

Independent Legal Review Panel Terms of Reference and Procedural Rules

Trustees of the De La Salle Brothers

BACKGROUND

- A. The Trustees of the De La Salle Brothers (“the Trustees”) is a body corporate established pursuant to statute as the representative in civil law of the catholic religious congregation by the name “the Brothers of the Christian Schools” (“the Order”)
- B. The Trustees have established policies and procedures for dealing with complaints or allegations related to abuse or harm and or professional misconduct by a member of the Order or an employee of the Trustees.
- C. As part of the Policy the Trustees have established a panel of senior and experienced legal practitioners entitled the “Independent Legal Review Panel” to review any findings made by the Consultative Committee (External Reference Group) following an investigation undertaken pursuant to the Policy and to make recommendations to the Trustees as to any action that the Trustees should take arising from such findings.
- D. The following constitutes the terms of reference and procedural rules for the Independent Legal Review Panel.

TERMS OF REFERENCE

- 1. The Independent Legal Review Panel (“the Panel”) shall examine and review any investigation conducted for and findings made by the Consultative Committee in relation to any investigation undertaken for the Trustees pursuant to the Policy, and provide a report to the Trustees on that matter.
- 2. The Panel shall make such recommendations to the Trustees in relation to any matter it is required to examine as it shall think fit, including, without limiting its discretion in this regard:
 - i. Whether the Trustees should regard the investigation as being one that can properly be relied upon by it in order to take decisions that may affect a person’s rights or the interests of a complainant;

- ii. Whether the investigation should be reopened to ensure substantive or procedural fairness is observed;
- iii. Whether the investigation should be reopened so that additional lines of enquiry can be pursued, in the interests of justice;
- iv. Whether the Trustees may accept or reject the findings of the External Reference Group;
- v. Whether the findings of the Consultative Committee should be altered;
- vi. Whether any findings of the Consultative Committee should be acted upon;
- vii. In any case where any particular information or documentation forming part of an investigation has not been reported to the police, whether that information or documentation is such that it evidences a serious crime that the Trustees should take steps to report to the police;
- viii. Whether any member of the Order or employee of the Trustees should be prevented from returning to ministry or service for the Order or the Trustees or whether any conditions or limitations should upon such return to ministry or service.

PROCEDURAL RULES

1. The Panel's inaugural members shall be Mr Jeremy Gormly SC, Mr Stephen Mark AM, and Ms Tahlia Gordon.
2. The Trustees shall appoint such additional, substitute, pro tem, ad hoc or alternative members of the Panel as it sees fit from time to time, in consultation with the then current members of the Panel.
3. A member of the Panel will be remunerated and indemnified by the Trustees in accordance with a Deed of Agreement and Indemnity, which will have the Terms of Reference of the Panel and these Principles as an attachment.
4. The Panel may conduct its deliberations in such manner as they shall see fit, including by meeting or communicating in person or by any electronic means.
5. The Panel may call for any documents or records in the possession, custody or control of the Trustees and the Trustees will provide full co-operation in providing such material as is requested of it.
6. Any records created by the Panel shall be the property of the Trustees, other than working papers and hand written notes of any Panel member.
7. All deliberations of the Panel shall be confidential and shall not be disclosed to any third party except by compulsion of law or the prior consent of the Trustees.
8. The Panel will provide its report and recommendations to the Trustees as soon as practicable after having a matter referred to it and in any case in not more than 42 days of receiving the last information or documents provided for under such reference. If for any reason a report and recommendations cannot be provided in that period the Panel shall advise the Trustees of that fact and specify the additional time required, with reasons in support of the requested extension. The Trustees will not unreasonably refuse an extension of time for reporting.

9. The Panel may conduct its deliberations in the absence of one of its members and may provide a report by its remaining members, and such report will be as valid as if it had been provided by all members of the Panel.
- 10 The Panel will be provided with such reasonable office and research facilities as it may require, at the expense of the Trustees.

David Hawke