfair advantage over competing tenderers; and says Jack overly generous to Mills Gorman Architects.

# On 22 August 2019 Mr Manners alleged that the session clerk was awarded the design contract and then additionally the project management contract amounting to approximately $488,850.00 in fees, and that Marn Chi Lum’s 21 August email may be guiding towards Mr Adlawan to be the builder or have his project management contract extended, that the scale of the project should be reduced (similar to slide 5), says Studio B put forward a design and proposal in early 2017 to design and project manage the entire project for approximately $380,000 within 2 years.

# On 23 August 2019 Marn Chi Lum wrote disagreeing with this assessment and says it disregard and misrepresents process. Says Mr Manners wrong on Studio B. The independent builder who has demonstrated success has already been introduced to the tender process. Criticises the 5th option (Replace current project manager and be more realistic in our ambitions and use Batterton). Implies that Mr Adlawan unfairly criticized.

# On 28 August 2019 Mr Manners proposed to the Tender Committee that anyone who stands to gain from decisions of this committee and any of the options put forward refrain from making any recommendations or voting for any of these options. At least two committee members in this position may include Messrs Adlawan and Lum.

# On 29 August Mr Adlawan replied to Mr Manners copying in the Tender Committee. Responding to emails of 22 and 28 August. Divisive. Your allegations cannot be substantiated. Have lost your objectivity… Wish you could contribute meaningfully. You asked to be on the Tender Committee but you only came once. Must be impartial. Criticising Mr Manners. Caution from the tenor of your previous emails. You have such strong allegations and accusations directed at me as project manager. Defamatory and libelous, repeated, please refrain, I am reaching out to you as your brother in Jesus to preserve your good manners and right conduct especially in working corporately as a team.

# On 30 August 2019 Mr Manners wrote to the Board stating that he could no longer support any of this project as it is currently being undertaken by the Session Clerk. I and my family have been ostracized and I have been intimidated at meetings.

# On 30 August 2019 Mr Manners appeared to resign from Board. On 2 October he stated that he had not formally resigned from anything but was indicating a possible future intention. On 2 October Rev. John Wilson advised that Mr Manners had resigned and that was the end. On 5 October Session in good faith accepted Mr Manners’ clarification.

# On 2 September 2019 Mr Manners wrote to the Board and Tender Committee. Alternate option for Board consideration on 4 September 2019. Largely repeats previous statements. Session Clerk was awarded the Design Contract and then additionally the project management contract, then as project manager set out to “guide” the tender process to appoint an independent builder, guided to tenders well out of our range. “According to options now being presented to the Board it seems we are being guided toward the Designer/Project Manager/Session Clerk himself to now also be the Builder and his Project Management contract extended. My conscience leads me to consider this an abuse of power, privilege and position for financial gain by an influential church leader”. Re-puts option 5.

# On 5 September 2019 Mr Manners wrote to Session requesting six months leave of absence from SYPC. Relates to 2017 decisions etc. To provide some space to heal, to protect myself and my family from further intimidation etc. Want to protect self legally and morally from any further decisions made relating to our Session Clerk’s financial and business dealings with SYPC in my absence.

# On 30 September 2019 Mr Manners wrote to the Presbytery and BIF/Trusts Corporation. Repeats previous arguments. Includes “Persistent attempts by the Minister and Session Clerk to sell off a portion of SYPC property when it is entirely unnecessary. This is concerning given the Session Clerk and other Board members stand to gain from the proceeds of such a sale by being involved in the building project”.

# On 30 September 2019 Mr Manners wrote to the moderator and clerk of presbytery, chairman of Trusts Corporation/BIF, secretary of Trusts Corporation, Mr Ellison. Largely repeats the previous arguments. Commences ‘This is an effort to relieve a very burdensome situation which has been keeping me awake most nights for well over two years now”. This email attaches copies of a number of the previous documents including the Related Party Transactions Register updated to 12 November 2018.

# On 8 November 2019 Mr Manners emailed a letter to Session.

# Mr Manners occasionally states that Mr Adlawan has benefited to the extent of about $488,000 (eg 22/8/19). This seems to involve the extent to which the Mills Gorman Architects contract should be counted as Mr Adlawan’s. In the 20 June 2018 Updated South Yarra Board Conflict of Interest Register (which may however be to some extent a creation of Mr Manners) it is stated “Hillcrest Australia Pty Ltd is lead design partner using Mills Gorman’s license to operate in Victoria”. The Presbytery committee does not know what this statement means. It should be stated who the directors and shareholders of Mills Gorman Architects are – are they at all in common with those of Hillcrest Australia Pty Ltd?

*Code of Discipline*

# On 23 September 2019 Marn Chi Lum wrote to Rev. Stasse commencing “I would like to file a complaint against the conduct of Craig Manners”. Rough summary: his rejection of Board decisions; promotion of personal viewpoints; deliberate and continual breaching of protocol; wasting time; preventing and delaying good choices; Mr Manners conduct in compiling Related Party Transactions Register, including circulating his own version of the register; lack of understanding in architect selection process; preconceived personal view of events; Jack’s credentials and reputation are unfairly questioned and which in secular would have involved lawsuit or Fairwork.

# 

# On 25 September 2019 Session Minutes include -

# “It was noted that, in light of rule 2.05 of GAA Code of Discipline, the complaint from Marnchi Lum contained information of alleged acts on the part of a member of the Church which appear inconsistent with a Christian profession, so the Session resolved to consider this matter under the GAA Code of Discipline. It was also resolved to consider the other items of correspondence that have been received, along with items received at the Session meeting on the 7/9/19, as connected to the matter of the complaint, and thus also needing to be considered under the GAA Code of Discipline”.

# “It was moved to appoint the Moderator of Session and Ben Nelson to deal privately with Craig Manners who is the subject of the complaint and other concerns of session according to 2.06 of the GAA Code of Discipline”.

# On 5 October 2019 Rev. Nelson wrote to Mr Manners re private meeting proposed for 14 October. Meeting because of serious concerns with what you sent on 30 August to Board and Session and republished on 30 September, and also, secondary but supportive, because of a complaint lodged against you. Initiate process in accordance with Rule 2.06 of Code of Discipline. Serious matters: that although Session had set in train a process by contacting you on 26 September you re-published and in knowledge that Session ordered recipients on the Board to delete it (defiance of Session) because the correspondence was to be placed in a record apart because exceed bounds of legitimate dissent, that should have gone to Session not Board, and potential to damage you and the parties you named, and were set apart for further potential action not for suppression. We could have proceeded to preliminary steps under Part 3 of the Code of Discipline.

# On 14 October 2019 the meeting occurred. On 8 November Mr Manners emailed Session stating that –

“It seems to me that the Session still do not intend to act in any way to deal fairly with my genuinely held and legitimate concerns for SYPC, but would rather seek to silence me and take action for speaking out as a concerned elder. I consider this to be an inappropriate use of church discipline. I therefore request that Session not take that path.

You have mentioned that a board member, who you will not name, has alleged that I am responsible for causing relationship stresses at Board level due to my speaking up regarding the continuing and developing problems emanating from the awarding of significant fee contracts to a member of Session and the Board, and the risks I see this potentially creating for SYPC. I would appreciate it if you would first advise whoever it is that they should seek to meet with me privately first, in terms of Matthew 18:15-16 before continuing”.

# On 9 November 2019 Session minutes record -

# “In receiving the email communication from Craig Manners, it was noted that the letter offered no engagement with the matters raised during the meeting, and demonstrated a failure to deal with the advice concerning the Session’s containment of material as per the Code of Discipline. This is shown in his repeating accusations that the Session has sought to silence him. Further, we note that his appeal to a Matthew 18 process is not relevant, as the complaint did not express a personal offence ~~by~~ but one public within the Board; nor does the Code of Discipline allow us to disclose names or documents at this stage of the process. Hence it was resolved that the private meeting conducted according to the requirements of Rule 2.06 of the GAA Code of Discipline did not prove satisfactory. *(Note this was a typo in the provided document.)*

# … Session accordingly resolved to report this matter to the Presbytery of Melbourne East according to Rule 2.08a of the GAA Code of Discipline; and to bring the matter by reference to the Presbytery of Melbourne East, according to the provision of Rule 2.13 of the GAA Code of Discipline”.

# Session resolved to communicate to Mr Manners our response to his email and our decision to refer to the Presbytery.

# On 2 December 2019. Letter by John Stasse to Session headed “Complaint by J Stasse (Pastor) against Elder Craig Manners”. The substance of this is: register complaint against inappropriate, irresponsible and unfounded accusation by Mr Manners against me in his email on 30 September to Presbytery of Melbourne East, BIF, Trusts Corporation. In point 5 he says –

# “Persistent attempts by the Minister and Session Clerk to sell off a portion of SYPC property when it is entirely unnecessary. This is concerning given the Session Clerk and other Board members stand to gain from the proceeds of such a sale by being involved in the building project”

# Inappropriate because: complaints against minister can only be dealt with by presbytery, should have first followed Matthew 18:15-17, no evidence. I implicitly condemned and cannot minimize damage of false charge. Any public engagement to refute this will only serve to raise or confirm doubts. Reference to Code of Discipline 3.06, 3.08. since this groundless accusation already in public domain undermines my ability to serve as a minister. I raised this at the meeting on 14 October. He has potentially damaged by reputation. Even if this not his intent the words will have effect. Under 2.19 of Code of Discipline maybe I have to raise it for my own protection. He not subsequently respond or repent for this false and irresponsible accusation. Unbecoming of an Elder and an unresolved offence against me that is both recorded and public.

# Session referred the Code of Discipline proceeding to Presbytery.

# **CHRONOLOGY**

**Philip Barton**

**Graham Nicholson**

**Barry Oakes**

**February 2020**