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Catholics want law to protect confessional

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The body representing more than 140 Catholic dioceses, religious orders and other institutions is calling for new national laws making it a crime to not report information about child sex abuse — unless it is obtained by a priest during the confession.

In a formal submission to the child abuse royal commission, the Truth, Justice and Healing Council argues this exemption would reflect Victorian legislation granting a similar “occasion of privilege” to that protecting communications between lawyers and their clients.

The issue is expected to provoke controversy when the Royal Commission into Institutional Responses to Child Sexual Abuse holds a three-week hearing into the church in February, having recently flagged it will use this to consider “the protection of the confessional”.

The commission has the power to recommend changes to laws in some states allowing priests who hear admissions of criminal activity during confession to not report this to police.

Such a change took place in Ireland in 2012, where a series of damning inquiries into the church led to the introduction of legislation making it a crime for anyone, including priests, to not report their knowledge of child abuse.

Several Catholic officials told *The Australian* this week the sanctity of the confessional was “inviolable” and warned they would defy any such law.

Under questioning at the commission yesterday, Truth, Justice and Healing Council chief executive Francis Sullivan said “parliaments will need to make their own decisions and then ... priests will, like everybody else, have to obey the law or disobey the law”.

A series of child abuse scandals in recent decades has revealed “a shameful history, a rather confronting history within the Catholic Church of how sexual offenders were handled”, Mr Sullivan said.

This included the cover-up of known child sex offenders, and the moving of paedophile priests between parishes or dioceses, allowing them to offend again.

“We’re talking about culture. We’re talking about self-preservation. We’re talking about how the powers that be at a given time are more concerned about public scandal and reputation damage ... than they were about the specific interests of a child,” he said.

The church now believes the Victorian legislation, making it an offence not to pass information about sexual offences to police, should be introduced nationwide.

Such information should be reported even if the victim did not wish this to happen, Mr Sullivan said, arguing “it might be possible that the perpetrator is still alive and therefore there is a risk to the community”.

Senior Catholics have questioned whether it can be shown that any priest has heard the confession of a child sex offender, with Mr Sullivan yesterday saying: “I haven’t heard of any public evidence to that effect.”

The commission has heard thousands of victims’ evidence in private, however, while its public hearings have heard examples of children who have been sexually abused during the confessional itself.

The Archbishop of Melbourne, Denis Hart, wrote to parish priests and Catholic school principals earlier this month, asking that children give confession “in the full view of all participants”, rather than through a grate, as required by canon law.