



*Legal*

8 May 2023

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## **Submission on behalf of our client, Ms Beth Heinrich, to the Committee Secretariat**

### **1. Background**

1.1 We act for Ms Heinrich, who between 1954 and 1956, while she was aged 14 to 16, was sexually assaulted by Reverend Donald Shearman [**'Shearman'**], an assistant Anglican Priest and Warden of St John's Anglican Hostel in Forbes, NSW.

### **2. Determination of the Anglican Diocese of Melbourne Professional Standards Board**

2.1 In a recent Determination<sup>1</sup> of the Anglican Diocese of the Melbourne Professional Standard Board, it was alleged that: "In about 1995, ... [Dr Hollingworth] engaged in misconduct, being conduct that is unbecoming or inappropriate for someone in his position, namely that at a time when he was the Archbishop of Brisbane ... he permitted a cleric who he knew had sexually assaulted a child to retain his permission to officiate."<sup>2</sup>

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<sup>1</sup> Determination of the *Professional Standards Board, Anglican Diocese of Melbourne between the Professional Standards Committee and Dr Peter Hollingworth*. 24 April 2023.

<sup>2</sup> The particulars of this allegation as outlined in the Determination of the *Professional Standards Board, Anglican Diocese of Melbourne between the PSC and Dr Peter Hollingworth*. 24 April 2023, p 40. The particulars include but are not limited to: (a) In 1954 and 1955 Donald Shearman was an Assistant Priest in the Parish of Forbes and Warden of St John's Hostel. (b) During this time, Mr Shearman had sexual intercourse with a 15 year old resident of St John's Hostel over approximately 18 months. (c) In subsequent years Mr Shearman became a bishop and upon his retirement was granted permission to officiate in the Brisbane Diocese. (d) As at 1995 Dr Hollingworth was aware of (a) and (b) above, as Dr Hollingworth attended a mediation between Mr Shearman and the complainant on 4 December 1995. (e) Notwithstanding this knowledge, Dr Hollingworth

2.2 In this same Determination, it was further alleged that: “In about February 2002, the Respondent engaged in misconduct within the meaning of S 5 of the *Professional Standards Uniform Act 2016*, being conduct that is unbecoming of a cleric in his position, namely that he made a statement that was unsatisfactory, insensitive and that he should have foreseen was likely to be distressing.<sup>3</sup> It is noted that Dr Hollingworth was the Governor-General of Australia at the time of this allegation.

2.3 The Professional Standards Board upheld the above allegations and determined that Dr Hollingworth has committed misconduct on both counts.

### **3. Submission in support of the Governor-General Amendment (Cessation of Allowances in the Public Interest) Bill 2023**

3.1.1 On behalf of our client, Ms Heinrich, we submit that this Bill be passed.

#### *3.2 In the Public Interest*

3.2.1 Dr Hollingworth, since his resignation as Governor General in 2003, has been the recipient of a considerable pension and other financial benefits, at the expense of the public (taxpayers).<sup>4</sup>

3.2.2 Dr Hollingworth was forced to resign in disgrace his position of Governor-General. In addition, he has since been found guilty of misconduct by the Professional Standards Board. Dr Hollingworth continues to be in receipt of the Governor-General pension.

3.2.3 As such, we submit that it is very much in the public interest, and imperative, that this Bill be passed providing the occasion for cessation of his allowance.

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failed to withdraw Mr Shearman’s permission to officiate. (f) Dr Hollingworth’s decision to allow Mr Shearman to retain permission to officiate was not responsible, reasonable or appropriate”.

<sup>3</sup> Determination of the *Professional Standards Board, Anglican Diocese of Melbourne between the PSC and Dr Peter Hollingworth*. 24 April 2023, pp 40-41. The particulars include, but are not limited to: (a) In 1954 and 1955 Donald Shearman was an Assistant Priest in the Parish of Forbes and Warden of St John’s Hostel. (b) During this time, Mr Shearman had sexual intercourse with a 15 year old resident of St John’s Hostel over approximately 18 months. (c) In subsequent years Mr Shearman became a bishop and upon his retirement was granted permission to officiate in the Brisbane Diocese. (d) By 1995 Dr Hollingworth was aware of (b) above, as Dr Hollingworth 41 attended a mediation between Mr Shearman and the complainant. (e) In about 2002 Dr Hollingworth was interviewed by the ABC program ‘Australian Story’. (f) During this interview Dr Hollingworth stated, ‘The great tragedy about this situation is that the genesis of it was 40 years ago and it occurred between a young priest and a teenage girl who was under the age of consent. I believe she was more than 14. And I also understand that many years later their relationship resumed and it was partly a pastoral relationship and it was partly something more. My belief is that this was not sex abuse. There was no suggestion of rape or anything like that. Quite the contrary, my information is that it was, rather, the other way around.’ (g) Dr Hollingworth’s comments to the ABC minimised and/or understated the serious nature of Mr Shearman’s personal and sexual misconduct in the context of a serious abuse of his pastoral responsibilities and was insensitive and foreseeably likely to cause distress to the victim and to other victims of sexual assault by clergy”.

<sup>4</sup> *Governor General Act 1974*, S.4(4).

### 3.3 *In our client's interest*

3.3.1 It is also in our client's interest that this Bill be passed. We submit that the misconduct of Dr Hollingworth, as determined by the Professional Standards Board,<sup>5</sup> would be captured by S.4AGB(5)<sup>6</sup>, in that his misconduct included an omission to defrock Shearman.

3.3.2 This assertion would be further supported by S.4AGB(6), in that the Minister, in determining whether the conduct was serious misconduct, must not have regard to:

- (a) the date on which the Dr Hollingworth was appointed Governor-General,
- (b) the dates of when the misconduct took place, and
- (c) the location at which the misconduct took place.

3.3.3 That is, the fact that some of the misconduct occurred before Dr Hollingworth was appointed Governor-General, would not prevent the future application of this Amendment to the *Governor-General Act 1974*.

Yours sincerely,

**Dr Judy Courtin**  
Judy Courtin Legal

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<sup>5</sup> Dr Hollingworth permitted a cleric who he knew had sexually assaulted a child to retain his permission to officiate. Determination of the *Professional Standards Board, Anglican Diocese of Melbourne between the PSC and Dr Peter Hollingworth*. 24 April 2023, P40.

<sup>6</sup> *Governor-General Amendment (Cessation of Allowances in the Public Interest) Bill 2023*.