

## **CHILDREN AND COMMUNITY SERVICES AMENDMENT BILL 2019**

**To the Hon. Members of the Legislative Committee,**

### **Re: Inquiry into the Children and Community Services Amendment Bill 2019**

We, a group of ten mothers and grandmothers from Willetton Parish, write in respect to the invitation to submit on the above inquiry. We have given a reference for the group as ‘Catholic Mothers & Grandmothers JPW’ and it will be reflected in our contact detail and signature page attached. This submission contains 7 pages.

### **THE AMENDMENTS - CLAUSES 51 TO 53 OF THE ABOVE AMENDMENT BILL 2019**

The Amendment Bill 2019, amongst others, implements two amendments, Clauses 51/52 and 51/53, encompassing the two Recommendations 7.3 and 7.4 as contained in the Royal Commission Final Report – Preface and Executive Summary on Child Sexual Abuse.

Hence, for the purposes of our submission, we will refer to these two amendments as Recommendation 7.3 (clauses 51/52) and Recommendation 7.4 (clauses 51/53) throughout our submission.

#### **1. Recommendation 7.3 under Clauses 51/52 (read together) of the Amendment Bill 2019**

We are in support of this amendment concerning mandatory reporting by ‘ministers of religion’, in so far as it does not breach or break ‘the seal of confession’ or more appropriately called the ‘sacrament of reconciliation’ as practised by Catholics and the Catholic Church. We strongly believe *that abuse of any form towards a child is abhorrent, totally despicable and must be stopped.*

- i. However,** we question the sincerity and intention of the Minister behind this push and insistence for this amendment. We understand that the Royal Commission (RC) report specified that ‘**at a minimum**’, the five categories of individuals/ institutions named be included in the mandatory reporting. Our question is, “**why has the Minister chosen to leave out the other four categories and singled out the ‘ministers of**

**religion' alone?** Our understanding is that, 'at a minimum' would mean, to include **ALL** these categories.

- ii. The Minister has consistently defended and upheld that safety of children is paramount, but has however, left out children in all the other categories. What about the safety of these children in the other four categories? We, as mothers and grandmothers, stand for the safety and protection of **ALL** children, not selected children. Why the discrimination?
- iii. Furthermore, we have come to understand that the Minister in the second reading (referencing to Hansard) has said, "consultation regarding the additional groups will occur in 2020". Why has the Minister chosen to expedite and single out ministers of religion to be criminalized, but instead, has chosen to hold **consultations** with the other categories? Why were the ministers of religion not included in the consultation? Also, why in the future, and not immediately when a wrong has been identified? Do the children in these other categories need to wait even a day longer to be assured of safety?
- iv. Looking at Table 1 pg. 11 of the RC Final Report, we were dumb-struck at some of the figures reported; out-of-home care, the figure is **41.6%**, youth detention is **8%**, and childcare is **0.5%**. Aren't the safety and protection of children in these institutions as paramount too especially when they are there **on a daily basis**. Is 0.5 % too small a figure to get the immediate attention of the Minister than to keep consultations with these groups 'in the future'?? It is beyond our comprehension!
- v. The Minister in claiming to uphold the safety of children, has chosen to target and single out only the 'ministers of religion'. The Minister in representing the government is not true in her statement, action and policy. Our question is, why this discrimination and attack on the religious only?

We, Catholic mothers and grandmothers, agree with the amendment contained in clauses 51/52 in so far as it does not breach and break the seal of confession. However, we are highly suspicious of the motive and intent of the Minister. We question the sincerity of the Minister and of the government in overseeing the safety of our children. Once again, we reiterate that "*we stand for the safety and protection of ALL and not some children in whatever institutions or setting, and*

*that any knowledge and suspicion regarding an abuse obtained outside of the seal of confession must be reported, and THAT is PARAMOUNT!”*

## **2. Recommendation 7.4 under Clauses 51/53 of the Amendment Bill 2019**

We totally and vehemently disagree and object to this amendment. It is discriminatory, targeted and a direct attack on our rights to religious freedom. The ‘breaking of the seal of confession’ is a direct and targeted reference to the Catholic faith, and perhaps of the Orthodox churches as well.

- i.** We find a total lack of understanding into the practices, tradition and faith of the Catholic religion by both the Minister and the government. The push for this amendment is in direct violation of the Catholic religion and undermines the very heart and core of our faith. The faith life of a Catholic is deeply rooted in the seven sacraments and administered through the authority of the church. In undermining one of the seven sacraments, the government is, in fact, trying to tell us, the faithful and believers, that the teachings of the Holy Scriptures are in error and should be revised. This again is in direct violation of the teachings of the Holy Scriptures. With regards to the Holy Scriptures, it is the voice of God that we listen to, not the voice of man. This is effectively an attack on us Catholics and the Church.
- ii.** If the Minister had actually scrutinized the findings of the RC, then she would have realised that the RC had stated that the bishops of Australia have no authority to break the seal of confession; and the Archbishop of WA in his letter to the Minister, has written in length about this (Source: archdiocese website). So, once again, we question, on whose authority is the Minister acting on?
- iii.** When the Bill was first debated on 13 May 2020, the Minister was said to have given a press statement in the West Australian on 14<sup>th</sup> May 2020 attacking the Church and the Archbishop, stating, “Catholic Church told to put safety first and break confessional seal.” We have now seen and read the press statement. When the Minister attacks the Catholic Church, the Minister is in fact attacking us, the 500,000+ Catholics, who make up the church. Is the Minister creating hatred and hostility towards Catholics and the Catholic Church? It is a shame that the Minister is accusing us mothers, fathers, grandmothers and grandfathers of not

putting the safety of our children first just because we stand up and defend our faith which is also paramount! *One does not replace the other.*

- iv. We, Catholics, have been brought up and taught the rich traditions, practices and beliefs of our faith, and the importance and meaning of the sacraments in our faith life. One of this is the ‘**sacrament of reconciliation**’. To a true practising lay Catholic, the word reconciliation means, “making ourselves right with God and our fellow brothers and sisters for the harm, thoughtlessness, pride, jealousy, hatred and whatever negative effect we bring on ourselves and our neighbour; everything spoken out in the confines and secrecy of the confessional, with no judgement on the part of the priest”.
- v. In the sacrament of reconciliation, the priest can help the penitent to realise and recognise their mistakes and negative effects of their words and actions on themselves and their loved ones; and in the process bring about ‘*healing and restoration*’ in our behaviour and attitudes towards mankind. In the true spirit of reconciliation, the penitent is, in fact, pouring out his/her shame, praying for God’s forgiveness and making a renewed effort to change and amend his/ her ways; to become a better person with the help and grace of God. Penitents, in the true spirit of repentance, experience the power of healing and forgiveness that is so uplifting, in moving forward with a right perspective of themselves and others. We don’t let the past weigh heavily down on us anymore nor let the future discourage us.
- vi. All the goodness received through the sacrament of reconciliation far outweighs a hundredfold the negativity that has been hyped up through misconception and misinformation. In trying to break the seal of the confessional, the government is in fact trying to interfere with one of the most sacred aspects of our religion and our freedom to worship God. Moreover, in knowing that anything said in the confessional is no more kept in confidence, then it will be only natural that perpetrators /sinners will keep away from the ‘sacrament of reconciliation’. On the other hand, when things are said in confidence, there is a real chance that the priest would be able to help the penitent to see the error of their ways, and encourage them to do the right thing.

- vii.** A common misconception of the general mass, the Minister and the government included, is that whatever goes on in the confessional during the sacrament of reconciliation is mechanical and robotic; that is, the penitent comes in and confesses his/ her sins, and the priest gives absolution. This is absolutely wrong and foolish as well. What the Minister or the government doesn't see nor understand, is the hours of counselling, the healing, the repentance, and the forgiveness the penitent receives which in turn is a balm to his/her mental state of health; all done within the sanctity and secrecy of the confessional with an assurance that any information disclosed or repeated will be kept within the confines of the confessional; sometimes for fear of retribution to oneself or others. And that is the reason why the seal of confession is of utmost importance. It is only between oneself and the priest sitting in the person of Christ. We know from personal experience how healing confession can be and how we have received very meaningful spiritual counselling and guidance by the priest, which has had a positive influence in our lives.
- viii.** Furthermore, the Minister and the government have also chosen to ignore the changes and progress made by the Catholic Church to right the wrongs it has made in the past. Some examples, all lay Catholics working in any capacity within the church has to have a WWC check. All churches have two lay Catholics as safeguarding officers to whom any inappropriate conduct or action can be reported to, a step forward initiated by the Archbishop of WA. All church doors can only be locked from the outside with easy exit from the inside. All doors to the confessional room must have glass windows for easy viewing from the outside. In fact, we have come to know now that the conference of bishops in its responses to the RC report in August 2018 clearly spelt out why they cannot agree with the breaking of the seal of confession whilst accepting, or at least in principle, to almost 98% of the other recommendations. This goes to show that the Catholic Church has indeed taken and taking the appropriate steps necessary, except those that touch on the sacred sacraments. For the Minister to react so harshly towards the Catholic Church is a gross injustice towards all Catholics. Isn't a 'consultation' with the Church justified?
- ix.** It clearly appears to us that the Minister has been influenced by the wave of anti-church and anti-Catholic sentiments over the RC report to launch this assault on the religious under the guise of children safety. The

Minister in her statements to the press has highly incriminated the religious, and especially those of the Catholic faith, as being lackadaisical in our fervour to protect children. The Minister has not looked at the facts truthfully and without bias.

### 3. Conclusion

In conclusion, with regards to Amendment 7.3 (clauses 51/52), although it is fraught with defects, *we, mothers and grandmothers, stand strongly and uphold that the safety of ALL and not some children is paramount and any acts of sexual abuse in any form is abhorrent, despicable and must be stopped. Any knowledge and information obtained outside the 'seal of the confessional' must be reported.*

With regards with amendment 7.4 (clauses 51/53), *we, mothers and grandmothers, are totally against the breaking of the seal of confession in the sacrament of reconciliation targeting the Catholic Church and us, 500,000+ Catholics and WA citizens, as a direct violation to exercising our rights to freedom of religion and undermining the faith of the Catholic laity.*

We, mothers and grandmothers, hope that the Committee, in their wisdom, will look into our submission and see that a violation and discrimination of a serious nature has taken place in regards to the Amendment Bill and elect to reject these proposed amendments.

Thank you.

