



Melbourne Level 5, 221 Queen St 9670 5111 + Broadmeadows 24A Railway Cres 9351 1455  
Heidelberg Level 1, 94 Burgundy St 9455 0787 + Sunshine 136 Durham Rd 9311 8442 + Moorabbin 1/441 South Rd 8527 4700  
[www.doogue.com.au](http://www.doogue.com.au) + Doogue & George Pty Ltd ABN 16 161 894 122

10 July 2023

The Committee Secretariat

The Senate Finance and Public Administration Committee

PO Box 6100

Parliament House

Canberra ACT 2600

*Via email: [fpa.sen@aph.gov.au](mailto:fpa.sen@aph.gov.au)*

### **Submission about the Governor-General Amendment Bill**

I write this submission as a private citizen and not as Dr Hollingworth's lawyer (which I was for many years before ending my instructions after the church proceedings finished).

This Bill has been put forward by the Greens as being necessary because of some ill-conceived understanding by the Greens of what was alleged against Dr Hollingworth.

In my opinion it is grandstanding by the Greens with little regard to the reality of what happened in Dr Hollingworth's matter.

You will have wiser constitutional counsel than me giving you advice about the danger of ad hominem legislation dressed up as being for the public good.

However, I have been forwarded copies of various submissions that leave me bewildered by the way this process is being used.

Dr Hollingworth never abused anyone nor was anyone abused while he had any responsibility or oversight of them. He never abused nor was anyone abused.

One of the main protagonists for this legislation Beth Heinrich did not meet Dr Hollingworth until she was in her late thirties having left a number of her children and gone to live with Donald Shearman. It is a matter of public record that Dr Hollingworth was the respondent in a matter dealt with by the Anglican Diocese of Melbourne Professional Standards Board ('the Board') on 24 April 2023. The allegations predominantly concerned Dr Hollingworth's

decision-making during his time as Archbishop of Brisbane and to a far lesser extent, his time as Governor-General.

As noted above this submission has been drafted to convey my view and has not been provided at Dr Hollingworth's direction.

Dr Peter Hollingworth served as Governor-General of Australia from 29 June 2001 until 29 May 2003. Prior to being appointed Governor-General, Dr Hollingworth served as Archbishop of Brisbane from 1989 to 2001.

The vast majority of the allegations that went before the Board had previously been determined by inquiries including the Brisbane Inquiry in 2003 and Royal Commission into Institutional Responses to Child Sexual Abuse in 2015 and 2016.

Nonetheless, the Professional Standards Board engaged in another round of fact finding about the same events and found seven allegations proven against Dr Hollingworth, that is that Dr Hollingworth had engaged in the lowest type of misconduct outlined in the Act being conduct deemed inappropriate or unbecoming to his role at the relevant time.<sup>1</sup>

The *Professional Standards Uniform Act 2016* which governs the operation of the Anglican Diocese of Melbourne rightly includes misconduct of varying degrees of seriousness. All allegations levelled at Dr Hollingworth concerned type (p) misconduct being conduct inappropriate or unbecoming of a Church worker in his position. This type of misconduct was introduced in later iterations of the Act to capture conduct that did not fit into the overt and therefore obvious forms of misconduct such as sexual abuse and emotional abuse (see section 5, subsection (b) and (f)).<sup>2</sup>

The decision by the Board not to recommend the removal of Dr Hollingworth's Permission to Officiate (PTO) is reflective both of the type of misconduct proven falling on the lower end of the spectrum of misconduct and the findings of fact being less serious than alleged by the Committee.

Following the Board's decision not to take his church licence, Dr Hollingworth voluntarily relinquished his PTO to demonstrate to those affected that he was remorseful for his actions in making decisions that in hindsight were inappropriate and resulted in harm.

The Board's determination fairly articulated the decision-making process Dr Hollingworth undertook at a time when child sexual abuse was not understood in the way that it is today:

*"...We consider that the Respondent's grave mistakes were ultimately due to his failure to understand the lifelong effects that sexual abuse can have on a child, and did have on the victims of Elliot and Shearman. This led to his fundamental error in treating the interests of the perpetrators as at least equal to those of the victims and the consequential decisions to permit them to remain in ministry. We believe that in considering whether Shearman and Elliot should remain in ministry the Respondent tried to do the right thing, but his lack of knowledge and understanding caused him to do the opposite."<sup>3</sup>*

---

<sup>1</sup> *Professional Standards Uniform Act 2016* (Diocese of Melbourne) s5(p)

<sup>2</sup> *Professional Standards Uniform Act 2016* (Diocese of Melbourne) s5(b), s5(f)

<sup>3</sup> Professional Standards Board Determination 24 April 2023 p. 70 [310], pp. 74-75 [335]-[336]

*“It is evident to us that the Respondent has been regarded for most of his life as a man of the highest character, demonstrating by his actions and his attitudes the best form of Christian life. That regard was greatly damaged by the misconduct that we have considered in making this determination. For some, that misconduct demonstrated fundamental defects in his character such as to render him unfit to hold Holy Orders. For others, his grave errors stemmed from failures of understanding rather than moral deficiencies. We believe that the second view is correct. As we said above, we believe that in deciding to retain Donald Shearman and John Elliot in ministry the Respondent was genuinely trying to do the right thing. We have found, and the Respondent accepts, that the decisions were wrong and that he ought to have known that they were wrong, but we believe that they do not demonstrate any fundamental moral failing on his part.”<sup>4</sup>*

The Board thereby recognised Dr Hollingworth’s well-established impeccable character, acknowledged his human frailty in attempting to balance what Dr Hollingworth perceived to be, though were ultimately not deemed to be, competing considerations.

The proposed Bill is the culmination of a long-standing campaign by critics of Dr Hollingworth to make an example of him by taking away his entitlements despite the Board finding only the lowest form of misconduct. It sets a very low bar for political interference and would have disastrous repercussions for those in positions of authority in terms of reluctance in difficult decision-making.

It is nothing short of outrageous that a submission is being made to strip a person of their legitimately obtained entitlements in circumstances where they have been found to have engaged in the lowest form of misconduct and faced the relevant penalty. This is on top of the intense and relentless public scrutiny that has plagued Dr Hollingworth since he stepped down as Governor-General 20 years ago.

Regards,

Bill Doogue

Director

Doogue + George Lawyers

---

<sup>4</sup> Professional Standards Board Determination 24 April 2023 pp. 74-75 [335]-[336]