

Paul Star & Elizabeth Baggio

19/7/2020.

Re; Children and Community Services Amendment Bill 2019

Reply to The Western Australian Government's proposal to criminalise priests who fail to report sexual abuse. It's intention is to break the seal of confession with the introduction of the amendment to the Children and Community Services Act 2004.

Dear Members of the Standing Committee on Legislation.

The preamble to this amendment, the Children and Community Services Act 2004 states that it is drawn from the Royal Commission into Institutional Child Sexual Abuse.

I note that the following comment that appeared in an article; "Lessons for Government from Recent Royal Commissions and Public Inquiries," Dominique Hogan-Doran SC. 2019

Former justice of the High Court of Australia, the Hon. Kenneth Hayne AC QC (himself a recent Royal Commissioner) has despairingly remarked that "reasoned debates about issues of policy are now rare" and "[t]rust in all sorts of institutions, governmental and private, has been damaged or destroyed".² That dismal view highlights an increasing rejection of expertise and established knowledge, including the idiom of its expression, which is fuelling the resentful, angry populism that has made its way into the civic life of the world's democracies.³

2 K Hayne, "On Royal Commissions" Speech to the CCCS Conference, Melbourne School, 26 July 2019.

3 For further exploration of this issue, see: T Nichols, *The Death of Expertise: The Campaign Against Established Knowledge and Why It Matters* (Oxford University Press, 2017). Tom Nicols is Professor of National Security Affairs at the U.S. Naval War College.

How prophetic those statements are. The populace is revolting partially because of government overreach and error that has caused so much friction. In my own case a WA Department of Health Psychiatrist ended an afternoon's family analysis in 2009 with the statement; "I see merit in both your positions, therefore I will not give a determination." Totally bereft of reason. As Christ would say, "you are either with me or against me" and it's His sacrament we are putting on trial. There have been mistakes made (mostly in institutional settings) that have now been rectified; now the Catholic Church can move forward. The Catholic Church would see this amendment as an attempt to destroy its God-given mandate.

To attempt to bring down the standing of a priest in society (especially through confession) destroys one of the strongest supporters of spiritual growth that results in peace and reasoned debate. There is an opportunity for the perpetrator to turn himself in, to apologise to victim before gaining restitution of his soul. The victim would be able to seek a path to recovery and peace.

I would prefer that to the front page condemnation (almost) of Robin Yeeda (Contryman July 9th attached) a popular indigenous station manager, whatever happened to "Innocent until proved guilty"? Another lapse in our democracy? Imagine the front page if a priest refused to break the seal of confession.

The timing of this proposed legislation must be questioned;

- Western Australia is in the middle of a pandemic and all resources including parliamentary resources should be focused on isolation, treatment and recovery from the pandemic including economic recovery.
- The Catholic Church is recovering from a highly publicised High Court exoneration of one of its most senior members. A process that had to be challenged by three courts before acquittal, showing how biased courts can be against Catholicism.
- Society at large is going through a period of extreme disruption and the Church is seen as a pillar of society that can easily be dislodged or marginalised from society.
- Extremely brutal rapes (in this case a 5 year old boy, see attached) are occurring because communities are not guided in justice and peace. Instead the laissez-faire attitudes of society.
- The deep state acts to also derail society using similar tactics and this proposed legislation parallels their behaviour.
- A mark of Christian society is its prosperity, belief, hope and joy provided by a provident God that assists man in all his beneficial endeavours including man's restorative action of going to confession. If you want to discredit Catholicism I suggest you read "Christian Foundations of the Common Law" by Augusto Zimmerman, a local academic lawyer.

Why target Priests,

- Teachers, Police, and Medical Staff are all required to have annual "Working with Children" checks. Children interact with the above staff often daily and they are taught about sexual abuse and can report it immediately and medical

examinations can validate the abuse or not. Priests are usually only available for confession on a weekly basis.

- The confessional is a private, confidential room with a glass panelled door, behind a veil that prohibits identification unless the penitent is on a personal level with the priest.
- Other penitents waiting for confession can identify but not hear another's confession. Only the priest can hear confessions but rarely identify the penitent.
- If the priest was required to identify the penitent and report them to the authorities then they would be acting as agents of the state and should be rewarded as a professional similar to a doctor.

Why are Minors taught,

- All about sexual abuse and where to get help on the Government Website, <https://gdhr.wa.gov.au/help-seeking> and the government plans to seek punitive redress against priests who give confession without identification. This is highly hypocritical behaviour.

What a great way to bait priests and destroy a man and a level of trust.

- An unscrupulous penitent can go to confession and confess a fabricated incident of sexual abuse, then the priest must break the seal of confession to the authorities or face prosecution. In other words the priest has been baited and the Catholic Church has been compromised.

Confession is a sacrament that restores people's lives, gives them hope and assists society by providing spiritual and psychological renewal.

- A penitent that has been compromised by an act of sexual abuse ie, a victim that goes to confession, is not a sinner and they would seek the priest's restoration of their purity and the strength to report the incident to authorities. This is validated by James Parker's video; <https://youtu.be/nbKleTAV6TI>. James found his way back to peace and trust through the confessional and then went on to identify the perpetrator, something he would never be able to do with the proposed amendment.
- A penitent who commits an act of sexual abuse would only be forgiven if he makes recompense to the victim and reports the abuse to the authorities.

This proposed amendment to the legislation is not a proactive way to reduce sexual abuse. It denigrated the victim even further by dragging a third party into the crime and it defaces the purpose of confession.

- The best way is to educate mothers and fathers to be vigilant and to not let children out of their sight. Have them trained to recognising the importance of their own sexuality, remain chaste until marriage and take the matter directly to the authorities if a breach of their chastity occurs. This is what the Catholic Church seeks to do while being undermined by mainstream media and state based education.

Then there is the evidence or the substance of the sexual abuse. Recently a high court judge was reported for touching a woman on the thigh intentionally or unintentionally, will a priest have to discern whether this type of action was sexual abuse or not?

Passing this amendment into law may sound the death knell of many sitting politicians as the people see the law as an unnecessary intrusion by the state.

Thank you for reading about my concern with this amendment.

Best Regards,

Paul C Star BE Cert Human Factors.

Elizabeth Baggio

Countryman

A WEST AUSTRALIAN NEWSPAPERS PUBLICATION

NETTLETONS WIN HARVEY BEEF GATE 2 PLATE

A purchase at the Boyanup Saleyards two decades ago sparked a lifelong passion for breeding Limousin cattle. **FULL REPORTS P14-15, SOCIALS, P16-17**



**PILBARA
STATION
CREATES BEEF
JERKY THAT
"TASTES LIKE
THE PILBARA"
REPORT P21**

INDUSTRY SHOCKED BY ALLEGATIONS

EX STATION BOSS SET FOR TRIAL

**ELISE VAN AKEN AND
CALLY DUPE**

One of the northern pastoral industry's most celebrated cattlemen will face trial in December over serious child sex offences.

Robin Yeeda, 44, has pleaded not guilty to five charges, including allegations he raped a child younger than 13, and will face a four-day trial in December.

The Yeeda family name is syn-

onymous with WA's pastoral industry, and Robin's brother Cyril is arguably the most famous Indigenous pastoralist in WA.

Robin, pictured, managed Lamboo Station, about 50km west of Halls Creek, for more than 18 years from 2002.

It is understood he left the station during the past year and has been living in Broome.

Three years ago, the station hosted the first low-stress stock

handling workshop ever to take place on an Aboriginal-run cattle station in the Kimberley.

Robin had his matters heard at a special call-over hearing for Kimberley trial matters last Friday after a delay caused by COVID-19.

The former station boss will face Kununurra District Court on December 14.

FULL REPORT P2



AG IMPLEMENTS BUYER EMERGES P5 NEW AFGRI DEALERSHIP APPROVED P6



ALL POLARIS RANGERS
NOW COME WITH

**2 FREE
APPROVED
HELMETS**

**MAKE YOUR
WORK PLACE
AS SAFE AS
IT CAN BE**

ALWAYS WEAR A HELMET, SEAT
BELT AND USE SAFETY NETS OR
DOORS FOR YOUR PROTECTION



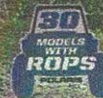
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Kids in alleged rape of boy, 5

EXCLUSIVE

MICHAEL McKENNA DAVID MURRAY PAIGE TAYLOR

POLICE INVESTIGATION INTO ATTACK IN CAPE YORK INDIGENOUS COMMUNITY

A five-year-old boy was allegedly gang-raped on a beach by other children from a remote Indigenous community on Cape York this month.

Queensland police revealed that four boys — all younger than 13 — were being “dealt with under provisions of the Youth Justice Act” over the alleged rape. The brutal attack is alleged to have taken place on the beach at Napranum, on the northwest coast of Cape York, on July 1.

Sources said the four alleged offenders were removed from the 800-strong community after the allegations emerged, amid fears over threatened retribution.

The charges will renew debate over the level of sexual activity and abuse of children within remote Indigenous communities across Australia, an issue that sparked the Howard government’s controversial intervention in the Northern Territory in 2007.

A study, headed by then Griffith University professor Stephen Smallbone, into sexual abuse in several Indigenous communities in north Queensland was so shocking it was kept secret for more than three years.

The Smallbone report, released in 2016, found that sexual offences in Aurukun — just south of Napranum and with many familial and traditional links — were reported at a rate 6.6 times higher than the norm in the state between 2001 and 2012. The mean age of victims was 14.

The study also reported that the incidence of sexually transmitted disease — mainly syphilis — was a staggering 56 times the state average, including the infection of 29 children younger than 10.

Several sources said the details of this month’s alleged rape of the young boy were extremely distressing. The boy was flown to Cairns for medical treatment after the alleged attack.

It also emerged that the alleged offenders might not face court and could be dealt with by a youthjustice diversionary program.

The charges revive memories of the 2006 gang rape of a 10-yearold girl in Aurukun, and the ensuing outrage over the failure of sentencing judge Sarah Bradley to jail any of the nine assailants

— aged between 13 and 25.

Napranum mayor Janita Motton said on Thursday night she was unaware of the alleged incident and was disappointed that Queensland police had not informed her or the council of the alleged incident and investigation.

"I am shocked, I haven't been told by police, and can't comment," Ms Motton said.

It is understood that tensions are running high between several families in the community over the alleged rape, with at least one of the alleged offenders taken to Aurukun over safety concerns.

"There are big arguments about how this happened," a source said. "It is creating big problems in the town. At least one was taken out of the community. It is not the first time something like this has happened."

A Queensland Police Service spokeswoman said that none of the accused boys had been formally charged or was in custody.

"Four boys, under the age of 13, will be dealt with under the provisions of the Youth Justice Act after the alleged rape of a fiveyear-old boy earlier this month," the spokeswoman said.

"The incident occurred on a beach at Napranum just after 7pm on July 1."

Ian Trust, executive chairman of the Wunan Foundation in the east Kimberley and co-founder with Cape York leader Noel Pearson of the Empowered Communities blueprint for indigenous development, responded to news of the alleged crime by urging an open discussion about the issues it raised.

"It does society no good to shy away from issues which are difficult to discuss especially when it is to do with children," Mr Trust said. "The moral health of a society, regardless of where it is, is better served by examining the circumstances surrounding issues like this so we may learn from it to ensure it doesn't happen again. Issues such as this gives us an opportunity to examine the content of our soul as a society, especially in regards to children. In my view it is not healthy for any society to consider issues such as this to be taboo to discuss."

In Queensland, the minimum age of criminal responsibility is

10. Anyone older than that can be charged with a criminal offence. However, a child "aged 10 to 13 can't be found guilty unless there's evidence that they knew what they were doing was wrong at the time the offence was committed", the Legal Aid Queensland website says.

Lawyers said officers had wide discretion in how they proceeded against young offenders, including taking no action and issuing a caution.

Child offenders could also be referred to restorative justice conferencing involving a meeting with those affected, in an attempt to repair harm. If dealt with this way, the youths would likely be ordered into extensive counselling before they faced family members of the alleged victim, typically to apologise.

Police could decide against formal charges and go for the restorative justice process if they assessed it would be difficult to prove an offence, for instance due to the age of those involved.

The Queensland government says online that restorative justice is "an internationally recognised evidence-based response to criminal behaviour".

"It views a criminal offence as more than an act of breaking the law and examines the impact on society: the harm caused to the victim, family relationships and the community," a government website says.

"We are using restorative justice processes to reduce an overrepresentation of Aboriginal and Torres Strait Islander children in the justice system."