



**Pastoral Letter from  
The Most Rev Timothy Costelloe SDB**

**Community and Family Services Amendment Bill (2021)**

Thursday, 21 October 2021

Dear brothers and sisters in Christ,

The recent passage of legislation through the state parliament removing civil law protections around the confidentiality of the confessional has deeply disappointed and troubled me as it has no doubt also troubled many of you.

This decision of the state parliament not only potentially criminalises fidelity to an essential dimension of the practice of our Catholic faith by our priests but also carries with it no guarantee that any child will be better protected from abuse because of this decision.

It is particularly concerning and troubling that the majority opinion of the legislative committee established by the government to look into this matter was not accepted by the parliament. In a 3-2 majority decision this committee recommended that disclosures made in the context of a religious confession should not be subject to the new mandatory reporting laws.

I have no reason to question the integrity and good intentions of our parliamentarians. I am, however, perplexed by their decision not to accept this majority opinion, which was the result of extensive consultation with interested parties.

I am equally concerned that little if any attention seems to have been given to the testimony of those survivors of sexual abuse who have spoken of the importance of the confidentiality of the confessional in providing them with a safe place in which to share their stories and seek support and advice. Why is it that their experience seems to be given no importance or credence?

Some people seem to have formed the view that if a person discloses, during confession, that he or she has been abused, the priest can and will do nothing. This is either an ignorant or a deliberately misleading presentation of the way confession is practised in the Catholic Church. A priest will do everything he can to provide advice, support and accompaniment if the person making the disclosure is open to this. All that person needs to do is agree to share his or her story with the priest outside the context of confession. The priest however, according to Catholic teaching, must not betray the confidence of the person who comes to him in the confessional. The confession experience is a personal encounter between that person and Christ. In Catholic teaching the priest acts in the person of Christ in this encounter. In a very real sense the disclosure is made to Christ who, in the person of the priest, listens, advises, encourages and assists that person in every way possible. He does not betray that person's confidence.

The same approach will be taken by a priest if someone confesses to the crime and sin of abuse. The priest will do everything in his power to convince the self-confessed abuser that he or she must hand him or herself in to the police. Unlikely though it might seem that an abuser would agree to this, the possibility at least is there. However, with the passage of this law it is almost inconceivable that a perpetrator would put him or herself at risk of discovery. Thus, any admittedly small chance a priest might have to seek to convince a perpetrator of the evil of his or her actions and encourage or direct that person to go to the police, would be lost. And of course, if a perpetrator did take the "risk" of going to confession, he or she would certainly go to a priest who could not identify them, and who conducted confession in a setting which guaranteed anonymity.

In view of the above it is legitimate to ask about the practicality and enforceability of the legislative change, and this of course raises the question of why this legislation was allowed to pass through our parliament in the first place. Surely a key test of the appropriateness of a law must be its enforceability.

It will come as no surprise to many of you that I have had approaches from the media wanting to know if I am going to instruct the priests of this archdiocese to break the law. These approaches remind me of the questions put to Jesus by some of the religious leaders of his day who hoped to trick Jesus into some kind of action or statement which they could then use to criticise or condemn him. More often than not Jesus either refused to answer the question or turned the tables on his interrogators by asking them a question in return. In relation to the question the media has put to me I would simply say this: I will be asking and encouraging the priests of this archdiocese to remember that in our Catholic understanding they are sent among God's people to be a living, effective and unambiguous reminder that Jesus is still among his people as their Good Shepherd. The priests of this archdiocese understand very well what it means to be a living sign of the presence of the Good Shepherd. This is what I will be asking them to continue to do.

Many people will criticise me and the Catholic Church in general for its opposition to this legislative change. They will seek to paint the Church as unresponsive to the horror of the sexual abuse crisis within the Church. This is both inaccurate and unfair. The Catholic Church right across the country, and certainly here in the Archdiocese of Perth and in Western Australia generally, has taken many constructive steps to address this terrible reality in the story of the Church. Most of you are aware of the Safeguarding Project in our Archdiocese because you will have seen our volunteer safeguarding officers very much present and visible in our local parish settings. Those of you who have children or young people in our schools will be aware of the seriousness with which our local schools, and the Catholic Education Office which works with them, approach the question of child safety. Some of you may know of the series of publications from our Safeguarding Office which seek to keep before the eyes of all age groups the vital importance of keeping children safe and providing them with the tools they need to protect themselves.

I have never been hesitant to acknowledge the dreadful failures of the Church in the area of child protection in the past which have led to often unbearable suffering for many victims and survivors of abuse. I have committed the archdiocese to constant vigilance in the area of safeguarding and have resourced the Safeguarding Office and the Professional Standards Office to ensure that this occurs. We will continue to monitor our response and constantly seek to improve it wherever we can. I firmly reject, on my own behalf and on behalf of all those who work with me, any suggestion that the Catholic Church in this archdiocese is not

fully committed to the protection and well-being of our children and young people. Such suggestions are ignorant, ill-founded and, sadly, sometimes malicious.

I want to reassure you all of three things. Firstly, that my own commitment to the safety and well-being of our children and young people is unwavering. Secondly, that we will continue to respond with openness, compassion and generosity to those who have been victims and are now survivors of the terrible crime and sin of sexual abuse by people associated with the Catholic Church. And thirdly that our priests will continue to put themselves at your service seeking as best they can to be living and effective signs and bearers of the presence of the Good Shepherd among you.

We are a community of faith and discipleship. The Lord is calling us to live this out through our prayer for each other, our support for each other, our encouragement and understanding of each other, and through our determination to eradicate the scourge of sexual abuse from any of our Catholic settings. Together we can achieve great things for God, for God's people, and for our society. Let us not be discouraged by those who seek only to tear down, to criticise and to undermine the good works of the Church.

Yours sincerely in Christ,

A handwritten signature in black ink that reads "+ Timothy Costelloe SDB". The signature is written in a cursive style with a small cross at the beginning.

Most Rev Timothy Costelloe SDB DD  
**Archbishop of Perth**