

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

**24 July 2020**

Honourable Chairperson,

Please accept this email as a submission to the Legislative Council Committee Enquiry concerning the 2019 Children and Community Services Amendment Bill.

I am opposed to this bill on the grounds that mandatory reporting of what is disclosed in a religious confession to a minister of religion is an infringement of religious liberty.

As a priest myself, I have theological reasons for opposing this bill, but apart from these reasons, on the level of natural human behaviour, those who practice the ritual of confession place their absolute trust in their religious minister, expecting the contents of their conversation to be remain secret under all conditions, without exception. To make an exception to the confessional seal, namely the sin of child abuse, whilst understandable, as we all wish to protect children from harm, would undermine the bond of trust between a pastor and the penitent (the person who is confessing).

It may be argued that a penitent guilty of such a heinous crime is not deserving of the privilege of confidentiality, but that is not the point - it is not the role of either the pastor, or any secular authority, to discriminate between one penitent and another, judging who is worthy of privacy, and who is not. For the secular authority to take upon itself this prerogative is an interference of the free practice of religion.

But in any event, the anecdotal experience of religious ministers would seem to suggest that pedophiles very rarely present to pastors in a genuine spirit of honesty and contrition in the forum of confession. It is equally as rare outside this forum, as it is highly unlikely that an offender would seek pastoral counselling from a minister if they knew it would result in prosecution.

Finally, all penitents, most of whom confess matters of far less gravity than child abuse, would in future be deterred from confiding in their minister about anything serious, whether it be inside of confession or outside, if they were not assured of the promise of total confidentiality from their pastor, which they have always presumed for centuries past, until the present day. The conscience of both pastors and penitents is sacred, and must at all times be protected and respected.

Sincerely,

Rev. Fr Steve Casey  
Parish Priest,