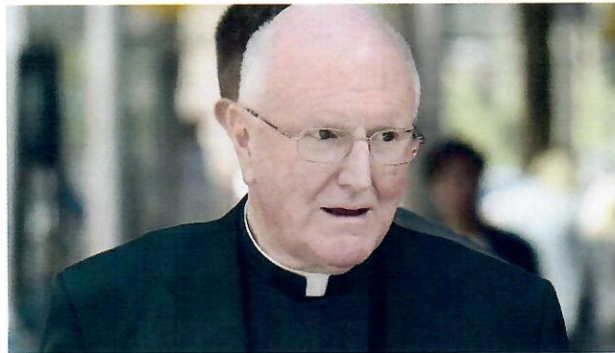


## THE AUSTRALIAN

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### Catholic row over probe into confession



Catholic Archbishop of Melbourne Denis Hart said yesterday the sanctity of what was mentioned to a priest during the sacrament of confession was 'inviolable in the Catholic Church throughout the world'. Picture: Josie Haden

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The child abuse royal commission will collide with the Catholic Church over the confidentiality of the confessional when it holds a public inquiry into the disproportionately high numbers of abusive priests.

With evidence before the commission suggesting that as many as 13 per cent of those in some Catholic orders may be perpetrators, the commission will hold a three-week hearing in February to investigate what has led to this level of abuse and governed its cover-up.

Evidence gathered in case studies, submissions and private hearings to date has led the commission to target several pillars of the church during the hearing, including the role of the Vatican, canon law, celibacy and the use of secrecy.

It is the confessional, where an individual privately reveals his sins to a priest in return for absolution, that is likely to prove the most contentious.

While church leaders have conceded celibacy and an organisational structure that provided priests with unquestioned authority may have led to child abuse, they are expected to hold the line on the sanctity of the confessional during February's hearing.

This will likely place them at odds with the commission, which this week published a report criticising the Jehovah's Witnesses for using Christian doctrine to avoid reporting admissions of abuse to police.



"The royal commission will consider further the issue of the protection of the confessional in a later public hearing," it said.

Archbishop of Melbourne Denis Hart said yesterday the sanctity of what was mentioned to a priest during the sacrament of confession was "inviolate in the Catholic Church throughout the world".

Tim Brennan, executive officer of the church's National Office for Professional Standards, said: "We can have a talkfest, but ... the royal commission doesn't write the theology of the Catholic Church and neither does the Australian government."

Over the past four years, the Royal Commission into Institutional Responses to Child Sexual Abuse has heard evidence of children being abused during confession and of bishops failing to act, or actively protecting priests they knew to be abusers.

A similarly damning investigation of the church in Ireland led the government to announce laws in 2011 to punish priests who failed to report abuse admitted to during confession by up to five years in jail.

In 2012, following the announcement of the royal commission, several senior Australian politicians called for similar laws to be enacted here.

At present, priests who learn about abuse while taking confession are exempt from Victorian legislation making it an offence not to disclose to police information about a sexual offence. In NSW, priests are similarly entitled to refuse to divulge the content of a religious confession to police.

Francis Sullivan, chief executive of the church's Truth, Justice and Healing Council, said: "That's the position we hold ... governments should not legislate on how people use their conscience."

Frank Brennan, a Jesuit priest and professor of law at the Australian Catholic University, said: "If a law is introduced to say that a priest should reveal a confession, I'm one of those priests who will disobey the law."

The February hearing will also investigate the response of Catholic authorities to the various scandals uncovered by the commission to date, as well as new data showing the extent of child abuse within the church.



Various recent estimates suggest about 4-5 per cent of Catholic priests or brothers might be child sex offenders, compared with about 1-2 per cent of the general male population who are convicted for a sexual offence, including against adults. Evidence before the commission, however, suggests roughly 13 per cent of those involved in the Marist Brothers Catholic order since 1948 have been named as perpetrators.

Roughly 40 per cent of the thousands who have given evidence to the royal commission in private also reported being abused in Catholic institutions, although this figure partially reflects the large number of schools and orphanages run historically by the church.

As a result, the commission will spend a disproportionate amount of time during its final hearings focusing on the Catholic Church before it ends its work next year. It has set aside 15 days for this hearing. "I think it's an inquiry which had to be had," said Patrick Parkinson, a law professor at the University of Sydney who has reviewed the church's Towards Healing response to clerical abuse.

In his submission to the commission ahead of February's hearing, Professor Parkinson said: "The cultural problem is ... the Catholic Church is to some extent a law unto itself. This cultural belief remains embedded in the attitudes of some Church leaders who have demonstrated less than complete co-operation with the police and civil authorities."