

# Scandal surrounding Australia's governor-general threatens a "constitutional earthquake"

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A scandal involving Australia's governor-general, Dr Peter Hollingworth, has plunged the Howard government into its second political crisis in as many weeks.

Parliament resumed on February 12 after a recess of four months and the re-election of the Liberal-National Coalition to a third term in office. "John Howard looked like the cat that had eaten the canary... jovial, cocky, on top of the world," observed the Nine network's Laurie Oakes. But within 24 hours, the media was making headline news of the government's grubby lies about asylum seekers during the election campaign, forcing Howard onto the back foot and raising questions about the legitimacy of the November 2001 election itself.

Over the past week Hollingworth, Howard's own appointee to the position of head of state, has become the target of attack. The clamour for Hollingworth's removal over his mishandling of cases of child sex abuse when he was Anglican archbishop of Brisbane has become deafening, further undermining Howard's credibility and raising the spectre of what the prime minister himself has described as a potential "constitutional earthquake".

The two scandals, which have totally dominated media coverage for the past two weeks, are being used by significant sections of the political establishment to send a not-too-subtle message. Having helped put the Coalition back in office—the press uncritically regurgitated the "children overboard" lies and assisted in whipping up anti-refugee xenophobia during the election campaign—Rupert Murdoch, Kerry Packer and their respective media empires, among others, believe a leadership change is long overdue. Howard is widely regarded as a political liability and an embarrassment on the international stage, particularly over his views on Aborigines, refugees and Australia becoming a republic. They want the new government to aggressively prosecute further sweeping labour market and corporate tax reform, as well as privatisations, which they feel Howard has proven incapable of delivering. As Packer's *Bulletin* commented last week: "Howard may ride out the storm but he will be permanently damaged... A change of leader before the next poll is imperative."

The storm engulfing Hollingworth began brewing just after the November election. The Supreme Court in Queensland ruled in December that the Anglican Church had failed in its duty of care to students attending one of its schools in Toowoomba, near Brisbane. The church was ordered to pay \$834,000 in damages to a 24-year-old woman, one of several students sexually abused by a teacher who was charged in 1990 and then, tragically, committed suicide soon after.

Following the court verdict, former students, their families and advisers publicly accused Hollingworth, who was archbishop of Brisbane at the time, of colluding for more than a decade in a church cover-up. Calls were made for him to resign his position as governor-general.

During the past two months, the issue has been kept on the boil. New allegations against Hollingworth—that throughout the past decade he protected priests involved in child sexual abuse, ignored the victims, suppressed information, failed to show compassion, gave priority to the church's financial interests—have surfaced almost daily.

Last week, in response, Hollingworth took the unprecedented step for a governor-general of defending himself on national television. In an extended interview on the ABC's *Australian Story* he admitted to errors of judgement, but remained adamant he should stay in office. The interview itself exhibited an astonishing lack of judgement. At one point, Hollingworth denied that a relationship that occurred more than 40 years ago between a 14-year-old girl and a priest in charge of her school amounted to a case of sexual abuse. Instead, he suggested, it was the girl who had seduced the priest.

Later in the week, panicked by the furore his comment unleashed, Hollingworth held an impromptu press conference where he claimed to have misheard the interviewer's question. But a rerun of the entire taped interview by the ABC quickly revealed that this claim was false.

"Misleading the public" was rapidly added to the list of Hollingworth's transgressions. In the past days, the leader of the parliamentary Labor opposition, the state premiers (all of them Labor), the Catholic archbishop of Sydney and scores of other dignitaries have demanded that Howard sack the governor-general.

Numerous organisations, from local community groups and charities to prestigious professional institutes, have withdrawn Hollingworth's patronage, along with invitations to preside over launchings and other events. Given that the role of the governor-general is largely ceremonial—at least in "normal" times—Hollingworth has been reduced to something of a lame duck.

Notwithstanding the general hullabaloo, however, in Hollingworth's approach to the issue of sexual abuse, he was simply acting in the well-established traditions of the church. As archbishop, he subordinated everything, including principles, to a defence of the church's assets and property; covered up its dirty secrets while projecting an image of moral respectability; ignored the problems, sexual and otherwise, of its representatives; swept under the carpet the resultant traumas and tragedies; then blamed and abandoned the victims.

All of this has been going on for generations, and still is, as recent revelations from the American city of Boston underscore. Recently released court documents there reveal that the Catholic Church went to extraordinary lengths over a period of 30 years to protect a Boston priest who was repeatedly accused of molesting children. What is new is that Howard decided, last year, to bring "the whole catastrophe", as the saying goes, into the very apex of the Australian state.

Under the Australian constitution, drawn up in 1901, the governor-

general has the powers of an absolute dictator. He is appointed by the British queen (also the queen of Australia) on the recommendation of the Australian prime minister. As the queen's representative he is commander-in-chief of the armed forces, can declare war, dissolve parliament, sack the prime minister or any other member of parliament and veto legislation.

While the constitution makes no mention of the position of prime minister, the Cabinet or democracy, devolving all power to the head of state, in practice the role of the governor-general has been strictly limited to taking advice from the prime minister and rubber-stamping the decisions of parliament. Sole responsibility for selecting the governor-general has lain with the prime minister.

In 1975 these carefully cultivated conventions were shattered, when Governor-General Sir John Kerr carried out a constitutional coup by exercising his "reserve powers", sacking the elected Labor Prime Minister, Gough Whitlam, and forcing a general election.

Since then great pains have been taken to make non-controversial selections. Prior to Hollingworth, the governor-general was Sir William Deane, a High Court judge appointed by Labor Prime Minister Paul Keating. Deane's five-year term, which began in February 1996, should have expired in January 2001, but was extended for a further five months because of the problems Howard was having in choosing a successor.

Howard's difficulties were related to the deepening crisis facing his government in the latter part of 2000 and first half of 2001. Opposition to the Coalition's newly introduced Goods and Services Tax was snowballing, along with anger and resentment toward growing unemployment and social inequality. In a series of state elections, the Coalition's vote plummeted, pointing to a defeat for the federal government in November.

To compound Howard's problems, Governor-General Deane, voicing the opinions of powerful sections of the ruling elite, pointedly distanced himself from the prime minister's increasing encouragement of racist and xenophobic sentiment toward Aborigines and asylum seekers.

Howard was determined to find a replacement who would keep quiet on questions of policy, who would share his deeply reactionary social views but who could, nevertheless, be portrayed as a representative of "ordinary Australians". He finally settled on the archbishop—a man, reportedly, of limited intellect, but who had worked, prior to climbing up the ladder of the Anglican church hierarchy, for the charitable organisation, the Brotherhood of St Laurence, for 25 years.

As one commentator pointed out at the time: "By choosing an advocate for the poor, Howard is... making a statement that economic change should not mean an acceptance of a widening gulf between rich and poor...When asked yesterday if [Hollingworth] would ever consider publicly stating that the government was wrong on an issue, he replied: 'Publicly, no. Of course not.'"

Howard was warned by many, including some of his closet political advisers, that bringing a cleric into the position, for the first time ever, and blurring the separation between church and state carried significant dangers.

What they did not foresee was that, in appointing Hollingworth, Howard was creating a highly public focal point for all the unresolved problems and festering sores within the Anglican church. For its part, the media has leapt on the child sex abuse allegations to further its own political agenda: whipping up public sentiment against the prime minister. Anyone with grievances pertaining to the period when Hollingworth was archbishop has suddenly been picked up and provided with a public platform. Interestingly enough, the rest of the church leadership, and the church itself, has remained relatively unscathed. The target is Hollingworth, and through him, Howard.

Howard has made crystal clear that he will not sack the governor-general. In a sombre statement last week he warned he would be unleashing a "constitutional earthquake" if he succumbed to "the clamour

of the mob." While it "may not be the most popular decision to take... I cannot exercise my prerogative of final and sole advice to the queen on this issue based on media hype, based on unreasonable smearing of somebody's reputation," he told reporters.

"If you unreasonably or capriciously and under pressure remove somebody from a high office, you can do great damage to that office." He said his "honestly formed" view was that "the grounds do not exist for me to recommend to the queen that he be removed."

On Monday, following further allegations against Hollingworth and a reportedly stormy Cabinet meeting, the prime minister emerged to grimly reiterate his position.

Having made much of his own judgement when announcing Hollingworth's appointment, Howard's personal credibility is certainly on the line. But more importantly, the reason for his determination to save Hollingworth lies in the nature of the dilemma he confronts: a dilemma that has bedevilled the Australian bourgeoisie throughout the past decade.

It is this: the current system, which was set up at the turn of last century, with the queen—and her viceroy, the governor-general—at its head, has lost its legitimacy with the vast majority of the population. Moreover, it has become an anachronism for the more internationally-oriented sections of the Australian bourgeoisie, who want to break their formal ties with Britain and establish a republic, with a president as head of state. Only then, they argue, can Australian capital successfully prosecute its own economic, strategic and military interests on the world stage, and especially within the Asia-Pacific region.

But how should the president be selected, and what powers should he or she hold? If the president is elected by popular vote, and retains the reserve powers of state, this will create two, potentially rival centres of power: the president, elected by popular mandate, and the prime minister, chosen by the majority party in the lower house of parliament.

A scenario could conceivably arise where the elected president, under powerful pressure from the masses of ordinary people, decided to dismiss an elected government that had, nevertheless, become highly unpopular.

Under the current set-up, the likelihood of significant conflict between the head of state and the prime minister is reduced, since the former is selected by the latter. Moreover, notwithstanding the events of 1975—which for the first time brought to the surface the real nature of the reserve powers—the actions of the governor-general are circumscribed by tradition and precedent. But an elected president has an independent mandate, and, as such is subject to popular pressure.

This was the issue that plagued the Constitutional Convention, held in February 1998, to work out a constitutional proposal for an Australian republic. In the end, all the different factions, including monarchists and republicans, agreed on a compromise proposal. The president would retain the full reserve—that is, dictatorial—powers, for contingencies involving the breakdown of "responsible government." In other words, if the dominant sections of the bourgeoisie opposed the activities of the elected government, the president could, constitutionally, still overthrow it—as happened in 1975.

At the same time, however, the Convention agreed that the president would not be elected by popular vote, but by a two-thirds majority of parliament. Nominations for president would be selected by a hand-picked parliamentary committee.

This was the proposal put to a referendum in November 1999. Despite the fact that nearly every media outlet in the country called for its adoption, and opinion polls indicated up to 90 percent of the population opposed retaining the monarchy, the proposal was defeated—primarily in working class electorates. The fundamental point of divide was the question of the popular vote: the vast majority of ordinary people would only agree to change the system if the president were to be elected by the population as a whole, not by politicians from the major political parties. The vote, which though supported by the monarchist Howard, infuriated

the bourgeoisie, expressed the extent of popular disaffection and distrust towards the official political establishment.

There is no provision in the constitution for the head of state to be sacked, and, since the federation of the Australian nation, no governor-general has ever been sacked. In addition, as constitutional lawyers have hastened to point out, Hollingworth has committed no criminal offence. Moreover, the complaints levied against him have nothing to do with his conduct as governor-general. They all have to do with his previous career, as archbishop. If Howard were now to sack him, because of the weight of popular pressure, he would, as the prime minister is only too well aware, be opening a can of worms.

On what basis would the choice for Hollingworth's successor be made? Since "majority sentiment" would have determined the fate of one governor-general, will the next require public vetting? If so, how would majority opinion be gauged? By opinion poll? By a vote? But in that case, the governor-general would have a popular, independent mandate, the very outcome the bourgeoisie has desperately sought to avoid.

If Howard were to replace Hollingworth without first seeking popular consent, the next governor-general could rapidly be placed in the same predicament. The precedent will have been established for in-depth public scrutiny of his or her past attitudes, relationships, moral views, political positions or actions and for any of these to become the basis for dismissal.

Whatever the final outcome, Howard's choice of governor-general has blown up in his face, putting a large question mark over his leadership. And any lingering legitimacy associated with the office of governor-general has been irreparably damaged. At the same time, the constitutional crisis reveals, once again, the fundamentally anti-democratic character of the Australian political system.

At present, Hollingworth himself has decided to stay put. It is possible, of course, that following his "private audience" this week with the queen, who is currently touring Australia, he may well decide, once she has left, to cut his losses and gracefully resign. While this would allow Howard to avoid capitulating to "the mob," it would provide small comfort for his deeply tarnished reputation.



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