

Dear committee members,

I acknowledge the intention of this Bill which seeks to destroy the Seal of Confession in the Catholic Church for the protection of children. However, I believe that this proposal has been drafted upon a foundation of misinformation and lack of understanding about the Sacrament of Confession. I have serious concerns about the implications of this Bill being passed for a number of reasons.

Firstly, the Sacrament of Confession is one of healing. It is where a Catholic person comes to seek forgiveness for themselves for the mistakes that they have made and feel sincerely contrite. They are thereby forgiven by God through the words and actions of the Priest in an act of Absolution. If removing the spiritual aspect of this Sacrament, one might liken it to a counselling session wherein the priest uses their counseling training to guide the person and give them advice on how to make better decisions and, importantly through an act of Penance (which is essential to the Sacrament), make reparations for their mistakes. No matter the similarity to counselling, the participation in this Sacrament is sacred. Personally, it allows me to start afresh and try once again to follow the right path without the same feeling of guilt that I felt before Confession. It allows me to feel worthy once again, and rejuvenated to redirect my journey and start walking on the right path again. Confession is the one place where I can speak about my life (regarding sins or not) and I know that everything is in total confidence and that the priest is there to support me and help me. Now I have never committed a crime and I am fully committed to the protection of children but I feel that this Bill will not achieve what it sets out to do. In attempting to remove the Seal of Confession, it is targeting penitents who are committing offences against children and then confessing it in this Sacrament of Healing. There are a few assumptions made in this proposed Bill which have not been fully thought through. The first is that there are actually people who are abusing children and confessing it during the Sacrament of Confession. Of all the many priests I have spoken to, they have all said that they have never had such a situation in their combined hundred years of service. The statistical likelihood of this scenario is extremely small given that the offender would have to be Catholic and be practising their faith and go to confession and be an abuser. Now I must admit that just because the likelihood is small this does not provide sufficient reason to reject the Bill. So allow me to provide some more reasons. Assuming the offender fulfils the aforementioned criteria and goes to confession to admit to abusing a child, it is assumed that firstly, the priest knows who the penitent is (which is not a given due to the presence of many confessionals which have screens between the priest and the penitent), and secondly that the confessor has given the priest sufficient detail of their sins to allow for a report of any substance to be submitted by the priest. Speaking from experience, when I go to confession, I am ashamed of my minor sins and I do not go into extreme detail about them, therefore I sincerely doubt that a serious offender will detail the name of the child, where they abused them, when it happened etc with sufficient detail for the priest to actually use this information. Furthermore, those who seek confession are supposed to be truly sorry for their sins, and so if the situation arises where an offender does confess, the priest in giving their Penance will strongly recommend that they turn themselves in to the Police, something that a reasonable person would do if they truly seek to make amends. If the Seal of Confession is removed by this Bill, it is guaranteed that those who are not truly sorry and thus, will not follow the priest's advice to turn themselves in normally, will definitely not seek Confession if they know that they will be reported. This will then mean that the very people who need to be counselled to do the right thing will not speak to anyone about their crimes and may continue to abuse. To use a crude analogy, if I drove my dad's car and scraped it and went to my trustworthy mom for advice about what to do and she told me to tell my dad or to pay for it to get fixed, I would have listened to her and done the right thing. Conversely, if I found out that in the past, my mom had told my family about all the mistakes I had made before I had the chance to make it right, when I scrape my dad's car now, I will not go to her for advice because I don't trust her and I know she will just tell my dad and I will be punished before being able to make amends myself. I may then continue to drive the car or lie about the scrape or any number of things which may have been avoided if I had the right kind of advice given without fear of a breach in confidentiality. While this is a trivial analogy, I think it communicates the psychology of some people who would speak to a priest now but will definitely not if the Seal of Confession is broken. This then closes an avenue for "rehabilitation" for offenders who sought Confession as a safe, sealed place of healing between them and God. Now without the Seal, people who had a desire to do the right thing but needed some guidance, will have no one to speak to and may continue to offend.

Therefore, I think it is clear that this Bill has not considered the nature of the Sacrament in trying to make priests mandatory reporters in this context in reference to: the minuscule numbers of offenders actually confessing, the penitent's potential anonymity, the penitent's lack of sufficient detail in

confessing to abuse and their openness to priest's advice to turn themselves in. Moreover, if the Bill were to pass, it is obvious that those who are at most risk of re-offending who may have sought counselling in Confession will not do so if there is even a small risk of them being reported, thereby preventing these people from seeking advice and healing which they would not seek elsewhere. Now given all the considerations above, it is also important to consider that if this Bill passed, priests, who are already mandatory reporters outside of Confession, will have to report regardless of the wishes of the person involved. As I mentioned before, the Sacrament is one of healing and is much more often sought by victims rather than offenders. Whether it is out of a misplaced sense of guilt or the desire to speak to someone knowing that they cannot repeat it, it is known that people who have been abused sometimes mention it in confession to begin healing. This affords the priest the opportunity to encourage the victim to seek help from other professionals, to report the incident or to speak out about abuse according to what the person feels is right for them - things they may not have considered without this confidential counselling. Please consider the following scenario: if I as a child were abused by someone I trust, like a family member, and I for some reason feel guilty or just need to seek a priest for Confession, he is there to counsel me, to remind me that it is not my fault and that I will be okay. I ask him not to tell anyone because I am confused and have yet to start healing from the incident. He is bound by Church law to respect my wishes and I feel comfort knowing that I can move at my own pace through this hurtful and confusing time because he is the only one that knows and is helping me come to terms with it. If this Bill passes, the priest is forced to report what I have told him despite my plea to keep it confidential. He is now bound by Australian law to divulge my personal hurtful experiences and he can go to jail if he refuses. However, if he does report it for fear of jail, he can be excommunicated from the Catholic Church because the Seal of Confession is a sacred universal Church law which cannot be overruled by the Australian government. Hypothetically, now something that I did not want shared has been publicised, my family members treat me differently, the priest who has helped me has lost my trust and lost his freedom and my journey of healing has been irrevocably mutilated.

This hypothetical situation exposes a few important lessons: first, that breaking the Seal of Confession is not actually theologically possible and cannot be "approved" by Archbishop of Perth, Timothy Costelloe because it is written in Canon Law and is under the authority of Pope Francis in the Vatican. Therefore, even if the Bill passes, the priests will abide by Church Canon Law over government law and face the consequences for that. Secondly, the nature of Confession means that in an attempt to break the Seal, offenders and, more importantly, victims who seek healing will not have their wishes respected and will likely not seek counselling in the form of Confession from then on. This may have dire consequences for these people whose refuge is currently in the church and the sacred Sacrament and who do not feel comfortable anywhere else.

If this Bill is successful, to truly ensure child protection, the precedent to break confidentiality would have to be applied to doctors, lawyers, psychiatrists and psychologists, who definitely see more offenders than Catholic priests. Please consider a Bill for child protection which takes this into account and does not target sacred religious rights.

Given all the considerations I have laid out, I need to reaffirm that this Bill needs to be rejected. If it is passed, it will achieve the opposite of what it apparently seeks to do. Committee, if you respect religious freedom, if you value rehabilitation and healing and if you truly are for the protection of children, you will reject this Bill and consider more effective strategies for child protection. The Archdiocese of Perth already has many safeguarding strategies in place to protect children so please communicate with their office and work together to do something that will have an actual effect and still respect this Sacrament of Healing and those who seek it. The government cannot tie the hands of the church when it does not understand the transformative kind of healing that these hands perform. Thank you for your consideration.