

Protect the Confessional Seal

Legislation Committee

Inquiry into the Children and Community Services Amendment Bill 2019

Dear Committee,

It pleases me to present this my submission to your Inquiry into the Children and Community Services Amendment Bill 2019.

1. The Royal Commission recommended mandatory reporting for five groups of professions, including psychologists, school counsellors and ministers of religion. In her speech to the Legislative Assembly on 28 November 2019, Minister Simone McGurk stated a number of important facts:
 - Of the five groups recommended by the Royal Commission, ministers of religion are the only group singled out by the Amendment Bill for mandatory reporting.
 - That only a very limited consultation has been conducted, involving a number of Aboriginal organisations and 37 written submissions.

Mandatory reporting impacts most on the practice of the Confessional Seal in Catholic and Orthodox churches. Many survivors currently use the Confession as a safe space for counselling , support and healing. The Catholic Church, Orthodox Churches and survivor groups have all not been contacted during the consultation process. The grossly inadequate consultation with key stakeholders will have serious unintended consequences.

2. The Royal Commission recommended that the Australian Catholic Church seeks clarification from the Holy See on “whether information received from a child during the sacrament of reconciliation that they had been sexually abused would be covered by the seal of confession”; and “whether absolution could and should be withheld if a person confessed to perpetrating child sexual abuse, until they report themselves to civil authorities”. Royal Commission into Institutional Responses to Child Sexual Abuse, Final Report: Volume 16, Religious institutions Book 1, p 77

The Seal of Confession is a universal church law that the Australian Church does not have the authority to alter. The Royal Commission’s Recommendation 16.26 could afford the Australian Church a level of flexibility and the priest a level of discretion when confronted with the revelation of child sexual abuse during the Confession. It should form an important part of the consultation process between the Government and the Church.

3. The Catholic Archdiocese of Perth has implemented exemplary measures in the safeguarding of children. Its successful Safeguarding Programme has been adopted as a model across Catholic dioceses throughout Australia. No other organisation outside the Catholic Church of Australia has as comprehensive and as large - scale a programme for the safeguarding of children. Instead of forcing the Church to implement mandatory reporting, which is beyond its power to do, the Government should instead consult and work collaboratively with the Church to implement and improve practices that are within the Church’s power to implement.