

## INTRODUCTION

I am writing on the amendments in Clause 51 to 53 Children and Community Services Amendment Bill 2019 in relation to the recommendations (7.3 and 7.4) by the Royal Commission into the Institutional Responses to Child Sexual Abuse in the Royal Commission report, released in December 2017.

As a practicing Catholic, I absolutely do not condone any form of abuse. Any form of abuse is a violation of the dignity and rights of a person; young or old. This is the position of the Catholic Church.

We all want just and effective laws that will protect the most vulnerable in society.

The Perth Archdiocese has made reforms and implemented safeguarding procedures. I refer you to the Safeguarding Office of the Perth Archdiocese.

The Catholic Church in Australia has accepted 98% of the Royal Commission's recommendations. I refer you to the Conference of Australian Bishops 2018.

It is my strong objection to the clauses 51-53 of this Amendment Bill as it stands especially in relation to enforcing the violation of the Catholic Church's Seal of Confession for the following reasons:

### 1. No Consultation

The RC listed five groups out of which only one group i.e. ministers of religion, is being affected with this amendment bill. The minister stated that these four other groups (Out of Home Child Care Workers, Youth justice Workers, Early Childhood workers and registered psychologists) are going to be consulted at a later date.

It is of serious worry that Minister Simone McGurk decided that no consultation with affected parties (ministers of religion) was deemed necessary. Especially when she did not give a reason. It is my belief that the Minister is discriminating against religious institutions.

### 2. Local Archbishop Has No Authority to change Canon Law

The Seal of Confession comes under The Roman Catholic Canon Law 983 which states that: "*§1. The sacramental seal is inviolable; therefore, it is absolutely forbidden for a confessor to betray in any way a penitent in words or in any manner and for any reason.*" The Royal Commission knows that the Australian Bishops do not have the authority to change Canon Law; only the Vatican has that authority.

It is unfair to priests to impose a law on them that is contrary to church's teachings and church law.

If an abused child confessor indicates to a priest within the confessional, the priest (with consideration of the seal of confession) would ask the child to speak or contact him outside of the confessional, report to the police, contact a help line or get help from a trusted person such as a teacher.

Training is in place that if a priest receives information outside of the confessional of child abuse taking place, he is obligated to report it to the authorities. It is also within the guidelines of the Safeguarding Office of the Church in Western Australia that all concerns, allegations or complaints of abuse are to be taken seriously and sensitively and to report to the police or via the Director of the Safeguarding Program, Catholic Archdiocese of Perth.

### **3. Affects All Catholics Not Just Priests and Bishops**

In WA, there are less than 200 priests and approximately half a million Catholics.

This legislation will bring about the break in trust between the penitent and the priest and will decrease the immense healing that is carried out when someone confesses and receives absolution. Once the seal of confession is deemed to be violable, potential penitents especially young people may cease to seek healing by confession due to distrust and therefore not benefit from the easing of the load on their shoulders. On a personal note, I have received a lot of healing from confessing sins that I have carried for more than 40 year since childhood that I was not brave enough to utter, until recently. It has lifted a lifetime of worry that I was carrying. If I didn't have trust in the Seal of Confession, I might not have confessed.

### **4. Ineffective Law and Perceived as an Attack on Religious Freedom and of Religious Practice.**

If this law is passed, pedophiles are definitely not going to be confessing their acts to a priest and will miss getting the advice that to be truly repentant and get an absolution he/she needs to report to the police in order to make amends. It could be argued that this law may impede children from voicing out and seeking help if they think that the priest may relay the information given by the child.

The Confessional is an anonymous space where the priest does not seek to know the identity of the person who is behind the screen. People from outside local parishes are free to seek confession and no lists of names are ever kept.

Given that this law seems defective, it is my perception that the government is interfering in the practices of the Catholic Church and gaining very little from it.

## **In Conclusion**

**As a loyal tax paying citizen of this state and country as well as a parent, I look forward to a just and effective law that will achieve the aims of keeping children safe in all institutions from abuse while keeping this state fair to the religious rights and practices of its citizens.**

**This amendment bill makes me fear that this sets a precedent for the WA State Government to seek to bring about further impositions on the Catholic Church's practices and beliefs.**

**If it is true that the Paramount consideration is the best interests of the child, then this bill should not be rushed through stealthily and under the cover of Covid-19 without consultation with ALL affected groups pinpointed by the Royal Commission.**