Submission: Governor-General Amendment (Cessation of Allowances in the Public Interest) Bill 2023

Senate Finance and Public Administration Committees
PO Box 6100
Parliament House
Canberra ACT 2600

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Re: Governor-General Amendment (Cessation of Allowances in the Public Interest) Bill 2023

I would like to thank the Committee for the opportunity to provide a short submission on the matter of the Governor-General Amendment (Cessation of Allowances in the Public Interest) Bill 2023. I am making this submission as a private citizen because I have concerns regarding Senator Shoebridge's proposed legislation that could strip Governors-General of their entitlements if they are found to have engaged in serious misconduct.

My concerns include the following:

- The Bill does not give a satisfactory definition of 'serious misconduct'.
- Under this Bill, the Parliament is given powers that would override the justice system.
- Under this Bill there is a denial of natural justice.
- The Bill is undeniably targeted at an individual, Dr Peter Hollingworth.
- The Bill gives unreasonable powers to the responsible minister.

The draft Bill does not give a satisfactory definition of 'serious misconduct'. It states that '*for the purposes of this Bill, serious misconduct involves inappropriate, improper, wrong or unlawful conduct.'* Under this broad definition, an action such as a speeding fine could be grounds for 'serious misconduct'. Additionally, no provision is given for who should or would determine what is considered wrong or improper, except that it is ultimately the decision of the responsible minister whether to rescind vice-regal allowances.

Equally concerning, it allows that '*omission*' can be grounds for a finding of 'serious misconduct' with no further explanation or clarification. Again, this is insufficiently defined and should not be considered as a standard for such a serious and public rebuke.

With such a vague description, the decision to remove entitlements would be at the discretion and whim of the minister. Surely such a serious punitive action should require a greater threshold than a minister's opinion of the nebulous concept of 'wrong conduct'.

Long-serving members of parliament are entitled to post-parliamentary allowances, and the mechanism for the removal of these entitlements requires a much greater threshold of misconduct. In NSW, for example, only a criminal conviction is sufficient for a Premier to lose their Parliamentary pension.

There is already a robust justice system that has powers of inquiry to give determinations on matters of criminal or civil misconduct. It is not the role of the parliament, or a ministry, to pass judgements on such matters and this legislation should reflect this. Under this Bill, an individual could be found not guilty of criminal charges but still have their entitlements revoked.

Concerningly, this proposed legislation gives the relevant minister the power to punish a Governor-General, or their spouse, on no other grounds than their own opinion of 'serious misconduct' and 'public interest'.

Furthermore, the Bill has no provision for a former vice-regent, or their spouse, to give submissions to the minister, nor is there any avenue of appeal. This fails to meet the principles of natural justice: that is, the right to be heard, the right to be treated without bias, and a decision being based on relevant evidence.

The Bill addresses the principle of vice-regal allowances in general terms, as it should, but is impossible to deny that it is targeted at Dr Peter Hollingworth.

Rather than being a mechanism to ensure probity in public office, this Bill will be viewed as an attempt to punish an individual – in this case Dr Hollingworth – in relation to matters that have now been interrogated by four separate inquires over a period of more than 20 years: the Anglican Diocese of Brisbane Board of Inquiry (2003), two hearings of the Royal Commission into Institutional Responses to Child Sexual Abuse (2015-17) and the recent Diocese of Melbourne Inquiry (2023). It should be noted that none of these inquiries recommended action against Dr Hollingworth, nor did they find any 'fundamental moral failing'.

In the case of Dr Hollingworth, he has never been convicted of a criminal offence. He is not a perpetrator of abuse; he has never covered up abuse or refuted the testimony of survivors. Nor has any abuse occurred as a result of his actions or inaction. He has admitted to errors of judgement in the handling of cases of abuse in the Archdiocese of Brisbane, and he has apologised sincerely and repeatedly for these failings and always acknowledged the suffering of survivors. Earlier this year he voluntarily gave up his licence to officiate in an act of good faith towards survivors. He is a man of deep Christian faith, who has devoted his life to serving the Anglican church, and this decision would have been an enormous personal sacrifice.

Regardless of any decision the minister may make on Dr Hollingworth's allowances, the passage of this legislation will force these matters to again be interrogated in the public domain and cause further suffering to Dr Hollingworth and his family.

This proposed Bill seems to have been deliberately framed without sufficient definition of terms in order to ensure it can be be used against Dr Hollingworth, despite the fact that he has not been found to have engaged in any criminal wrongdoing, nor any serious misconduct by the Royal Commission into Institutional Child Abuse. It seems cruel and vindictive to use a such poorly conceived piece of legislation to unjustly punish a man who has paid a heavy price for his errors of judgment but has otherwise made an extraordinary contribution to Australian public life.

I thank you for considering my reflections of the proposed Bill.

Yours faithfully,

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