

Honourable Members of the Joint Standing Committee for The Children Community and Services Bill Amendment Bill 2019

I wish to voice my strong opposition to the amendment in the Child protection Act requiring ministers of religion, particularly Catholic Priests to break the seal of confession and, under pain of prosecution, report anyone who confesses to child abuse.

1. It is highly unlikely that anyone who commits such an offence will tell it to a priest in the confessional. Reputed sources state that those who commits such offences do not feel any guilt, so why would they confess something that they do not see as a sin?
2. No serious abuser would go near a priest if he knew he was a state informer, so the new law would be self-defeating...
3. The only real way to enforce this would be by entrapment, an undercover "sting" operation. Natural Justice would be denied the priest, because he couldn't defend himself, because by doing so he would break the seal of confession.
4. The State Law would then directly attack the Catholic Church. Any priest who broke the seal of confession would automatically be excommunicated. That priest could no longer function as a priest. At this point I have no doubt that the law would be challenged under S116 of the Australian Constitution. We have already noted that the Archbishop Julian Porteous of Tasmania was attacked his public opposition to Gay Mariage. The case went to the Anti discrimination tribunal but was dismissed.

<https://www.themercury.com.au/news/tasmania/transgender-rights-activist-martine-delaney-drops-complaint-over-catholic-churchs-marriage-booklet/news-story/d8d9079bf932526b27e5f094e57dbe84>

5. For Catholics, this issue is a far bigger issue than gay marriage and will generate a vigorous response. Further the same type of bill was put forward in California but was not proceeded with due to the realization, amongst other things, that it contradicted the First Amendment of the American Constitution <https://www.catholicnewsagency.com/news/california-confession-law-dropped-31494>
6. This is a direct attack on the privilege of confidentiality shared with other professions such as journalist and lawyers. Two cases come to mind. Firstly the Federal Government attack on the journalists who reported on the SAS killings in Afghanistan and secondly, that of Nikola Gobbo the police informant who was also a Victorian defence lawyer. The fallout from these incidents is ongoing. Australian law is based on case law as much as statue law, both influencing each other. This

is the Westminster tradition. Removing professional confidentiality from one group, will, just by the nature of our legal system, be extended to others.

I believe that the first attempted prosecution of a priest for this would trigger a High Court Challenge under S116 of the Australian Constitution. Prof Greg Craven of the ANU makes this perfectly clear in the article below.

<https://www.theaustralian.com.au/national-affairs/opinion/the-seal-is-sacrosanct/news-story/32a47aade8d4e7975cdcf55a1fcd47c3>

I seriously ask you, whether this amendment is needed. I believe that it is a knee jerk reaction and far more serious attempts at curing the problem are needed. This means a commitment of resources, both human and financial.

The proposed amendment singles out the Catholic Church. NO other Church has Confession (reconciliation) as a sacrament. Catholics believe that the Sacrament of Confession was instituted by Christ . (Gospel of St John Ch20 vs 19-23)

Catholics are REQUIRED BY CANON LAW to go to confession/reconciliation at least once a year (Catechism of the Catholic Church, Clause 1457).

Sadly many so-called practicing Catholics do not know their own faith well enough to realize this.

In summing up, I do not believe that the amendment, 124 BA of the Children Community and Services Bill Amendment Bill 2019, will achieve its objective.

It is a bad law because:

- a) it is only enforceable by entrapment
- b) it will not cure the problem
- c) It attacks directly the Catholic Church which is no small minority of the population.

Yours Sincerely

Thomas Loreck .