



**DAVID SHOEBRIDGE**

SENATOR FOR NEW SOUTH WALES

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The Hon Mark Dreyfus  
Attorney General

15 August 2023

**URGENT**

Dear Attorney General,

**Re Matters covered in ABC Compass Hidden Children 13 August 2023**

I write to formally request consideration of the matters raised in the ABC Compass episode on Sunday evening regarding the children of priests and nuns and their treatment by the Catholic Church.

The Compass episode included just a small snapshot of a larger story of the Church moving newly born children within and between states and dioceses and manipulating their birth records to hide their true origins. This means that, although births, deaths and marriage registrations are primarily state matters, no individual state or territory has the jurisdiction to address the matter. Therefore I am writing to your office as the Commonwealth Attorney General.

The parallels between these matters and what was uncovered during the Royal Commission into Institutional Responses to Child Sexual Abuse are clear. The focus of the Church was protecting its reputation, maintaining secrecy, moving children around at will and denying information and records to children, now as adults, seeking them. While the Compass episode canvassed a number of children and their experiences, it is extremely likely there are many other people affected by this practice by the church. The estimate that only 50% of Catholic Priests adhere to celibacy rules means this number is expected to be very large indeed.

The response from the Church including that the only way to accurately determine parentage would be via exhumation of a deceased priest is clearly unacceptable. See the response from the Archbishop of Melbourne annexed here. While some of what is canvassed by Compass relates to likely criminality, there is a broader pattern of cover-up and institutional negligence that needs to be considered. Most importantly the children involved need a pathway to the truth.

To achieve this the best path would be an independent federal inquiry led by an eminent jurist. This would need the power and resources to interview relevant individuals and require the production of records from institutions. I know such an inquiry would have the support of a number of the children who have been publicly identified.

I am of course available to discuss this further at any time.

Kind regards,

David Shoebridge, Senator for NSW

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## Attorney-General

Reference: MC23-028247

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Dear Senator

Thank you for your correspondence of 15 August 2023 regarding the matters raised in the ABC Compass episode aired on 13 August 2023.

I acknowledge the matters you have raised and the sensitivities of such matters for the children, biological parents and families involved. The Australian Government has played an important role in matters concerning children and institutions where this has related to Commonwealth responsibilities. This includes establishing, and implementing recommendations arising from, the Royal Commission into Institutional Responses to Child Sexual Abuse, and responding to recommendations of the Senate Community Affairs References Committee report *Commonwealth Contribution to Former Forced Adoption Policies and Practices*.

As you have acknowledged in your correspondence, birth registrations are matters for State and Territory Governments and are not a Commonwealth responsibility. Investigations into and corrections of birth records are the responsibility of State and Territory Births, Deaths and Marriages Registries. Penalties arising from false representation or the falsification of birth records is also a matter for those registries and/or State and Territory police.

Similarly, domestic child adoption legislation, policies and practices, including regulation of adoption-arranging bodies, are matters that fall within the responsibility of State and Territory Governments. Compliance with adoption laws is therefore also a matter for those governments.

Unfortunately, the Commonwealth has no jurisdiction over these matters. In matters that go to determination of parentage, the Commonwealth's jurisdiction extends to where a child's biological parentage is an issue that arises in relevant Commonwealth law proceedings, such as those under the *Family Law Act 1975* (Cth).

Given the Compass program raises issues that fall within the responsibility of State and Territory Governments, and also go to personal and private matters, I consider that these are matters to which State and Territory Governments are best placed to respond.

I trust this information is of assistance.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Mark Dreyfus'.

**THE HON MARK DREYFUS KC MP**

4 / 9 / 2023