

New Australian law would require priests to break confessional seal

A law passed in the Australian state of Victoria would require priests to violate the seal of confession if anything in the confession gave them reason to suspect occurrences of child abuse.

The new law, passed Sept. 10, carries a sentence of up to three years in prison if a mandatory reporter does not report abuse to the authorities.

The law adds religious leaders to the existing list of mandatory reporters. Unlike in other countries with similar laws and policies, reports of child abuse made in a sacramental context are not exempt and must be reported.

Premier Daniel Andrews, who has led the state of Victoria since 2014, was quoted in the Australian newspaper *The Age* as saying he hoped the legislation sent a message to the Vatican regarding child abuse.

“The most important thing is to send a message that the law is to be taken seriously, if people don’t obey the law, then the penalties are very significant,” said Andrews.

“The culture is one where people have taken the laws and their responsibilities in terms of mandatory reporting very seriously.”

The bill was passed with bipartisan support.

Catholic leadership in Victoria has already said they will refuse to comply with the law.



Melbourne Archbishop Peter Comensoli

“Personally, I’ll keep the seal,” said Archbishop Peter Comensoli during an Aug. 14 interview with ABC Radio Melbourne, shortly after the bill was introduced to the Victorian parliament.

The archbishop said that the seal of confession and the concept of mandatory reporting were “mutually exclusive,” and that he would urge anyone who confessed to abuse to report themselves to the police.

A priest, however, is forbidden both from violating the seal of confession as well as ordering a penitent to turn themselves in to the authorities.

Comensoli said he would also encourage the person who confessed to abuse to repeat the admission again outside of the context of confession, where the seal would not apply and he would be free to report the abuser to the police.

He also said that confessions of child sexual abuse within the context of confession are extremely rare.

Australia’s Constitution states that “The Commonwealth shall not make any law for establishing any religion, or for imposing any religious observance, or for prohibiting the free exercise of any religion, and no religious test shall be required as a qualification for any office or public trust under the Commonwealth.”

Andrews admitted that he was not aware of any convictions for failing to report abuse in the 25 years Victoria has had legislation that created the position of mandatory reporter.

In addition to religious leaders, nurses, teachers, police officers, doctors, counselors and youth justice personnel are all obligated to report suspected or known child abuse to the police.