

**SUBMISSION ON GOVERNOR- GENERAL AMENDMENT**  
**(CESSATION OF ALLOWANCES IN THE PUBLIC INTEREST) BILL 2003**

11 July 2023

Senate Finance and Public Administration Committee  
PO Box 6100  
Parliament House  
CANBERRA ACT 2600

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I write this submission as a private citizen, formerly Warden of St John's College Brisbane, formerly Honorary Professor of Ethnics, University of Queensland and sometime President Australian Association for Professional and Applied Ethics. I have concerns regarding the proposed Amendment Bill put forward by Senator Shoebridge and I do not support the bill for the following reasons.

**A. General problems with the Bill**

The proposal to amend the Allowances of any former governor general is lacking in specificity and reflects the interests of a single issue group whose cause is being pursued by Senator Shoebridge.

If there is to be any amendment to the Act regarding cessation of retirement allowances such cessation must be on the basis of proven criminal actions, and subject to such being properly proven in a court of law and not on the basis of assertions and campaigns by pressure groups. Anything less is a denial of justice and basic rights under the laws of the Commonwealth. The Bill also lacks any reference to right of appeal.

**B. The Diocese of Melbourne Professional Standards Board Inquiry and Senator Shoebridge**

Reference was made by Senator Shoebridge to an Inquiry by an Anglican body in Melbourne, concerning Dr Peter Hollingworth's role in Brisbane Diocese, the procedures of which have been questioned by many within and outside the Anglican Church. This Inquiry was not required to pay attention to the rules of evidence and examination of witnesses was not permitted. It was not a competent court of law. There were many aspects completely untouched by the Tribunal. Mr Peter O'Callaghan QC who conducted an earlier Inquiry into Brisbane Diocese told me *inter alia* that Dr Hollingworth was lied to as he sought to deal with clergy sexual abuse. Unfortunately Mr O'Callaghan died shortly afterwards and I was not able to continue my own investigations into these matters with him.

There are many dangers inherent in the present Bill, including the question of basic fairness. The vagueness of the provisions for removal of retirement emoluments leaves the process open to manipulation based on misunderstanding.

The remarks concerning removal of allowances etc made by Senator Shoebridge in his second reading speech, where he discusses grounds for removal of a former Governor General's retirement emoluments are close to reprehensible – especially his references to Dr Hollingworth and their placing within his speech in proximity to “laws that shield abusers from consequences”.

#### **D. Dr Hollingworth and Brisbane Matters**

One glaring omission in this recent Anglican Diocese of Melbourne hearing was the lack of attention to ethical concerns. Criminal law requires discussion of *mens rea* in assessing those regarded as offenders. Questions of motive and character are investigated. Dr Hollingworth in his striving and work for the homeless, socially disadvantaged and unemployed over decades testifies to his devotion to the marginalised of our society. For many Australians he was seen as a hero. There is no shortage of compassion in his personality.

When it came to administering discipline and any form of penalty within the church he was conditioned by a non-retributivist approach - reformation – where possible –was his goal. He attempted to work for a form of reconciliation. Unfortunately this approach may seem as too soft for many and is currently unfashionable. It can also be seen as not sufficiently appreciative of a victim's feelings although that is not the case.

The character of a person and their actions over a long period must be considered in examining and judging their behaviour. I believe that Dr Hollingworth – as he himself considers, made a mistake. But it has to be understood he was trying to act in good faith. He was not flouting conventional standards and it would be wrong to penalise him for genuine mistakes regarding intractable situations – the retributionist approach, however, seems to allow punishment. (See Sir Walter Moberley, [The Ethics of Punishment](#), London 1968, pp 151-210.)

#### **E. The Shearman and Elliott Matters**

Brisbane Church bodies were largely ignorant of the matters involving Shearman but a complaint was eventually taken to a body established by Dr Hollingworth – the Clergy Sexual Abuse Committee which unsuccessfully sought to mediate the case. It never made any recommendations to Dr Hollingworth. The Brisbane legal and insurance bodies virtually disowned it saying it was the responsibility of the Bathurst Diocese.

In the Elliott Case it would seem that it was – as had been the practice –left to the Archbishop and Bishops. No other Diocesan officials except the general manager were involved. Here, the parents unfortunately laid the burden of decision making on the Archbishop who sought to work for all round justice which in the end pleased no-one, despite his work of asking for professional psychiatric advice. Clergy discipline was an episcopal responsibility. There were 3 other bishops involved – each very new in their

appointments: one said could not be involved because of personal friendship with a victim's family and his own acquaintance with Elliot, while the other two did not apparently make representation or offer advice when the matter was brought up at the Bishops' meetings. Naturally lawyers and administration sought to maintain distance - and thus liability - to this matter as much as possible saying it was the responsibility of Bathurst Diocese.

## **F. Mistakes in Judgement**

Mistakes are recognised in adjudging actions. And so are motivations. Certainly so far as Dr Hollingworth is concerned my examinations of his actions, probing of his attempts to resolve the hard cases demonstrate an attempt to be responsible while seeking to be true to insights drawn from Christian faith whilst the same time attempting to protect his diocese and his clergy. He may well have got some of the balance wrong but the honest attempts were there from the outset.

An important early work by A USA moral theologian, Albert R Jonsen , Responsibility in Modern Religious Ethics, Washington and Cleveland , 1968 ,p. 71 speaks to this:

*"Judging a person to be responsible presupposes the existence of the responsible agent ... the pattern of ideas which arises from the judge's question 'How do I justly praise or blame?' ... It comprises notions of intention, deliberation and character. The pattern of ideas associated with ... appropriation of responsibility is that pattern which arises when he faces the challenge to become a self-determining being, master of his fate. The pattern comprises the notions of the self and consideration, conscientiousness, and commitment."*

I submit that Dr Hollingworth did not fail in his efforts to balance these aspects of moral responsibility.

## **G. A personal Note**

Sexual abuse seems widespread both presently and historically, in this country. Much more needs to be known. It occurs mostly within families and this is what should be the subject of any campaigns.

As a young schoolboy I was once sexually menaced by an older person in army uniform. It left its mark on me. One can only hope that educational campaigns against sexual predators /abusers will be proper campaigns involving uncovering knowledge of the extent and location of abuse, and development of methods of detection and protection, especially of young persons, without meaningless gestures. However, to try and associate such matters within the present bill is to my mind inappropriate and unwarranted.

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