

Dear Members of the WA Parliament,

RE: Amendments to the Children and Community Services Bill 2019

I am writing in to register my concerns pertaining to your proposed recommendations for amendments to Clauses 51 and 53 of the Children and Community Services Act 2004.

The minister mentioned in her submission “I believe there is widespread support for this measure.” In her submission, she noted that only Aboriginal Community members, service providers and Aboriginal Community controlled organisations and that 37 written submissions were received in response to this consultation. However it appears that other key stakeholders, like the Catholic, Christian, Muslim and other religious communities were not consulted. I fail to see how inclusive and thorough that process is in light of the lack of consultation with other key stakeholder groups.

If the intention is to protect children from abuse, I believe that the group of people who should be mandatory reporters should follow the recommendations of the royal Commission. These include:

1. Out of home care workers
2. Youth justice workers
3. Early childhood workers
4. Registered psychologist and school counsellors
5. People in religious ministry

In addition, I feel that Aboriginal community leaders and elders should also be included in this group. What concerns me is that The Amendment Bill is limiting implementation of mandatory reporting to only one of the five groups recommended by the Royal Commission – People in religious ministry. In addition, there is specific reference to the Religious Confession, which is SPECIFIC to the catholic religion.

124BA. Provisions for ministers of religion (1) In this section — religious confession means a confession made by a person to a minister of religion in the minister’s capacity as a minister of religion in accordance with the tenets of the minister’s faith or religion. (2) For the purposes of section 124B(1)(c)(i), a minister of religion who forms a belief on the basis of information disclosed to the minister in the minister’s capacity as a minister of religion is taken to form the belief in the course of the minister’s work. (3) A minister of religion is not excused from criminal responsibility for an offence under section 124B(1) on the grounds that — (a) the minister’s belief is based on information disclosed to the minister during a religious confession; or (b) disclosure of the minister’s belief or information on which the belief is based is otherwise contrary to the tenets of the minister’s faith or religion. [Section 124BA inserted: Children and Community Services Amendment Bill 2019 cl. 53.]

Religious confession is an important part of the Catholic religion. It allows Catholics to reconcile with God through the process of forgiveness and reconciliation. The process is expedited by the Catholic priest. It is a process which is anonymous. It is a safe space for Catholics to confess their sins. If this safe space is revoked because, as proposed by the minister, the priest can now be forced to report what was confessed, it is a violation of his religious freedom to practise his faith. If he is forced to report what was confessed, it will be a violation of our religious freedom to practise our faith. By picking on a specific tenet of the Catholic Religion, the minister is targeting Catholics. She is saying that just because we do not subscribe to her amendment, we are not supporting the protection of child safety. The logic escapes me as it is not correlated. Just because we do not support the amendment, it does not mean that we do not support child safety. The church in Perth has done much

in the way of safe-guarding children in church through its Safeguarding program which is implemented across all Catholic organisations.

I'm also not sure if the Minister is aware, but in the Catholic Church, the breaking of the Confessional Seal is a change that is not open to the Australian Catholic Church to make. The Holy See in Rome alone has that authority.

The Amendment Bill requires the bishops and priests to violate the law of the Universal Church, causing them to be automatically dismissed from their office according to church law. This places an unacceptably high cost on all Catholic bishops and priests in WA, and in turn infringes on the free practice of religion in our State, which is our constitutional right.

If the intention is to protect the safety of children, I strongly suggest that a working committee comprising key stakeholders, INCLUDING people of religion convene to chart out a proper plan based on the findings and suggestions of the royal commission. This arbitrary submission of amendments is hardly a thought out process and more like a knee jerk reaction to the royal commission.

Yours sincerely

Selwyn Poi