



## *Catholic Women's League Australia Inc*

Member Organisation of the World Union of Catholic Women's Organisations (WUCWO)  
NGO Consultant (roster) status with the Economics and Social Council of the United Nations

*"To make Jesus, our loving Saviour, and Mary, our Blessed Mother, better known and loved"*

### **Children and Community Services Amendment Bill 2019**

#### **Introduction**

Catholic Women's League Australia Inc. (CWLA) is the national peak body representing the League's six member organisations located throughout Australia. We are a Non-Government Organisation and have consultative (roster) status with the Economic and Social Council of the United Nations. We are also a member of the World Union of Catholic Women's Organisations, which represents one million women in 60 countries.

Whatever is legislated in Western Australia will have an influence on other States across Australia. **In view of the fact that the wording of this legislation makes incorrect assumptions about the Sacrament of Reconciliation, we feel the need to respond on behalf of our 2,500 members Australia-wide.**

#### **Abstract**

As a mother of six children, I also passionately share concerns to protect all children from the scourge of sexual abuse in all its forms. After all, **it is our children who actually go to Confession and therefore Catholic women have a vested interest in ensuring their safety.** However, I firmly believe that the Catholic Church (as with most of the other institutions in our society where abuse also took place) has put in place many procedures and policies to protect our children. **As such it seems a draconian and unnecessary intrusion on our religious freedoms to insist that the Church change its age-old teachings as to the confidential nature of Confession when the many safeguards now in place to protect our children seem to be working well.**

**Since the Children and Community Services Amendment Bill 2019 could require Bishops and priests to break a solemn vow and violate the law of the universal Church, it places clergy in an impossible situation.** The Archbishop of Melbourne, Peter Comensoli, when questioned by a journalist on his stance, responded immediately that he would face jail rather than break the Seal of Confession. (*Canon 1388 of the Code of Canon Law states that a confessor who directly violates the sacramental seal, incurs a *latae sententiae* (automatic) excommunication reserved to the Apostolic See.*)

If a child (or adult) entered a "confessional" with no intention of confessing his or her own sins, but merely intending to seek counselling from the priest about sexual abuse that had been perpetrated on him or her by another person, with the mistaken belief that whatever he or she discussed with the priest in the "confessional" was under the sacramental seal, the Priest first of all should instruct the victim that a mere counselling session in a "confessional" is not covered by the seal of confession. Then the Priest should counsel the victim to notify the required civil authority. The priest should then offer to assist or accompany that person to make the report, or even offer to do this on his/her behalf. The priest should ensure that the victim is quite clear that the seal is not involved, since they were not confessing their own sins in the Sacrament of Penance.

The Catechism of the Catholic Church states:

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**All Correspondence to Catholic Women's League Australia (Inc)  
PO Box 176, Sandringham, Victoria, 3191**

**email: [cwla.info@gmail.com](mailto:cwla.info@gmail.com)**



ABN 91323005375

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2490 - "The secret of sacramental reconciliation is sacred, and cannot be violated under any pretext. **"The sacramental seal is inviolable; therefore it is a crime for a confessor in any way to betray a penitent by word or in any other manner or for any reason."** (Catechism of the Catholic Church, 2<sup>nd</sup> Ed. 2000)

Canon 983 from "The Code of Canon Law" of 1983 states that whatever sins are confessed by the penitent to the priest during a celebration of the Sacrament of Penance must never be revealed by the Priest to anyone. It is inaccurate to state that a priest cannot reveal anything told to him in a confessional. People also use the confessional as a means of receiving counselling. **This includes people who have been abused and are seeking a safe place with the assurance of confidentiality to unburden themselves. In the cases where a child under 18 mentions during Confession that he/she has been abused, there are already protocols in place to help that young person get help and redress without violating the confidentiality of the Sacrament.**

**It is also an obligation on the part of the Priest hearing confession, to provide the means of anonymity such as a screen. Unless the penitent chooses to reveal their identity, the priest would not know who it is, so it would be near impossible to enforce such a law.**

The mandate to violate the Seal of Confession however rare this may be in practice, itself seems to violate the United Nations Declaration of Human Rights (UNDHR) by selectively targeting Catholic and Orthodox priests since this is a recognised Sacrament primarily in those Churches. **It interferes with the freedom to practice our Faith.**

Article 2 of the UNDHR states

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

**The Royal Commission into Child Sexual Abuse recommended mandatory reporting for five groups of professions, including psychologists and school counsellors yet only ministers of religion are targeted in this Bill. Why is this?**

Article 7 of the UNDHR states

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

I understand that it may be difficult for someone outside the Catholic and Orthodox Churches to grasp, but if the penitent can no longer trust the Priest to keep their sins from the public, all that will happen is that the rare case of someone who is beginning to seek help for their disturbing sexual addiction or crimes may never go to speak with the one person who may be able to help them to change. **The Confessor may therefore miss the opportunity to insist that the abuser go to the police so that they can make restitution for their crimes and to prevent further crimes. It is unlikely that a paedophile would go to Confession if the priest was mandated to report to the police.**

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It is precisely the guarantee of confidentiality and anonymity which allows a sinner to open up to a Priest and reveal things which they may never otherwise reveal to another soul. Breaking the silence of shame is often the beginning of the healing process for people weighed down with all sorts of issues and sins, not just sexual abuse. The Catholic knows that their faithful Priest will go to prison rather than break the Seal of Confession but it is terribly unjust to force anyone into this position.

We value the opportunity to present our case to this Inquiry.

Katrina Mathai  
CWLA President.

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