

11 July 2023

Senate Finance and Public Administration Committees

PO Box 6100 Parliament House Canberra ACT 2600

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

I wish to make a submission in relation to Senator David Shoebridge's proposed amendment regarding cessation of Governor-General Allowances.

I have read the amendment and I have very serious concerns about the open nature of the wording, in particular in relation to the definition of serious misconduct. Cessation of allowance in the public sphere is a serious penalty and is ordinarily confined to situations where politicians or officers have been convicted of crimes in a court of law. This amendment as written does not define serious misconduct, does not refer to due process in a court of law and is particularly at risk of influence by public discourse, media attention and personal ministerial bias.

It is equally of concern that the proposed amendment refers to misconduct due to omission. The idea of misconduct due to omission opens the possibility of a range of unfair, unpractical or even malicious accusations of failure to act.

In both these respects the proposed bill undermines the principles of the law that every Australian depends upon for freedom from persecution – including the presumption of innocence and the right of appeal.

Further, this proposed amendment seems to be specifically aimed at former Governor-General Peter Hollingworth. I have never met former Archbishop Hollingsworth but I heard him speak passionately about social justice in the 1980s when he was working for the Brotherhood of St Lawrence. He devoted the early part of his public life to working and advocating for the most disadvantaged in our community. He then worked as a parish priest on basic clergy wages before advancing within the Anglican Church to be appointed Archbishop. His brief tenure as Governor-General was the culmination of a life spent working for the poor and within the church.

Dr Hollingworth was found to have made errors of judgement by an Anglican Church tribunal in relation to how he responded to sexual misconduct of clergy as is well known and widely reported in the media. However, he has never committed any sexual misconduct himself, he has never been found to have covered up sexual misconduct, he has apologised to victims on more than one occasion and he has voluntarily given up his ordination, the key to his identity and the basis of his life of service within the church. The public campaign against him has been relentless and humiliating.

I would finally point out that Dr Hollingworth is elderly, a widower and increasingly frail. To strip him of his allowance would be cruel and completely out of proportion to any of his failings.

As a practising colorectal surgeon with expertise in pelvic floor disorders I often see the severe long term damage sustained by victims of childhood sexual abuse. As a church attending Anglican I am deeply ashamed that the church I am part of should have been in any way part of the plague of child abuse. I am committed to the welfare & protection of children going forward as well as supporting appropriate reparation to victims and punishment of perpetrators of childhood sexual abuse. However, the ongoing pursuit and punishment of Dr Hollingworth does not in any way further these aspirations.

Passage of this amendment would be manifestly unfair to Dr Hollingworth and presents unacceptable risks for anyone considering appointment as Governor-General in future.

James Keck FRACS