

Children and Community Services Amendment Bill 2019

I hereby submit comments to express my opposition to the proposal in the above Amendment Bill to introduce mandatory reporting of child sexual abuse for ministers of religion.

I cannot help but think that this attempt to make mandatory the reporting by ministers of religion of child sexual abuse is mischievous. It's single purpose is about Confession. The Minister knows the Catholic Church in W.A. has no power to remove the obligation on priests to not reveal what is said in Confession.

If this proposed amendment becomes Law, it will not override the obligation of the 'Seal of Confession' on priests. The Archbishop of Perth has no authority to remove this obligation. Only the Pope as the universal legislator can change the laws of the Church, but he has no authority to change what is understood by the Church to be Divine Law, in this case the absolute confidentiality of Confession.

How would this new law work? If an abuser admits in Confession to his/her crime, would he/she wait patiently for the priest to contact the police and for their arrival? If they cannot wait would they give their personal details? Generally, people who have serious sin to confess will go to a priest they do not know and confess without being seen, meaning that the priest will have no idea of a person's identity.

If mandatory reporting becomes law it will be unlikely that an offender will confess to a priest knowing that the priest will be legally obliged to report the offender to the police. Without mandatory reporting there is a chance that an offender who confesses, presents the opportunity for the priest to advise that no forgiveness or easing of conscience will occur until the person faces up to the consequences of their actions. A slim chance but it could happen.

if a child or adult reveals to a priest in Confession that they have been sexually abused, the priest (without the need for mandatory reporting) has the opportunity to advise them that after the Confession has been completed he would be available to speak with them privately to find a way to help report the matter to the police. Done properly this could result in the offender being brought to justice.

The Royal Commission recommended mandatory reporting for five groups of professions. Why only are ministers of religion to be affected by this Amendment Bill. Are the children who have contact with the other professions not vulnerable? No, it is only about Confession.

Why was there no consultation with survivors of child sexual survivors? Survivors have said that the Confessional remains the only safe place they can easily access without cost, to seek healing and support about their trauma. One commented 'If I thought the priest would ever tell anyone what I shared with him I'd never have gone in the first place. This is my safe place to talk about my abuse. It

feels as though politicians are now attacking me personally when I am the one wronged and hurt as a kid'.

Why no consultation with the Catholic and Orthodox Churches? What serious unintended consequences will result from this lack of consultation?

The Catholic Archdiocese of Perth in recent years has put in place policies and procedures to safe guard children. The Safeguarding Programme has been adopted by diocese 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.

Why would the Government not choose to work collaboratively with the Church to ensure the safety of children?

Denis Colley

22/07/2020