

Submission from

Survivors' Support Network in W.A.

to the

Legislation Committee of the W.A. Legislative Council

regarding the

Children and Community Services Bill 2019

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1. Survivors Support Network – Who We Are

The Survivors' Support Network consists of a cross-section of victims and survivors of childhood sexual abuse in Western Australia. Our network began over four years ago, predominantly in response to those suffering silently from the constant barrage of news items that covered stories from the *Royal Commission into Institutional Responses to Child Sexual Abuse*.

Our network has, to date, chosen to stay under any radar due to the extreme need for privacy by many of the network's members.

We vary in age (18 yrs to 82 yrs old), and in culture (Aboriginal, African, Arab, Australian, Asian, European, Indian, Islander, Maori). We come from different religious and non-religious affiliations (Christian denominations – Catholic, Evangelical, Orthodox, Protestant, non-denominational; the Dreamtime; Muslim; Agnostic and Atheist).

We meet up at least fortnightly in different ways: via video-chat, face-to-face in mixed groups, in single-sex groups, and are beginning to form groups that permit those from specific cultures to explore how their childhood trauma relates uniquely to their life journeys.

What we share in common are the devastating and crippling effects of childhood sexualisation and inappropriate arousal. In total, we number around sixty people to date.

2. A True Picture of the Confessional and Anonymous Testimonies

We are grateful to the Legislative Council for requesting that the Legislation Committee be formed. This permits our voices to be heard alongside such decisive legislation as the Children and Community Services Bill 2019. As survivors, we are passionate about child protection.

Without the referral of this bill to your committee, it is unlikely that our own internal discussions would have touched on the seal of confession and its frequent usage by certain members. The experience of the confessional is so sacred and private that people rarely, if ever, discuss what happens during this time of immense comfort between God and man.

However, we are aware from our own internal network discussions that, due to the very nature of childhood sexual abuse, many victims and survivors who would like to have contributed to this submission will not be doing so because their name and contact details are required to be able to lodge a submission. (See section below, *The Royal Commission's Final Report*).

It is critical to these individuals that no one outside of their circle of safety knows their identity, knows who abused them, what took place, or where and when this occurred. It is also important to add that a number of members have directly faced their abusers and, where deemed necessary, have already divulged details of their abuse to the statutory authorities.

Several members have bravely agreed to their stories being shared *wholly anonymously* in this submission. Others have agreed to aspects of their recently written stories being shared herein. These will appear in Arial size 10 font at an increased quote level so as to highlight them more easily to the committee members.

3. The Royal Commission's Final Report

As survivors:

- we welcome the Government's intention to incorporate into civil society the recommendations laid down in the Final Report of the *Royal Commission into Institutional Responses to Child Sexual Abuse*;
- we are delighted to note that 79 out of the 80 recommendations made to the Australian Catholic Church are being accomplished;
- we are **concerned** that Recommendation 16.26 (*Royal Commission into Institutional Responses to Child Sexual Abuse*, Final Report Recommendations, p.55) which states

The Australian Catholic Bishops Conference should consult with the Holy See, and make public any advice received, in order to clarify whether:

- a. information received from a child during the sacrament of reconciliation that they have been sexually abused is covered by the seal of confession
- b. if a person confesses during the sacrament of reconciliation to perpetrating child sexual abuse, absolution can and should be withheld until they report themselves to civil authorities.

has not, to the best of our knowledge, yet taken place as no advice received or clarification has yet been made public. **Why, we ask ourselves, are laws being passed when carefully worded recommendations have not been adhered to?**

We would like to inform the committee that, although we rejoice in the work accomplished by the Royal Commission, which undoubtedly has given a voice to abuse survivors today, it has also left a stronger, more bitter taste in the mouths of many survivors of childhood sexual abuse.

We do not have exact figures, and believe that exact figures would be hard to come by, but the *Australian Institute of Health and Welfare* published in 2018 that:

- One in 6 (16%, or 1.5 million) women and 1 in 9 (11%, or 992,000) men experienced physical and/or sexual abuse before the age of 15. (*Australian Institute of Health and Welfare 2018. Family, domestic and sexual violence in Australia 2018*. Cat. no. FDV 2. Canberra: AIHW, p.20)
- About 1 in 2 (53%, or 5 million) women and 1 in 4 (25%, or 2.2 million) men have experienced sexual harassment since the age of 15. (*Ibid.* p.10)

Comparing the percentages above with the limited number of people interviewed by the Royal Commission, we would ask the committee to bear in mind that the Royal Commission's Final Report was unable to provide a full picture of child sexual abuse in Australia. Its remit addressed a mere fraction of historical abuse, when it is known that the vast majority of child abuse occurs beyond the boundaries of institutions and looks very different in 2020 than it did decades ago.

We believe that for State Governments to now use the recommendations of this Final Report as a concrete blueprint for the best practice of child protection beyond institutions in Australia is to miss the realities experienced by many child abuse survivors, both past and present.

The failure by politicians to consult with victim groups can lead to legislation, which is formed for the common good, being sufficiently out of synch so as to retraumatise the very people this

same legislation originally sets out to support. This is what survivors are already experiencing as a result of this bill's proposals, even before Parliament has passed it into law.

"The government should back off from trying to police the confessional. This is my safe place to talk about my abuse. I know it's the same for many other people too. It feels as though politicians are now attacking me personally when I am the one who was wronged and hurt as a kid. And they don't seem to want to understand survivors' pain..."

[18-year-old Australian male survivor]

"The State Government's proposed amendments feel to me like a calculated external attack on the Catholic Church which is both my soul's home and its hospital. I was betrayed and abandoned as a young child. I now feel I am reliving that same pain, only this time round it feels like it is politicians who are reabusing me when they are paid and elected to protect children and vulnerable adults."

[27-year-old Australian male survivor]

"The Seal of Confession as it presently stands offers the aboriginal community a desperately needed lifeline. No decent caring human being should even consider tampering with that... the vulnerable people [the State Minister] is paid handsomely to protect are now the ones being persecuted. I have despaired and felt retraumatised by the government's proposals."

[35-year-old Aboriginal female survivor]

(spoken by members of the Survivors' Support Network in W.A.)

Mandatory reporting of ongoing child sexual abuse and historical child sexual abuse is covered in The Children and Community Services Act 2004, Section 124 (1)(b) and:

(b) believes on reasonable grounds that a child —

- (i) has been the subject of sexual abuse that occurred on or after commencement day; or [20 Oct 2004]
- (ii) is the subject of ongoing sexual abuse;

Should "People in religious ministry" (Point e. of Recommendation 7.3, Royal Commission into Institutional Responses to Child Sexual Abuse, Final Report, p.17) be subject to the proposed mandatory reporting requirements linked to the seal of confession as laid out in this bill, there are guaranteed to be serious negative consequences for W.A.'s adult survivors of childhood sexual abuse.

I cannot send in a submission to this Legislation Committee. How can I? Even the slightest possibility of my name being known, or of anyone I know being able to identify me with my story totally paralyses me.

For the Legislation Committee to ask for people to offer submissions in the way they have done shows that I don't think Parliament has even begun to understand child sex abuse when it happens within or close to the family. These are completely different scenarios to being abused in an institution. It would be way easier to give witness to the Royal Commission than it would be to a State's Legislation Committee. Let's be real, people leave institutions. You can't ever "leave" your family, even if you choose to move cities or countries.

I don't think the committee realise that there will be many people who just won't be able to send in submissions about their own childhood abuse, especially when this is linked to the family or close to home, because of the destructive and volatile ramifications that could occur should our stories be identified or become public. Once again, our voices are silenced and others' goodwill once again leaves us feeling isolated at a distance rather than attached and belonging.

You will understand of course that this is the perfect reason why the seal of confession must not be interfered with. It can literally mean the difference between life and death for us as victims and survivors, and some would rather make use solely of the confession and take their secret to the grave with them than have their past ever made known publicly. I'd count myself as one of them.

I know the committee say that they will take submissions anonymously but even to have to fill in my name and contact details somewhere online is just not going to happen.

I am so grateful that you know sufficient aspects of my story. And yet there is no way I would want anyone knowing which family member abused me as a child. I know I've carried this with me for half a century. I don't want to see any door closed that might bring healing to any abuse survivor - child or adult - at any stage.

I see the government wants to catch perpetrators, but policing the confessional won't achieve this. It will only damage those of us who have been abused and have been left to fight for survival with our childhood secrets.

I too, am a survivor. And I too have never told my story out of the confessional. I have never told ANYONE. It's a wound I carry with me every single day of my life. When you think the pain has gone away, it comes back to haunt you. But I could never tell anyone about it. Now that you mentioned this, I felt compelled to say something to you. I could never share my story out of the confessional that is where I feel safe and present with our Lord. If that privilege was taken away from me then I feel my life will be futile. Who would I turn to? I don't trust anyone. If this goes ahead, it will effect me and many others physically, emotionally and spiritually. They will not be able to speak to anyone and will therefore God forbid increase suicide numbers...

There are few places, if any, to put in writing that many survivors are already living with heightened pain and decreasing mental health as they listen across Media platforms to stories of victims and survivors of institutional sexual abuse stepping forward to reap the benefits of the National Redress Scheme.

Although deeply sympathetic to the plight of their fellow victims, *non*-institutional survivors often speak of how institutional survivors

- no longer have to be involved with the institutions where their abuse occurred. They are now free of the physical space and the people involved linked to their past abuse, whereas *non*-institutional survivors often have to deal on a daily basis with a loved one who abused them.
- can now speak openly and freely with family members, friends, loved ones and the Media at large, mentioning names and details of what transpired, generally resulting in offers of support and even hero(ine) status, whereas *non*-institutional survivors will, for the most part, carry the secret of their abuse to the grave with them, seeking any way possible to keep the lid on what happened to them – hence their absolute dependence on the seal of confession remaining unbroken.
- have access to financial and psychological support on a level that a *non*-institutional survivor cannot dare to entertain. *Non*-institutional survivors often do not want their identity or any aspect of it known by any professional individual or body. This is yet another reason why confidentiality and anonymity found under seal of confession remains an integral part of many survivors' healing journeys.

RECOMMENDATION 1: Survivors would like to see the Minister's office consult as widely as possible with *non*-institutional adult survivors of childhood sexual abuse to gain a clearer understanding of the complex issues faced along the journey of recovery, and to ensure that avenues that lead to healing and restoration are safeguarded wherever possible.

4. Continuing Investment in Priests

Survivors within our network speak highly of the priests they have encountered in confessional settings. Many deliberately return to the same priest time after time once they have learnt to feel comfortable in his presence. Many admit that they believe the priest they regularly visit has no idea of their identity thanks to the careful setup of modern day confessionals.

These ordained men make themselves available to listen to survivors sharing for as long or as short a time as the survivor chooses. They provide an incontrovertible setting which offers a key source of hope and healing that is free of charge and accessible inside and outside of working hours both rurally and in every suburb and city.

An additional anxiety that victims and survivors in Western Australia are now beginning to express is that of not wishing to cause suffering, nor to be the offender who in turn causes a substantial fine or a jail sentence, upon the good priestly men who freely, graciously and courteously give of themselves to listen and support survivors along their healing journeys.

Much time and expenditure has been invested into priests in recent years to make them more aware than most of their implicit responsibilities around matters of child protection. The *Safeguarding Program* of the Archdiocese of Perth (<http://safeguarding.perthcatholic.org.au/>) is an excellent example of the hard work that one of W.A.'s traditional churches has undertaken vis-à-vis child protection.

RECOMMENDATION 2: Survivors would like to see the Government give consideration to investing civil funds to further educate people in religious ministry about child protection matters. Churches offer a service to all of society and we believe this would be a good use of public funds.

5. Therapy, Spirituality and Every Victim's Healing Journey

The failure to consult with victims, survivors and their support groups prior to drafting the Children and Community Services Bill 2019 has exposed two concerns in the hearts of child abuse survivors:

- first: the Government appears to have no idea of the significant differences between what transpires in a therapeutic situation and what occurs in a confessional setting. The distinguished writer and theologian, Fulton J. Sheen, puts this concisely: "Every child from the age of three upwards understands a broken relationship which is the essence of sin. Karl Menninger's book *Whatever Became Of Sin?* shows there has been a slow devolution of the concept of sin as moralists spoke of love rather than sin. Then jurists changed sin under law to become a crime. Then psychiatrists took up from the legalists and sin became a symptom or complex. Many complexes today are rooted in sin, but the true cause is never discovered." (Public talk: *Sin is in the blood*)
When the seeds of shame and guilt that arise out of child sexual abuse are not discovered and removed from the fertile soil of a child's soul, which is what the confessional permits to happen, then the victim-survivor will continue to grieve and to drag her/his entire life between addictions and therapists, seeking a rarely found resolution.
It is important to consider how frightening therapy and counselling can be for many victims compared to easy access to the confessional. A brief comparison of the two looks like this:

THERAPIST'S OFFICE	CHURCH CONFESSIONAL
<ol style="list-style-type: none"> 1. Full name is to be given 2. Money is to be exchanged 3. A specific time is booked, usually between 45-60 mins 4. Sessions usually occur within most people's working hours 5. Attendee is enclosed in a room with four walls and a closed door, alone with someone about whom they know very little if anything 6. The face of another person is often looking directly at you while you are expected to, or hoping to, get in touch with shame and deep pain 7. Risk of others finding out what is discussed – either from notes taken and filed away, or by the therapist's supervisor 	<ol style="list-style-type: none"> 1. No name is to be given 2. No money is exchanged 3. No specific time is booked, usually lasts a few minutes to as long as is desired 4. Confession is available at times the priest is free, often before/after work 5. Attendee is enclosed in a room with a grill between them and yet close to a glass-panelled door where others might be present outside 6. No face is looking directly at you while you get in touch with shame and pain, so no possibility of re-shaming can occur 7. Absolutely no risk of others finding out what is discussed – no notes are taken. No one else is ever spoken to

- secondly: the proposed legislation (although it is still not yet known *how* exactly any form of policing of the confessional could be rolled out) contains a remirroring of the original damage experienced by children when sexually abused. For statutory authorities to have any power over or intrusion into a survivor's healing journey can be grossly detrimental.

Some of the key characteristics of childhood sexual abuse are as follows (for further information on these points, please see *The Wounded Heart: Hope for Adult Victims of Childhood Sexual Abuse*, by Dr Dan Allender, NavPress; New edition - May 2, 2018):

- **Powerlessness** – control is taken from a child during sexual abuse. The child's "no" to what is happening is ignored. *For statutory authorities to intrude into a survivor's spiritual narrative once again takes away any newly found control the survivor might have gained, and causes them to relive what they experienced once again. This leads to them feeling a double betrayal.*
- **Betrayal** – the perpetrator groomed and lured the child into a deathlike situation. The child was vulnerable and open with the deepest aspects of their personhood – and were then tricked into believing they were wrong and were left to hate themselves. These attributes are called shame and contempt. *For the police to intrude on their vulnerable confession is a mirroring of the original trauma and is likely to leave them feeling tricked once again.*
- **Shame and Contempt** – survivors already struggle with self-hatred and a sense that they are somehow wrong in 'who they are'. They blame themselves for not having stronger boundaries. *If the police get involved with their story, without them actioning this themselves, the shame and contempt of this intrusion is likely to lead to increased mental anguish and suicidal ideation.*
- **Ambivalence** – many survivors are hurt by people whom they know, love and admire. Although survivors hate what is done to them, they often – but not always – wish to sustain a relationship with the abuser whereby they can find resolution between them without external interference and any judicial process. *For a priest to report mention of any person's childhood sexual abuse to the statutory authorities would damage what many survivors believe to be a more productive route towards restorative justice.*

During one of our network discussions, one person shared that:

“For the police to intrude in my confession would be like messing with the chrysalis that protects the caterpillar. But the chrysalis isn't separate to the caterpillar because the body the caterpillar has once it's shed its skin for the last time is the chrysalis. For the police to intrude would be like intruding deep into me. It would be like removing all protection from me which would stop me healing and transforming.”

Within our W.A. network, survivors tell their stories at a pace that is led by them. No one pries, prods or privately investigates. It is their story, to be told at their pace, in the way that they feel most comfortable to tell it. Any intrusion from any external body decreases rather than increases the healing process.

Several survivors experienced pain on hearing of the mere prospect of another victim's story being even partially investigated against their will such that they wanted to scream out in pain. The medium chosen through which to express some of this pain was video narrative.

Five people aged 18 to 75-years-old, male and female, indigenous and non-indigenous, Catholics and non-Catholics, stepped forward to speak publicly about their experience of the confessional and the need to protect the seal of confession at all costs. These videos can be seen at <https://bit.ly/38LqE8X>. Since filming, a number of other survivors have begun to come forward wishing to speak out about their own healing and restoration found within the confines of the confessional.

Although filmed anonymously, some members of one survivor's family recognised him. This led him to having to admit to his historical abuse as a child. Even this slight leakage of his story to only a few members of his immediate family has caused a significant increase in his anxiety and reduced his well-being.

I recently made an anonymous video about my story and my concern about the seal of confession being policed. Members of my family discovered it was me behind the silhouette. I cannot explain to you how much shame and fear this again brought up for me. I mention this because if I thought that the Police or another civil official might be knocking at my door about this topic as a result of a visit to the confessional then I cannot imagine the depths of despair this would plunge me into. I don't think I would want to continue my life.

On the topic of anonymity, I have been contacted over a two-week period by over a dozen survivors, mostly women, all of whom have been abused by a family member or friend and who use the confessional as their only safe place of discussion and healing. Regrettably, not one of these people feel free to lodge their own submission to the Legislation Committee because it is insisted that a name, email address and phone number be attached to each submission. These survivors fear their name being linked to their story and that someone somewhere at some point in the present or future might find out their details. For these survivors, this would feel worse than the original abuse itself. So already, victims and survivors are being penalised and diminished in their healing journeys even before the Amendment Bill is passed.

Another survivor, a professional woman in her mid-thirties who works with children, wrote the following, requesting it be added into the network's submission:

I am writing this submission to oppose The Children and Community Services Amendment Bill 2019 to defend the Seal of Confession. While I believe the safety of children from sexual predators is paramount, I do not believe that removing the

Seal of Confession is the right approach. In fact I believe it will be extremely detrimental to the healing journey of countless survivors of childhood sexual abuse. The Sacrament of Confession, with the protection of the Seal of Confession, is the only safe place where [sic] survivors of child sexual abuse can go and share to the degree they are ready and able to, with complete anonymity, in order to heal from the trauma they have encountered. The Seal of Confession is a wonderful gift that has assisted me in my own recovery from the effects of child sexual abuse. I was raised as a Catholic, was sexually abused by a family member at age 14 then fell away from the Church for a number of years and sought counselling from professional psychologists and psychiatrists from age 18-33, but to no avail. The guilt and shame that plagued me made it difficult [sic] to be honest and open and to let others see my heart and the pain within. I wasn't sure if I could totally trust them. I didn't want what was recorded by them in notes and stored in a file ever to be found or reported to another individual. I was on a heavy regime of medications to numb the pain. But the pain was still there. It had to be dealt with. It was only at age 34, that I had the courage to face the severe impact this sexual abuse had on my life and it was through the security of the Seal of Confession, that little by little I was able to disclose and therefore process the way the abuse impacted and effected every facet of my life. Under the Seal of Confession, the priest offers a listening ear without probing for extra information. I have the blessing of remaining completely anonymous, which over time is helping me heal from the layers of shame and guilt. I am able to take things at a pace that is right for me, without worrying about the financial burden or whether I have used my time effectively. It is the Seal of Confession, that I as a survivor of childhood sexual abuse have been able to access in my healing journey and I therefore strongly oppose the Seal of Confession being removed. Without the Seal, many survivors would be left completely isolated, with no safe place with total anonymity and therefore no fear of retribution. I, as a survivor of childhood sexual abuse, have a right to heal and so do others and it is through the Seal of Confession that true healing begins.

This theme of increased well-being, a greater sense of self-identity and also tighter and more cohesive community threads as a result of the seal of confession and the anonymity, privacy and security the confessional offers is widely explored in *The Value of the Sacrament of Penance and Reconciliation for Psychology* by Flávio Antônio da Silva Dotal (Georgetown University, Washington DC, May, 2016 – see <https://bit.ly/3jzKusK>)

6. Indigenous Reality

During discussions within our network, indigenous voices have risen loudly and clearly. Here are two examples:

One of the darkest moments of my life was the sexual abuse I experienced at the hands of a close family member when I was 13 to 17. I had no avenues open to me as a child where I could go discretely and free of charge to talk *with absolute confidence* about what was being done to me. And the last thing I would've wanted would have been any questioning for fear of retribution. I just needed a place for my voice to be heard. I needed compassion, not criticism or the possibility of any police interference. Personally, I think the Catholic confessional is *the* only place a vulnerable Aboriginal child or adult can access discretely and free of charge, without fear of reprisal. The seal of confession as it presently stands offers the Aboriginal community a desperately needed lifeline.

My first experience of sexual abuse was whilst I was still a very young child, around Kindy age. My second experience of sexual abuse began when I was aged fifteen.

I understand what it is to live in sheer darkness, to be in such a horrible place that you have to keep yourself reserved. I spent about a year or so "toughing up", and this seemed to work at first, but then after that my life just went downhill and led me from alcohol into drugs and onto a dependence on anti-depressants.

It was through this spiritual awakening and the tender, careful spiritual journeying that I was being led on which opened my eyes, my mind and my heart to see that the route out of my mental, emotional and relational hell was forgiveness, not hours of therapy, not the endless revisiting of my pain but forgiveness.

I therefore strongly believe that no spiritual avenue which testifies to bringing inner freedom to survivors of child sexual abuse, and especially the confessional, should be policed or interfered with by the government.

Survivors must be allowed to make their own journey in their own way and in their own time. To interfere with this healing process can cause more damage to the broken individual in the long run than can be understood by those who have never experienced child sex abuse.

I now use the confessional, but I would hesitate to do this if I believed that my mentioning any past sexual abuse might put a priest's vocation into jeopardy or cause him to be fined or even gaoled. I don't see why a good man should be penalised for caring for my soul years after someone else stole my innocence from me? It doesn't compute. In fact the government should be grateful for the goodness, kindness and availability of these men who come alongside some of society's greatest pain and help to bring relief to many persecuted and damaged souls.

We read that "child abuse and neglect in Australian Indigenous communities is a particularly serious one. It appears so severe that it is highly likely that another generation of Indigenous people will be scarred by this present trauma." Additional to this, "it is therefore vital that attempts are made to work in collaboration with Indigenous communities, where they have co-ownership of research, to involve them actively in culturally appropriate research processes and, where possible, train and support Indigenous researchers." And that "while there is an urgent need to understand the issues further, action needs to be taken now while further knowledge is gathered. It is clear that Indigenous people need to provide the answers." (*Child abuse and neglect in Indigenous Australian communities*, Janet Stanley, Adam M. Tomison and Julian Pocock - <https://aifs.gov.au/cfca/publications/child-abuse-and-neglect-indigenous-australian-communities>).

RECOMMENDATION 3: Survivors would like to see the Government empowering more indigenous survivors who have sufficiently recovered from their childhood trauma to in turn assist other indigenous Australians in their journey of healing and to educate them around the horrors of child abuse and neglect.

7. Children and the Tender Journey of the Confessional

As survivors, we understand the challenges presented to the Government. On one hand there is the need to offer the best possible protection for all children. On the other, there is the need to create laws which offer sufficient flexibility that permit the most downtrodden and vulnerable not to descend into further depravity.

Even if the breaking of the seal of confession was not extended to adults making mention of child sexual abuse but was applied only to revelations made from those under 18 years of age, we still believe collectively as survivors that any minor should be assisted by the priest under the seal of confession, through words of encouragement or by offering to accompany the child,

perhaps along with a safeguarding officer, to speak about their abuse to their parents and/or to civil authorities in *their own good time* and *in their own words* and to therefore not be led and manipulated once again outside of the zone of their own personal control.

With this in mind, we survivors would like to reaffirm our earlier recommendation that the Government give consideration to investing civil funds to further educate people in religious ministry about child protection matters.

8. Government's Primary Focus

Of grave concern to our survivor network is the following in relation to the overall protection of children across the State of Western Australia.

The Royal Commission's Recommendation 7.3 (*Royal Commission into Institutional Responses to Child Sexual Abuse*, Final Report: Recommendations, p.17) states that:

State and territory governments should amend laws concerning mandatory reporting to child protection authorities to achieve national consistency in reporter groups. At a minimum, state and territory governments should also include the following groups of individuals as mandatory reporters in every jurisdiction:

- a. out-of-home care workers (excluding foster and kinship/relative carers)
- b. youth justice workers
- c. early childhood workers
- d. registered psychologists and school counsellors
- e. people in religious ministry.

We are aware that in her speech to the Legislative Assembly on 28 November 2019, the Minister for Child Protection, the Hon. Simone McGurk, stated that:

- of the five groups recommended by the Royal Commission, ministers of religion are the only group singled out by the Amendment Bill for mandatory reporting.
- only a limited consultation has been conducted, involving a number of Aboriginal organisations and 37 written submissions.

We are concerned that mandatory reporting impacts most of all group e. and the practice of the confessional seal in Catholic and Orthodox churches as these are the churches predominantly with formalised confession.

As this submission reveals, many victims and survivors currently use the confession as a safe space for counselling, support and healing. We would therefore like to know why the Catholic Church, Orthodox Churches and especially survivor groups have all not been contacted during the Minister's "limited consultation". As stated above time and again in survivors' testimonies, such an inadequate consultation with key stakeholders is already bringing about some serious and unintended consequences, first and foremost by scaring away any perpetrator from ever visiting a confessional in the future, which would have been a unique occasion to help an abuser to begin to reform his/her ways.

Of greater concern to us is the protection of the most vulnerable children. We are aghast, and some are most angry, to have learned that Western Australia is the only region in Australia in which early childhood workers, such as those in day-care centres, are not already mandatory reporters, even though children that frequent these centres are particularly vulnerable to being sexually abused due to their age. The parents among our network are especially alarmed at this.

Surely, this should be the Government's priority before chasing after glass-panelled confessionals and a limited number of priests?

As survivors, we also believe that significantly more needs to be done by the Minister for Child Protection and her office, and **urgently**, to address the exponential rise in child-on-child abuse that is occurring due to the proliferation of hardcore pornography and the overt sexualisation of children both in schools and through social media. (See *Children as young as FIVE are carrying out sexual abuse after learning how to online, warns charity*, Daniel Martin, 30 July 2018, http://www.dailymail.co.uk/news/article-6005053/Primary-school-children-young-5-carrying-sex-abuse-online-social-media-p pressures.html?ito=email_share_article-top. Also *Thanks to porn, children are sexually assaulting other children at alarming rates*, Jonathon Van Maren, 16 July 2020, <https://gript.ie/thanks-to-porn-children-are-sexually-assaulting-other-children-at-alarming-rates/>).

Additionally, a live concern of survivors goes to what the Western Australian Government, in connection with the Australian Customs and Border Protection Service, is actively doing to ensure lifelike child sex dolls modelled on pre-pubescent girls, infants and toddlers do not reach Western Australian buyers. Again, we believe this to be more urgent than the policing of glass-panelled confessionals. "Child sex abuse dolls are designed to facilitate users' fantasies of raping a child," said Caitlin Roper, campaigns manager at Collective Shout. "These lifelike dolls normalise and legitimise the sexual use and abuse of children." (See *Disturbing child sex dolls, including anatomically correct babies, sold online in Australia*, Shannon Molloy, 16 July 2020, <https://bit.ly/3fXls4A>.)

RECOMMENDATION 4: Survivors would like to see the Government focus **without delay** on protecting the most vulnerable children in our society:

- 1) by making mandatory reporters of early childhood workers,
- 2) by finding ways to tackle the issue of minors accessing any pornographic materials, and
- 3) by ensuring child sex dolls are not permitted to enter into Western Australia.

9. Our Experiences of the Statutory Authorities

As survivors, we are deeply appreciative of the relentless, challenging, and tireless hours put in to protect children in Western Australia. We understand firsthand the many challenges and horrendous situations that are presented before statutory authorities.

We wish to take this rare opportunity to thank all those working in child protection for their diligence and attention to make our State a safer place for children and vulnerable adults.

We wish to mention, however, that our combined experience of methods presently in place to deal with survivors could be summed up as being "clinical" and "methodical", and not always as "fully informed" with insights from survivors.

The agnostics linked to our network (and at times even the atheists) admit to seeing the difference that spirituality and religious practice can make to a victim surviving childhood sexual abuse and thriving into the future. It is for this reason that we strongly request the Government listens to survivors' stories and takes note of what does, and does not, work in recovery.

Two members of our support network recently shared of their experiences with the police, their having made written statements of their historical abuse. One 18-year-old male disclosed to the police when aged 16. Two years later, he has heard nothing from anyone. This is debilitating for such a young man. One man approached the police when aged 35. He was told that the case

would take about six months to appear in court. His appearance in court came about two years later, but not without him having had to resort to anti-depressants and beta-blockers, and with no support in the process, whilst having to learn that a number of his peers had committed suicide as a result of his perpetrator's widespread abusive behaviour. He speaks of having been brought "close to the edge".

RECOMMENDATION 5: Survivors would like to see more consideration given by the Government to the ongoing tender needs of abuse victims both during and after the process of disclosure to the statutory authorities, and between writing statements and possible appearances in court.

10. Questions W.A. Survivors would like the Government to answer

For clarity's sake, we as survivors would like the Legislation Committee to pursue answers from the Government to the following important questions before seeking to pass the Children and Community Services Bill 2019, with or without reflection on comments made in this submission:

- 1) Why has the Government chosen to make their primary focus the mandatory reporter group which has the least amount of regular contact with children (group e. – see point 6 below) whilst entirely ignoring the other four groups (groups a. to d.) which all routinely deal with society's most vulnerable children, when these groups are uniquely placed to detect instances of child sexual abuse (out-of-home care workers, youth justice workers, early childhood workers, registered psychologists and school counsellors)?
- 2) Why is W.A. the only region in Australia in which early childhood workers are not already mandatory reporters, despite the Royal Commission referring to these children as being particularly vulnerable due to their age?
- 3) Why has the Minister for Child Protection decided to shield her own departmental case workers from mandatory reporting, contrary to every other Australian jurisdiction when the Royal Commission dedicated an entire volume of its Final Report to child sexual abuse in contemporary out-of-home care?
- 4) Why has no consultation taken place with survivors or across survivor groups in W.A. when these individuals have firsthand experience of failed child protection, plus useful insights as to how to better protect children and build a stronger, protective future?
- 5) Although recognising that elements of the 75 clause Bill need to be supported, there remain several areas of deep concern that survivors have, namely:
 - i. Why has there been limited consultation with Aboriginal families?
 - ii. Why has the provision of what appear to be police-like investigative powers around the confessional not been explicitly explained?
 - iii. Why has there been no mention made of how the expectations being enshrined into law will be resourced?
- 6) Why has no consultation been undertaken with people in religious ministry (section e. below) and yet the Minister has publicly spoken of her intention to consult with sections a., b., c., and d., groups that are all regulated in some way or other by the State? Why such visible inconsistency and bias?

- a. out-of-home care workers
- b. youth justice workers
- c. early childhood workers
- d. registered psychologists and school counsellors
- e. people in religious ministry

11. Survivors' Concerns

In summary, here are five clear concerns that survivors in W.A. presently have about the bill:

- (1) The Government regularly speaks of putting child safety first and yet the bill as it presently stands does not meet survivors' lived experiences which show that the seal of confession actually puts child safety first, so to police the seal will remove safety for vulnerable children.
- (2) Present proposals have already begun to instil fear into child abuse survivors and so are likely to gravely harm children and teenage victims' entry into recovery through the confessional. They are also likely to deeply affect elderly Australians some of whom are only now finding the courage to speak up about their historical abuse.
- (3) By the Government publicly promoting their intention to police the seal of confession, the incredibly remote possibility of any perpetrator now approaching the confessional has gone.
- (4) Victims and survivors are already hesitating to use or to keep using the confessional. Once again, it is the victims of the past that must pay double the price. They were controlled as children and are now likely to have an avenue of healing controlled as adults.
- (5) Government proposals penalise those already wounded by leaving them further traumatised with a doorway to hope at the entry to the confessional forcibly slammed shut in their faces, which is a lose-lose situation in the long run for everyone in society — except for perpetrators.

12. Final Comments

As survivors:

- We are again grateful to members of the Legislative Council for agreeing to form the Legislation Committee which permits our voices, concerns and questions to be heard.
- We wish to thank the members of the Legislation Committee for their diligence in engaging with what we know can at times be a most disturbing topic. We wish you well in forming your report to fellow parliamentarians.
- We wish to work with the Government and not against it in any way. We have learnt and continue to learn not to hide our pain or to deny our voices and may at times appear to be angry and harsh in comments that we make. These are never *ad hominem*. Our intention is never to hurt or harm others but rather to build a healthy and well-functioning society where childhood sexual abuse is reduced, and ideally eradicated. But neither will we remain silent whilst we believe corners are being cut with regards to child protection and the honouring of a victim's journey of disclosure.

We believe this final story sums up the need to protect the seal of confession at all costs for the sake of the most vulnerable in our society:

It was inside the Confessional after decades of abuse and hidden traumas – sexual abuse as a child at the hands of neighbours and distant family members, the forced removal of my baby at birth for adoption during my marriage, the rapes I endured at the hands of my adult stepson, plus other stories too unmentionable here – that I found myself pouring out my heart to a priest in Confession.

He listened with compassion, without judgment, and guided me away from self-shame and unjustified guilt. He helped me to find my safe place, my refuge where I could express my deepest pain and sorrow without fear of being recognised or judged or threatened in any way. I found “myself” again - the little girl that had been lost and alone for decades. I found her hiding behind a curtain of shame and guilt that was removed, taken away completely, in that Confessional. Distress and bad memories were gradually replaced with peace of heart and mind as I continued to go to Confession on a regular basis.

Healing is a life-long process and ongoing for me, but if my safe place within Confession is ever threatened, I don't know how I would react or what I am capable of doing. In the current state of the world, with COVID restrictions placed on my Church and the Sacraments, I have experienced great anxiety deprived of regular Confession, despite undergoing therapy for my now diagnosed Complex PTSD. Even my therapist has stated that my resilience and survival has been due to my faith and religious practises. I know without a doubt that it has been the ‘therapy’ provided by the Sacraments of Confession and Holy Eucharist that have kept me alive and active. My vocation has flourished and continues to bear fruit as a result of this confidence in the safe refuge and the seal of confession.

Appendix 1 – Recommendations

RECOMMENDATION 1: Survivors would like to see the Minister’s office consult as widely as possible with *non*-institutional adult survivors of childhood sexual abuse to gain a clearer understanding of the complex issues faced along the journey of recovery, and to ensure that avenues that lead to healing and restoration are safeguarded wherever possible.

RECOMMENDATION 2: Survivors would like to see the Government give consideration to investing civil funds to further educate people in religious ministry about child protection matters. Churches offer a service to all of society and we believe this would be a good use of public funds.

RECOMMENDATION 3: Survivors would like to see the Government empowering more indigenous survivors who have sufficiently recovered from their childhood trauma to in turn assist other indigenous Australians in their journey of healing and to educate them around the horrors of child abuse and neglect.

RECOMMENDATION 4: Survivors would like to see the Government focus without delay on protecting the most vulnerable children in our society:

- 1) by making mandatory reporters of early childhood workers,
- 2) by finding ways to tackle the issue of minors accessing any pornographic materials, and
- 3) by ensuring child sex dolls are not permitted to enter into Western Australia.

RECOMMENDATION 5: Survivors would like to see more consideration given by the Government to the ongoing tender needs of abuse victims both during and after the process of disclosure to the statutory authorities, and between writing statements and possible appearances in court.