

Chairman,  
Legislation Committee,  
Legislative Council,  
Parliament of Western Australia.

21 July 2020.

Dear Sir/Madam,

**Re. Submission in response to the proposed Children and Community Services Amendment Bill 2019.**

We the undersigned state below our beliefs regarding the proposed amendments to the abovementioned Bill. We are of the firm belief that all laws should be viewed by the people as being fair, just, equal to all, realistic and showing a clarity which will leave no room for future legal interpretation changing the intent of the law.

Indeed, we believe that the proposed amendments fall short in the abovementioned categories and in our belief are so lacking that they should not be considered to be made into law. We realise that the WA Government has looked at the recommendations of the recent Royal Commission into Institutional Responses to Child Sexual Abuse (RC) in particular, recommendation 7.3 which lists five groups as those who should be legislated as mandatory reporters. These being;

out-of-home care workers, excluding foster and kinship/relative carers,  
youth justice workers,  
early childhood workers,  
registered psychologists and school counsellors, and  
people in religious ministry.

What is glaringly obvious is that the first four recommendations are not included in the proposed Bill and together with recommendation 7.4 of the RC, which singles out people in religious ministry via *....the basis of information disclosed in or in connection with a religious confession*. This singling out is to most people meaning the Catholic Church, which has been at the forefront of public attention in recent times regarding child sexual abuse.

It is apparent to any person with a knowledge of the Catholic Church and its teaching and beliefs that religious confession is a core value and belief of its adherents. This belief is rooted in the Bible and can be easily traced back to the foundation of the Christian church some 2000 thousand years ago. This religious confession is deeply ingrained in persons who faithfully practice the Catholic faith and this includes the secure knowledge that anything said to a priest will remain with the confessor and the priest alone. As this practice is of such fundamental importance to the faith and the priest having such an important responsibility in his role is in no way obliged to offer reconciliation for a confessed crime and can advise the person to approach civil law enforcement before he can offer absolution.

We are well aware of what has happened in the past regarding child sexual abuse and the role that some members of the Catholic church has played in it and we are firmly of the belief, as with the rest of society, that all effective steps be taken to eliminate it in institutions examined in the RC. However, with the points raised above regarding our expectations of laws, we strongly believe that the proposed amendments do not fulfil these ideals and will, if enacted, cause conflict in people's minds as to their adherence of the new laws. It is clear to us that the people in authority who have drafted and proposed these amendments have not thought through the implications and the rift they will cause. They are putting many good and decent people in our society in an invidious situation with little thought to their wellbeing.

Some basic questions need to be asked. Firstly, what has the Catholic church done in response to the recommendations of the RC and what steps has it taken prior to the RC, to eliminate possible danger to children in its charge. The answer to this is that it has been proactive both in Western Australia and the rest of Australia to take positive steps at all levels, many of which we have seen. These changes have not only been done but have seen to be done with constant communication from the church leadership down to the faithful. The Catholic church has not been backward in being open with civil authorities in addressing past crimes of its clergy and others, although this has not been apparent if one is guided by the mass media.

A second question to be addressed is, will the proposed amendments work taking into consideration the consternation they will cause to a large part of society. It apparent to us that offenders are small minority in the Catholic church and the fact that there has been no evidence of offending in recent years and the fact the church has taken many measures to see that it will not occur in the future, that the singling out of religious confession is of little or no use in the broad effort to eliminate child sexual abuse. If the proposed amendments are adopted it would only sow doubts of many good people as to the seal of religious confession and damage its image as a safe, confidential place. It is also our belief that this loss of confidence will have a negative effect on many persons approaching religious confession who may very well benefit from it.

We consider the legislation will also sow doubts about the WA government's wisdom and good faith. Wisdom, because it is unwise (bad public policy) to enact laws which people will not or cannot obey – especially without consultation. (About 25% of West Australians consider themselves Catholic, not counting the Orthodox Churches who also have the Sacrament of Confession / reconciliation. That is a large portion of the electorate.) Good faith because they have been so clearly singled out. Every other group such as child care workers - have been promised consultation – why not us? Is this discrimination?

It is our belief that the proposed legislation will do nothing in the elimination of child sexual abuse. We would not write this if we had any doubt as to this. Indeed, it will cause dissention and damage to an institution that has served well for centuries and continues to help not only members of the Catholic church but others as well who have confidence in its confidentiality.

Authors.

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