

## CHILDREN AND COMMUNITY SERVICES AMENDMENT BILL 2019

*Note – this submission is also being made through the submission online – there I have asked for “name not to be published” reason: that the material presented should be the focus of attention – not the person’s name.*

1. As electors it is presumed that those in parliament act with honesty and integrity – and that in such important matters of legislation the declared purpose is indeed the primary intent. This Bill and its Amendments purport to ensure safety of children especially after the report of the Royal Commission (RC) into Institutional Child Sexual Abuse. While the rest of the Bill is to be commended – the same does not apply to the requirement for priests to mandatory report material from a religious Confession.
2. The RC on Recommendation 7.3 referred to five groups which should be brought into the sphere of Mandatory Reporting. The fifth group (e) *people in religious ministry* is the only group brought into this Amendment Bill. Has there been reasonable explanation for deferring other groups for later action after consultation? What has been the consultation for this Bill when first presented in the Lower House (37 + comments)?
3. While I do not agree with the proposal for obliging priests to report from their general pastoral work I am not intending to argue on that issue as the more urgent matter is the requirement for priests to report matters expressed only in the religious Confession (called Sacramental Confession) – this concerns mainly the Catholic Church – other faith communions may have similar processes but I do not believe with the sanctions attached in the Canon Law of the Catholic Church.
4. Hence the question arises in the minds of people – is this legislation designed as an action against the Catholic Church and the faith life of its people?
5. Added to this, I have been made aware of comments attributed to the Minister who is alleged to have nuanced inferences to do with (Cardinal) George Pell – this is not called for – whatever the Cardinal (who has not been found guilty of any crime) may or may not have said at the RC was not related to the issue of information gained through the Sacramental Confession – was this another attempt to focus on the Catholic Church?
6. If Honourable Members are to legislate on the inner life of the Catholic Church this seems to be a clear violation of the normal distinction of separation of Church and State.
7. There is no denying the terrible abuses that occurred and came to light in the RC – and the Catholic Church has acknowledged its failures in the past. The Church view and practice in this area has vastly changed to how things were viewed 30, 40, 50, 60 years ago.
8. Even limited research would inform a genuine enquiry of steps taken and implemented in the Archdiocese of Perth and in other areas of Western Australia to make the safety of children paramount.

9. I would also expect that if members are to legislate in the sacred area of Catholic faith, they would have studied just what is the Sacrament of Confession? What are the dynamics of the ritual? How is this regarded by believers of this Faith? I presume knowledge would not be taken from movies even from Fr Brown!
10. Such a study would encompass understanding what is the Seal of Confession? What is meant by excommunication? If a priest breaks this confidence to make known penitent and sin (crime). Such a penalty means the priest can no longer function as such.
11. If on the other hand he does not comply with civil law and is charged accordingly he would be denied a *Working with Children Card* and so also be denied the ability to function as a priest in any capacity.
12. I am given to understand that a child abuser does not consider his actions as wrong or sinful – and so is unlikely to reveal his actions in a Confession – further if it is known that the priest would be immediately reporting – then it is highly unlikely the person would come along and so the opportunity would be lost to counsel him in an appropriate way so as to avoid harm in the future.
13. It should be understood that the penalty for breaking the Seal – applies in Catholic Canon Law even if the confession is a fake – a set up to catch out the priest. This is further to call in question whether this Amendment really is designed to protect innocent children.
14. This is not only about priests – the Catholic people of Perth and Western Australia have always trusted in this Seal – and they value the consequences highly – so that their peccadillos as well as serious even heinous matters remain between themselves and God through the ministry of the ordained minister. This proposal attacks their confidence in their Catholic faith.

There are other ways to discover crimes – and I would trust that the police have the wherewithal to do so without stooping to the interference in matters of religious Faith and its free exercise in a non-totalitarian government.

In making these comments I believe that the Catholic Church gives the highest priority to the safeguarding of children – but this amendment does not guarantee the stated purpose.