

Submission to the Committee for Inquiry into the Children and Community Services Amendment Bill 2019 -The Seal of Confession

I would like to inform the Committee that the proposal to legislate to break the seal of confession causes me a great deal of hurt, confusion and anxiety. It is a fundamental part of my faith and my relationship with God.

I make the following brief points:

- Comments by elements of the press, some politicians and ministers seem to equate the “Catholic Church” with the perpetrators of the abhorrent crimes that have been committed. This could not be further from the truth. The Catholic Church comprises its members - a large and truly diverse number of people who meet with a community spirit and generally carry out some very worthwhile acts and do much good. All those I have spoken with abhor what has taken place, are genuinely saddened and burdened by what has occurred and place high priority on the safety and wellbeing of children.
- Members of the Catholic Church include victims of abuse. I am aware of victims that are deeply hurt and offended by this proposal, which also reopens old wounds.
- In confession I am talking to God, not the priest. It is an intensely personal and intimate encounter between God and me. As the Archbishop of Perth has clearly elaborated the role of the priest is to mediate in his sacramental identity as one who acts “in the person of Jesus Christ”.
- Populism and group think are not the basis of good legislation or indeed any policy, albeit it is the increasing norm. This proposal is poorly considered and reactionary. I would urge some critical thinking and evidence-based solutions.
- There is no evidence that this proposal would have prevented past abuse or will lead to better protection of children in the future. The proposal is likely to be ineffective and even counterproductive.
- Good legislation has a provision for review after a specified period. Is this the case with this proposal?

I am very doubtful that the proposal will be effective in achieving its aims. It will, however, certainly be effective in making criminals of many good priests, bishops and archbishops. It will also cause further pain and distress to many victims. This legislation has no part in a pluralist western democracy. It is in fact the antithesis of such a society.

Marco Mottolini