



2 July 2020

Dear brothers in ministry and brothers and sisters in Christ,

Re: Inquiry into the *Children and Community Services Amendment Bill 2019*

On 1 July 2020 I was advised by the Hon Sally Talbot MLC that on 25 June 2020 the Legislative Council of Western Australia referred the *Children and Community Services Amendment Bill 2019* to the Committee of Inquiry. This Committee will be chaired by the Hon Sally Talbot MLC and the current members are the Hon Nick Goiran MLC, the Hon Pierre Yang MLC and the Hon Simon O'Brien MLC. The Hon Jacqui Boydell MLC will be co-opted as a member.

The Terms of Reference are:

1. That the *Children and Community Services Amendment Bill 2019* be discharged and referred to the Standing Committee on Legislation for consideration and report by no later than 15 September 2020.
2. The Committee has the power to inquire into and report on the policy of the Bill.

The *Children and Community Services Amendment Bill 2019* proposes to amend the *Children and Community Services Act 2004* to implement recommendations of the Final Report of the *Royal Commission into Institutional Responses to Child Sexual Abuse* and a statutory review of the Act.

One of the main purposes of the amendments to the *Children and Community Services Act 2004* is to introduce mandatory reporting of child sexual abuse for ministers of religion which includes "religious confession". The proposed amendment states:

"Section 124BA. Provisions for ministers of religion.

(1) In this section –

religious confession means a confession made by a person to a minister of religion in the minister's capacity as a minister of religion in accordance with the tenets of the minister's faith or religion.

(2) For the purposes of section 124B(1)(c)(i), a minister of religion who forms a belief on the basis of information disclosed to the minister in the minister's capacity as a minister of religion is taken to form the belief in the course of the minister's work.

(3) A minister of religion is not excused from criminal responsibility for an offence under section 124B(1) on the grounds that –

- a. the minister's belief is based on information disclosed to the minister during a religious confession; or
- b. disclosure of the minister's belief or information on which the belief is based is otherwise contrary to the tenets of the minister's faith or religion."

In short what this means is that any information disclosed to a priest during the course of Confession which leads the priest to believe that a minor is being sexually abused must be



Most Rev Timothy Costelloe SDB
Archbishop of Perth

reported to the authorities, irrespective of the wishes of the penitent. Failure to do so will constitute a criminal offence under the proposed amendment.

The Bill includes a number of amendments which relate to ministers of religion becoming designated mandatory reporters of child sexual abuse as detailed in Recommendation 7.3 the *Royal Commission into Institutional Responses to Child Sexual Abuse*. This is not limited to confession but to all aspects of a priest's ministry.

As part of its consultation, the Standing Committee on Legislation has invited me to provide a written submission on matters relating to the *Children and Community Services Amendment Bill 2019*. I will be taking up the Chair's invitation and will be lodging a submission by **Friday, 24 July 2020** to the Committee of Inquiry.

My submission will be informed by my Pastoral Letter to the Archdiocese of Perth dated 18 May 2020 ([Pastoral Statement](#)). My Pastoral Letter outlined not only my views on these proposed amendments to the *Children and Community Services Bill 2019* but also Catholic teaching and the fundamental theological reasons which underpin the Sacrament of Penance in our Catholic tradition.

As outlined on the Parliament of Western Australia's website ([CLICK HERE](#)) individuals and organisations are invited to make submissions to the committee with the closing date for submissions being **Friday, 24 July 2020**. I invite you to consider lodging an individual submission or work with a group of parishioners and other interested people to lodge a joint submission. It is my hope that in doing so the widespread concerns of Catholics about this fundamental challenge to such an important aspect of our Catholic faith might be strongly communicated to our politicians.

This open letter has been made available across the Archdiocese of Perth through the eRecord of 2 July 2020 and on the Archdiocese of Perth's website. Information will also be distributed to Archdiocesan staff, Agencies, Catholic Education Western Australia, the University of Notre Dame, St John of God Health Care and other members of the Archdiocesan community for their attention.

As I stated in my Pastoral Statement I remain fully committed to the safety of children and young people within the Archdiocese of Perth. Any person with allegations of sexual abuse by Church personnel should go to the police. Our Catholic Professional Standards Office stands ready to assist people to do so.

The sexual abuse of children and young people is an abhorrent crime wherever, whenever and by whomever it is perpetrated. I recommit the Archdiocese of Perth to its ongoing safeguarding initiatives that are in place across all our agencies.

Yours sincerely in Christ

Most Rev Timothy Costelloe SDB DD
Archbishop of Perth