

This submission requests that the term 'religious confession' be removed from the Children and Community Services Amendment Bill 2019, specifically from Section 124 BA (1) and (3) (a). The term should be removed on the following grounds:

1) The term 'religious confession' is discriminatory against the Roman Catholic Church because it addresses, either directly or indirectly, the Sacrament of Reconciliation or Penance. By including 'religious confession' the Bill unfairly targets the Catholic Church from among the subjects of the Royal Commission into the Institutional Responses to Child Sexual Abuse released in December 2017. By removing the term 'religious confession' the Bill would maintain a balanced and universal application to all 'ministers of religion'.

2) The term 'religious confession' in the Catholic context, includes the individual's religious expression of privacy and conscience. The proposed inclusion of 'religious confession' violates the privacy rights of an individual and their right to express their conscience in confidence. The inclusion of 'religious confession' in the Bill undermines the rights of an individual to religious expression and is an overreach of the necessary boundaries between the State and a person's individual right to religious belief and expression. For some survivors of child abuse the privacy 'religious confession' has provided an avenue to begin the long process of healing and support.

3) The term 'religious confession' is problematic in that, in the Catholic context, it refers to a practice that is by its nature anonymous. The 'Duty to report' would require proof and identification of a person making a 'religious confession'. In the Sacrament of Reconciliation, privacy and anonymity are provided. The inclusion of the term 'religious confession' is not an amendment that could be practicably enforced by law based on the anonymous nature of the Sacrament of Reconciliation.

It is my personal wish, as a minister of religion, and as an Australian that children and vulnerable adults may be protected from the abuse that was made explicit in the Royal Commission into the Institutional Responses to Child Sexual Abuse. I am also a witness to the changes that have been undertaken by the Archdiocese of Perth through its Safeguarding Program both at a diocesan level and in the Catholic faith community that I serve in Midland, WA. I appreciate that 'ministers of religion' are included in the Children and Community Services Amendment Bill, but strongly argue against the inclusion of the term 'religious confession'.