

With reference to Recommendation 7.3, I support reporting to Child Protection Authorities on factual evidence.

With reference to Recommendation 7.4, I do not support mandatory reporting on what is disclosed in the 'Sacrament of Reconciliation'.

I am making this submission as a middle aged wife, mother and grandmother who considers her Catholic faith of the utmost importance in her life and wishes to express her grave concern at the current Amendment Bill to introduce mandatory reporting of child sexual abuse for ministers of religion, which would require priests being required by law to report to authorities any knowledge about the sexual abuse of minors gained during the Sacrament of Reconciliation or Confession.

This Sacrament of Reconciliation or Confession has been practiced since the earliest days of the Church and is considered by Catholics to be an intimate encounter between God and the individual, which is mediated by the priest in his sacramental identity as acting in the person of Jesus Christ. This means that anything revealed in this Sacrament is revealed to God alone, and the priest simply has no right to reveal anything he hears to anyone else. This is the universal teaching and law of the Church and no priest, bishop, archbishop or cardinal has any authority whatsoever to change it, only the Pope can make changes to the Church's law.

Basically this means that if this proposal is passed in Parliament it would mean that any Catholic minister of religion may be placed in the position of following his conscience and Church teaching and thus be jailed or otherwise face excommunication from the Church for breaking it's laws! **This is a grave injustice.**

The proposal itself has many flaws as it would be such a rare occurrence for a person to confess the crime of sexual abuse as it seems many sexual predators do not acknowledge what they are doing is in fact wrong. Also if someone was to confess such an abhorrent act they would surely go to a priest they did not know and then how would that priest know their name and details to report the individual? Many also seek the Sacrament by remaining hidden from the priest in the Confessional so once again the priest does not see and thus know who the person is. Added to this is the fact that sins are usually confessed in general rather than specific terms.

Another grave flaw is that the proposal if enacted may actually have the opposite effect of protecting someone who has been abused as they would know that the priest would be liable by law to bring their abuse to the authorities and thus be discouraged as this may not be something they are ready to do. In fact it may well discourage young people from coming to the priest, the one person they believe will respect their confidence and be able to support them as they confront their terrible experience and who would encourage them to take the matter to the authorities, as the Pope has instructed.

The Catholic Church has a deplorable record in dealing with the sexual abuse of minors in the past, some thirty, forty or fifty years ago, and nothing can be said to lessen the abhorrence of this. Everything should be done to care and support those who have suffered so much because of their abuse, and must always remain a fundamental aspect of the Church's mission and responsibility. To make sure what happened in the past does not happen again, the Church here in Western Australia has adopted a number of measures to ensure that the safety and well-being of all children and

young people who are part of their communities be the number one priority. With this aim a Safeguarding Office was established, educating the Catholic community on child protection and protective behaviours, and all parishes have safeguarding officers who are "on the ground" and working towards this goal.

The separation of Church and State is such an important principle in any secular democracy, and as such is covered in the Western Australian Equal Opportunity Act, the Australian Constitution and the Universal Declaration of Human Rights.

In Section 72 of the **Western Australian Equal Opportunity Act** covering Religious bodies, it states "*Nothing in this Act affects (d) **any other act or practice of a body established for religious purposes**, being an act or practice that conforms to the doctrines, tenets or beliefs of that religion or is necessary to avoid injury to the **religious susceptibilities of adherents of that religion.***"

Section 116 of the **Australian Constitution Act** *forbids the Commonwealth Parliament to pass a law establishing a religion, imposing a religious observance, or **prohibiting the free exercise of religion** and forbids a religious test to be required as a qualification for office in the Commonwealth.* Thus freedom of religion is supposed to be a recognised human right in multicultural Australia.

In the **Universal Declaration of Human Rights**, Article 18 states "***Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief and freedom either alone or in community with others and in public or private, to manifest his religion or belief in teaching, **practice**, worship and **observance.*****" And Article 30 goes on to state "*Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.*"

What the **government's proposed legislation** represents constitutes **a violation of the right of Catholics in this State to practice their deeply held beliefs freely and without government intrusion. It is a discrimination.**