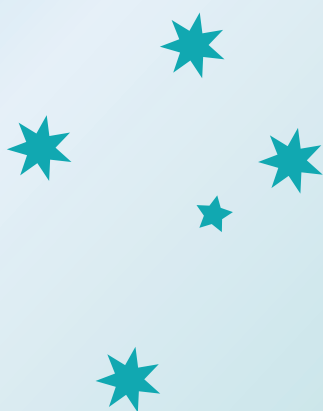


# THE LIGHT FROM THE SOUTHERN CROSS



Promoting  
Co-Responsible  
Governance in  
the Catholic  
Church in  
Australia

1 MAY 2020

A REPORT AND RECOMMENDATIONS ON  
THE GOVERNANCE AND MANAGEMENT OF  
DIOCESES AND PARISHES IN THE CATHOLIC  
CHURCH IN AUSTRALIA

IMPLEMENTATION ADVISORY GROUP AND  
THE GOVERNANCE REVIEW PROJECT TEAM

REVIEW OF GOVERNANCE AND  
MANAGEMENT OF DIOCESES AND PARISHES

REPORT – STRICTLY CONFIDENTIAL

*Let us be bold, be it daylight or night for us -  
Fling out the flag of the Southern Cross!  
Let us be firm – with our God and our right for us,  
Under the flag of the Southern Cross!*

**Flag of the Southern Cross,  
Henry Lawson, 1887**

*And those who are wise shall shine like the brightness  
of the sky above; and those who turn many to righteousness,  
like the stars forever and ever.*

**Daniel, 12:3**

The Southern Cross features heavily in the Dreamtime stories that hold much of the cultural tradition of Indigenous Australians passed down for thousands of years. The Southern Cross, since early in the 19th century, has been emblematic of an Australian sense of belonging; a shared sense of co-responsibility and a constancy of purpose. It is the central feature of our national flag.

In the scriptural tradition the firmament and the stars are symbolic of darkness and light; of the Creator's love and concern for humanity and of the God's guidance along a path that leads to an eternal home.

The Catholic Church in Australia has been one of the epicentres of the sex abuse crisis in the global Church. But the Church in Australia is also trying to find a path through and out of this crisis in ways that reflects the needs of the society in which it lives.

The Catholic tradition holds that the Holy Spirit guides all into the truth. In its search for the path of truth, the Church in Australia seeks to be guided by the light of the Holy Spirit; a light symbolised by the great Constellation of the Southern Cross. That path and light offers a comprehensive approach to governance issues raised by the abuse crisis and the broader need for cultural change.

This report outlines, for Australia, a way to discern a synodal path: a new praxis (practice) of church governance. But the light which guides the process of discernment is not anchored in this corner of the world. It can radiate out so as to reveal models of synodality that the global Catholic Church can embrace.

This is why this report is called  
'The Light from the Southern Cross'

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The background is a solid teal color with several overlapping, semi-transparent geometric shapes. A large, dark teal arrow points upwards from the bottom right towards the center. The word "INTRODUCTION" is centered in the lower half of the page in a white, bold, sans-serif font.

# INTRODUCTION

# 1.0 Introduction

*The joys and hopes and the sorrows and anxieties of people today, especially of those who are poor and afflicted, are also the joys and hopes, sorrows and anxieties of the disciples of Christ.<sup>1</sup>*

*There is a need, then, to be aware of, and to understand the aspirations, the yearnings, and often dramatic features of the world in which we live. ... The human race finds itself today in a new stage of its history, in which fundamental and rapid changes are gradually extending to the whole globe. ... So much so that we can speak of a real social and cultural transformation which has its effects also on the life of religion.<sup>2</sup>*

The members of the Church, the People of God, share responsibility for 'announcing the kingdom of Christ and of God and of inaugurating it among all people'.<sup>3</sup> As disciples of Jesus Christ, the members of the Church are to embody the Good News of Jesus Christ for the sake of the world. Over two millennia, this mission has given rise to the myriad agencies of the Catholic Church and guided their efforts to minister to the spiritual and pastoral needs of the Church's members, while also offering vital services to the broader civic community, particularly to the vulnerable.

As a community of faith, the Catholic Church understands itself as the product of God's initiative. Consequently, the authenticity of the Church depends on the faithfulness of all of its members to God's Holy Spirit, whose role is to 'lead the church into all truth', the truth revealed in Jesus Christ.<sup>4</sup> It is the Spirit who forms people across manifold cultures and races into a single family of faith that is both united and diverse. It is the Spirit who, through word and sacrament, summons the members of the Church to be agents of the grace of Jesus Christ in the world.

It is also the Spirit who prompts the conversion of the Church's members, reminding them that they are not God, but depend always on the limitless grace of God. Without this conversion, the human reality of the flawed and limited members who constitute the Church can obscure the presence of God in the world, making it more difficult for those who suffer to recognise the God who in Jesus Christ welcomes them with mercy. The Spirit challenges the People of God to greater faithfulness, to leave behind ways of acting that substitute human preferences for all that God makes

possible, and to embrace the reform and renewal of the Church that enable a more effective witness to God's grace.

Throughout the Church's long history, however, the reform of the Catholic Church has often been contentious, even arousing deep resistance from within the ecclesial community. A principal source of resistance is the fear that change in the Church dilutes what comes from God, that it amounts to imposing transient social and political values on God's enduring vision for the community of faith. Although it is certainly true that the Church's primary responsibility is to be attentive to the Spirit of God, the Spirit does not establish the Church as an immoveable object, one set in concrete, and so immune to the need for change. Rather, the Spirit opens continually for the People of God new ways of interacting with each other and the wider community, ways that already express the anticipated fullness of life in the God of Jesus Christ.<sup>5</sup>

In a recent address to the Roman Curia, Pope Francis quoted St John Henry Newman on the theme of 'change': 'Here below to live is to change, and to be perfect is to have changed often'.<sup>6</sup> Pope Francis went on to say:

*Naturally, [Newman] is not speaking about changing for change's sake, or following every new fashion, but rather about the conviction that development and growth are a normal part of human life, even as believers we know that God remains the unchanging centre of all things.*

*For Newman change was conversion, in other words, interior transformation. ... All of this has particular importance for our time, because what we are experiencing is not simply an epoch of changes, but an epochal change. ... Often we approach change as if it were a matter of simply putting on new clothes, but remaining exactly as we were before. ...*

*The more healthy approach is to let oneself be challenged by the questions of the day and to approach them with the virtues of discernment, parrhesía and hypomoné. Seen in this light, change takes on a very different aspect: from something marginal, incidental or merely external, it would become something more human and more Christian ...<sup>7</sup>*

<sup>1</sup> Second Vatican Council, *Gaudium et Spes: The Pastoral Constitution on the Church in the Modern World* (hereafter cited as '*Gaudium et Spes*'), [1]. In this report, all references to Second Vatican Council documents are from Norman Tanner (ed.), *Decrees of the Ecumenical Councils: Trent to Vatican - Volume Two* (Washington, DC: Sheed & Ward and Georgetown University Press, 1990) (hereafter cited as 'Tanner (ed.), *Decrees of the Ecumenical Councils*'). Further, where pinpoint references are in square brackets - for example, '*Gaudium et Spes*, [1]' - they refer to a paragraph or section number rather than page location.

<sup>2</sup> *Gaudium et Spes*, [4].

<sup>3</sup> Second Vatican Council, *Lumen Gentium: Dogmatic Constitution on the Church* (hereafter cited as '*Lumen Gentium*') in Tanner (ed.), *Decrees of the Ecumenical Councils*, [5].

<sup>4</sup> *Ibid*, [4].

<sup>5</sup> *Ibid*, [4].

<sup>6</sup> John Henry Cardinal Newman, *An Essay on the Development of Christian Doctrine* (First published 1845; New York, Cosimo: 2007), 40.

<sup>7</sup> Francis, *Christmas Greetings to the Roman Curia*, Address by His Holiness Pope Francis, papal speech, Vatican website, December 21, 2019, <http://www.vatican.va/content/francesco/en.html>.



# 1.0 Introduction

Pope Francis' comments underscore the link between change and the Church's authenticity. A lack of authenticity can come about when the members of the People of God fail to listen to the Spirit at work in their own time, when they fail to do the discernment about which Pope Francis speaks, and to draw the appropriate lessons for change from this discernment. The willingness to discern what the Spirit might be saying to the Church through 'the questions of the day' expresses openness to conversion and recognition that the grace of God will always challenge the limits of our present understanding and ways of acting.

The call to conversion emerges today with unmistakable urgency in the revelations of the sexual abuse of minors and vulnerable adults by members of the Church, especially by its ordained clergy. This abuse has immeasurably damaged innocent victims, and

wounded families and communities. It has impaired the mission of the Church, especially the claim of the Christian community to represent a life-giving God. In addition, the widespread failure of the Church's authorities to respond with justice and compassion to the survivors of that abuse has led many members of the Christian community to sever their link to the Catholic Church. These circumstances give a particular focus to the need for reform in practices of governance within the Catholic Church.

The Church needs 'real social and cultural transformation' with tangible repercussions for the life of the faith if there is to be a restoration of trust and credibility in the human face that guides its mission. That is an acknowledgment that the Church, itself, should be open to reform so that it can proclaim its mission in this 'new stage of history' in which 'fundamental and rapid changes' abound.

# 1.1 Genesis and background of the review

The disclosures of the 2013 to 2017 Royal Commission into Institutional Responses to Child Sexual Abuse (the Royal Commission) in Australia, highlighted the major failures of ecclesial governance and leadership. Although the Royal Commission brought into relief the fact that the abuse of children occurred in many religious and civic institutions, it also made clear the institutional and theological specificity to the problem within the Catholic Church. This specificity has fuelled calls for cultural and practical renewal and reforms within the Catholic Church; such reforms must be an essential part of the response to the crimes and failures that the Royal Commission documented.

The Royal Commission's recording of the repeated failures of the Catholic Church's authorities to hold to account alleged and (or) proven perpetrators of the sexual abuse of children echo the conclusions of other inquiries both in Australia and overseas.<sup>8</sup> Many inquiries have concluded that poor governance practices and culture within diocesan and parish structures contributed to those failures. The failures led to tragic outcomes for victims of abuse and their families. A commitment to healing the consequences of those past failures must include reforming those practices.

The final report of the Royal Commission commented adversely on the Church's practices in respect to decision-making and accountability and their impact on the protection of children and the response to concerns about, and allegations of, child sexual abuse. The Commissioners said:

*In accordance with contemporary standards of good governance, we encourage the Catholic Church in Australia to explore and develop ways in which its structure and practices of governance may be made more accountable, more transparent, more meaningfully consultative and more participatory, including at the diocesan and parish level.<sup>9</sup>*

This led to recommendation 16.7:

*The Australian Catholic Bishops Conference should conduct a national review of the governance and management structures of dioceses and parishes, including in relation to issues of transparency, accountability, consultation and the participation of lay men and women. This review should draw from the approaches to governance of Catholic health, community services and education agencies.<sup>10</sup>*

In their publicly released response to the Royal Commission of 31 August 2018, the Australian Catholic Bishops Conference (ACBC) and Catholic Religious Australia (CRA) accepted the recommendation and entrusted the conduct of this governance review (the review) to the Implementation Advisory Group (IAG). In doing so, the ACBC and CRA noted that the review should be conducted 'in light of Catholic ecclesiology (theological principles foundational to the nature of the Church)'. The IAG, in turn, established the Governance Review Project Team (GRPT). On 13 March 2019, the Permanent Committee of the ACBC and the Council of CRA approved the GRPT project plan (with various amendments) and authorised the IAG to carry out the review. The GRPT project plan was publicly released on 1 May 2019.

The Royal Commission's recommendation and the terms of reference refer primarily to dioceses and parishes. This explains why the bulk of this report is directed at those entities. But other Church authorities, including institutes of religious and consecrated life and societies of apostolic life, many of whom are members of CRA, as well as ministerial Public Juridic Persons (PJPs), lay movements and associations of Christ's faithful (see **sections 4.6, 6.12 and Appendices 1 and 2**) have played, and continue, to play a critical and pivotal role in the life of the Church and the enactment of God's mission. All Church authorities are, in the end, dependent and interdependent, and relationships are

<sup>8</sup> In the Australian context, for example, see: M Cunneen, *Special Commission of Inquiry into Matters Relating to the Police Investigation of certain Child Sexual Abuse Allegations in the Catholic Diocese of Maitland-Newcastle: Report* (State of NSW, Sydney, 2014). An electronic copy is accessible at: <http://www.dpc.nsw.gov.au/announcements/scochildsexualabuseallegationsinthehunterregion>). Internationally, see for example, the National Review Board for the Protection of Children and Young People, *A report on the crisis in the Catholic Church in the United States* (United States Conference of Catholic Bishops, Washington DC, 2004) (hereafter cited as 'National Review Board Report, Report on the crisis in the Catholic Church in the United States', an electronic copy is accessible at: <http://www.usccb.org/issues-and-action/child-and-youth-protection/upload/National-Review-Board-Report-2004.pdf>) and the Dublin Archdiocese Commission of Investigation, *Commission of Investigation Report into the Catholic Archdiocese of Dublin* (2009) (often referred to as the 'Murphy Report' and hereafter cited as the 'Murphy Report into the Catholic Archdiocese of Dublin', an electronic copy is accessible at: [http://www.justice.ie/en/JELR/Pages/Dublin\\_Archdiocese\\_Commission\\_of\\_Investigation](http://www.justice.ie/en/JELR/Pages/Dublin_Archdiocese_Commission_of_Investigation)).

In addition, see: Special Archdiocesan Commission of Enquiry into Sexual Abuse of Children by Members of the Clergy, *The report of the Archdiocesan Commission of Enquiry into the Sexual Abuse of Children by Members of the Clergy* (Archdiocese of St John's: Newfoundland, 1990); Office of the Attorney General, The Commonwealth of Massachusetts, *The sexual abuse of children in the Roman Catholic Archdiocese of Boston: A report by the Attorney General* (Office of the Attorney General, Boston, 2003); and W Deetman, *Sexual abuse of minors in the Roman Catholic Church* (Commission of Inquiry into Sexual Abuse of Minors in the Roman Catholic Church, Sexual abuse of minors in the Roman Catholic Church, The Netherlands, 2011).

<sup>9</sup> Royal Commission into Institutional Responses to Child Sexual Abuse, *Final Report - Volume 16 Religious Institutions, Book 2* (Commonwealth of Australia: 2017) (hereafter cited as 'Royal Commission Final Report Volume 16(2)'), 682. An electronic copy of the Royal Commission Final Report Volume 16(2) is accessible at: <https://www.childabuseroyalcommission.gov.au/religious-institutions>. The Royal Commission into Institutional Responses to Child Sexual Abuse is hereafter cited as the 'Royal Commission'.

<sup>10</sup> Royal Commission Final Report Volume 16(2), 682.

# 1.1 Genesis and background of the review

important. For this reason, this report has examined the nature of these relationships and how governance and management of all church Authorities can contribute to the wellbeing of the People of God in a holistic way.

This review accepts the findings of the Royal Commission and other investigations. The genesis and parameters of this review, however, as with the decision to call a Plenary Council for the Church in Australia in 2020-2021 (PC2020), do not arise solely or even primarily from the findings and recommendations of those inquiries. The consequences of good or poor governance

practices within the Church impact beyond the issues addressed by the Royal Commission. They affect all aspects of the health and integrity of the Church, and thus the well-being of the People of God. The results of these failures are evident in, for example, documented instances of fraud and financial misconduct in dioceses and parishes and inappropriate relationships between clergy and other church personnel and vulnerable adults. The failure to utilise the knowledge, skill and expertise of lay women and men<sup>11</sup> has also been a significant contributor to poor past governance practices.

## 1.2 The focus on governance

‘Governance’ means the system of rules, relationships and practices by which authority and control are exercised within organisations. ‘Governance’ as a concept is not restricted to commercial entities. It encompasses the systems, structure and policies that control the way in which any institution operates, and the mechanisms by which the institution, and its people, can be held to account.

It is essential that a review of the governance and management of dioceses and parishes depict as accurately and fully as possible the particular structure of the Church, including the relationships of responsibility and centres of agency within the Church. Doing so includes distinguishing the Church’s forms of governance from the more familiar structures of complex organisations in modern society. At the same time, there are identifiable principles that emerge from the administration of non-commercial organisations that can contribute to good governance of dioceses and parishes, in addition to the many ecclesial principles that support good governance practices. This report will canvas this possibility.

A review of the governance and management structures of the Church and recommendations for reform are essential to ensure that the contemporary standards of good governance are characteristic of all elements of the Church in Australia, at all levels. The governance and management of dioceses and parishes must maintain an unwavering commitment to protect the most vulnerable and rebuild trust and credibility among the Catholic and broader communities for the health and integrity of the Church.

This review is also opportune given that the Catholic Church in Australia meets in a Plenary Council in two sessions in 2020 and 2021. This will provide a forum for mature consideration of the review’s recommendations for change as a Plenary Council has authority – limited though it may be – to make laws for the Catholic community in Australia.

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<sup>11</sup> The church differentiates at times between laity and ordained or between laity and clergy. The differentiation is then made based on someone having received ordination or not. Religious fall then in either the one or the other group depending on whether they are ordained or not. At other times the church speaks about ordained (clergy), religious and laity. Here the distinction

is made on the basis of different kinds of vocations. Throughout this report the terms lay women and lay men and lay people refer to those members of the faithful who are baptised excluding the ordained and religious unless the context otherwise suggests.

## 1.3 The review as an instrument of change

This review was undertaken in the context of the universal laws of the Latin Church that entrust canonical authority and responsibility to Church leaders. The remit of this review does not include the Eastern Churches, which fall outside the responsibility of the ACBC.

Since the People of God is first an ecclesial being, not a juridical one, its essence lies in its spirituality rather than its structures and canonical norms. The law follows and supports the theology, ecclesiology and spirituality; it does not define them. Similarly, the Church's structures, laws, and norms do not answer every problem nor cover every situation.

This report, then, is intended as an encouragement to those who exercise power and authority in the Catholic community to see the structures and law in a way that enhances and supports, rather than inhibits, the mission and life of that community. The report seeks to support the prophetic nature of the missionary church by examining and suggesting changes in governance and management that build on its structures in a positive way. Thus, affirming that the law plays a supportive rather than the primary role in this prophetic mission neither implies disrespect for the law nor excludes the capacity and opportunity for ecclesial reform to be reflected in legislative reform through changes in norms.

The object of this review is to encourage church leaders to locate their canonical authority within the framework of co-responsibility with the whole community of the baptised. Such collaboration will benefit all of God's people and will contribute positively to the good of the society in which the Gospel message is to be proclaimed.

This report does not reiterate continuously past failings in ecclesial governance, but has a forward-looking focus that charts a course for the Church in coming decades. This approach does not suggest an effort to minimise the devastating impact of the governance failures on victims, survivors, their families, and the faithful. Those failures and those impacts have been critical to the thinking of the review and this report. This report takes its lead from the words of Pope Francis in his Letter to the People of God in August 2018 written after the massive events of 2018 that inaugurated a new phase in the history of the sex abuse crisis in the Catholic Church within Australia, Ireland, the United States, Chile, and beyond:

*It is always helpful to remember that in salvation history, the Lord saved one people. We are never completely ourselves unless we belong to a people. ... This awareness of being part of a people and a shared history will enable us to acknowledge our past sins and mistakes with a penitential openness that can allow us to be renewed from within. Without the active participation of all the Church's members, everything being done to uproot the culture of abuse in our communities will not be successful in generating the necessary dynamics for sound and realistic change.<sup>12</sup>*

The Catholic Church in Australia in 2020 is already different from what it was a decade ago: the process of renewal and change has already begun. In that respect, the GRPT is aware of improved governance within the parts of the Catholic Church in Australia before, during and since the completion of the Royal Commission in December 2017. Some examples include:

- the move towards incorporation in the 1980s of religious institute ministries;
- the instigation of diocesan and parish pastoral councils (albeit not as widespread as might have been hoped) from the 1980s;
- the establishment of CPSL in late 2016 as an independent company limited by guarantee to develop, audit and report on compliance with professional standards to protect children and vulnerable people;<sup>13</sup>
- the incorporation of Catholic education across the 11 dioceses of NSW, and the enhanced co-operation amongst the bishops in this ministry;
- the development of a map of civil and canonical governance in the Archdiocese of Sydney and its modified adoption in the diocese of Broken Bay;
- the inclusion of lay female chancellors in some dioceses and of lay male chancellors in many dioceses;<sup>14</sup>
- the synods led by the bishops of the rural diocese of Bunbury in WA and of the regional diocese of Maitland-Newcastle in NSW;
- the first meeting of the full council of CRA and the ACBC to discuss professional standards, and the inclusion of more lay people to present items, and remain involved in discussion at ACBC meetings;

<sup>12</sup> Pope Francis, *Letter of His Holiness Pope Francis to the People of God*, papal letter, Vatican website, August 20, 2018, <http://www.vatican.va/content/francesco/en.html> (hereafter cited as 'Pope Francis, *Letter of His Holiness Pope Francis to the People of God*').

<sup>13</sup> The role of Catholic Professional Standards Limited is further explained in section 6.6.

<sup>14</sup> By way of examples, there are or have been lay female chancellors in the Archdiocese of Adelaide and the Dioceses of Armidale, Broken Bay, Maitland Newcastle, Rockhampton and Wollongong and lay male chancellors in the Archdioceses of Brisbane, Canberra Goulburn and Sydney and the Dioceses of Bathurst and Townsville.

## 1.3 The review as an instrument of change

- the ongoing support offered by the Archdiocese of Perth to the dioceses of Geraldton, Bunbury and Broome and their collaborative approach to ministries such as Catholic education and safeguarding;
- the implementation of safeguarding practices and policies in parishes; and
- the efforts to strengthen professional standards in most dioceses, parishes and congregations.

The GRPT was heartened by these efforts and the initiative of the ACBC to more fully involve the whole ecclesial community in discussion on the directions of the Catholic Church in Australia in the PC2020 set for 2020-21. Notwithstanding these efforts, indeed to build on them, the GRPT sees further areas where governance practice can be strengthened.

During the writing of this report the world experienced beginnings of the ravages of a global pandemic, COVID-19, that quickly infected millions, killed hundreds of thousands and prompted physical isolation regulations for communities everywhere. Progressively as the virus spread across the globe, churches were closed under state law. The pandemic coincided with Easter. Creative ways were found to celebrate liturgies in empty churches to online communities using technology, and many dioceses issued dispensation from attendance during the pandemic. From the Pope to the local parish priest, flexibility has been required to help slow the spread of the deadly virus, while providing pastoral and liturgical services in very different ways.

The background is a solid teal color with several overlapping, semi-transparent geometric shapes in lighter shades of teal. These shapes include a large circle on the left side, a large triangle on the right side, and various overlapping rectangles and trapezoids that create a layered, modern aesthetic.

**THE GOVERNANCE  
REVIEW STRUCTURE,  
PROCESS AND REPORT**

## 2.1 Terms of reference

The terms of reference for the GRPT are:

1. To identify areas in which the governance and management structures of dioceses and parishes in the Catholic Church in Australia assist or impede the attainment of accountability, transparency, consultation and lay men and women's participation and co-responsibility in decision-making processes.
2. To identify cultural practices that have led to appropriate use of power as well as to serious and widespread abuse of power in governance and management by church Authorities within dioceses and parishes across Australia.
3. To identify the impact that the autonomy of dioceses has had on the development of a nationally consistent response to child sexual abuse and other abusive behaviour by its members.
4. To identify principles of governance that will facilitate best practice in management and administration of relevant Church authorities.
5. To identify best practice examples of governance and management in the Catholic Church in Australia and elsewhere, including regulatory models.
6. To draw on and work with world-class researchers in matters of ecclesiology and governance for the purposes of the review.
7. To recommend changes to governance and management structures to achieve the goals of best practice as outlined in these terms of reference.
8. Such other matters as they may arise.

## 2.2 Implementation advisory group

The IAG was established in May 2018 by the ACBC and CRA following the release of the final report of the Royal Commission, to support and advise the ACBC and CRA on the implementation of the Royal Commission's recommendations and related matters. The IAG is a fixed-term body and will complete its work by the time the Plenary Council meets in 2020 and 2021, after which it will cease to exist.

The genesis of the IAG is a recommendation of the Truth, Justice and Healing Council (TJHC) that a new body to build on the work of the TJHC and to oversee the implementation of the Royal Commission's recommendations. The IAG consists of:

- Ms Kerryn Boland, former children's guardian in NSW;
- Emeritus Professor Anne Cummins, Director Catholic Schools NSW Limited and Chair of the Catholic Commission for Employment Relations NSW. Formerly deputy vice chancellor (SLT), Australian Catholic University;
- Mr Jack de Groot, CEO of the St Vincent de Paul Society NSW and Chair of the Church's IAG;
- Sister Berneice Loch RSM, OAM, former president of CRA and former leader of the Institute of the Sisters of Mercy of Australia and Papua New Guinea (retired from the IAG in October 2019);
- Ms Kath McCormack AM, former member of the Pontifical Commission for the Protection of Minors;
- Bishop Robert McGuckin, Bishop of Toowoomba;
- The Hon Neville Owen AO, KCSG, former Supreme Court justice in WA, former chair of the TJHC, which facilitated the Church's engagement with the Royal Commission, current member of the Pontifical Commission for the Protection of Minors (Chair of the GRPT);
- Brother Ambrose Payne FSC, AO, De La Salle Brothers' Professional Standards Officer District of Australia New Zealand Pakistan and Papua New Guinea (commenced with the IAG in October 2019).

Ms Anna Tydd is the Executive Officer of the IAG and the GRPT.



## 2.3 Governance Review

### Project Team and advisers

The IAG brought together the GRPT to develop the review project plan. The GRPT consists of:

- Ms Pauline Connelly, Chancellor Archdiocese of Adelaide, Deputy Director Centacare Catholic Family Services, Adelaide;
- Rev Dr Brendan Daly JCD, Judicial Vicar and Lecturer in Canon Law, Catholic Theological College, Auckland, New Zealand;
- Mr Jack de Groot, CEO of the St Vincent de Paul Society NSW and Chair of the Church's IAG;
- Professor M Isabell Naumann ISSM, President, Catholic Institute of Sydney;
- The Hon Neville Owen AO, KCSG, former Supreme Court justice in WA, former chair of the TJHC, which facilitated the Church's engagement with the Royal Commission, current member of the Pontifical Commission for the Protection of Minors (Chair of the GRPT);
- Adjunct Professor Susan Pascoe AM, President and Chair of the Australian Council for International Development, former commissioner of the Australian Charities and Not-for-profits Commission and former executive director of the Catholic Education Commission of Victoria;
- Professor John Warhurst AO, Emeritus Professor of Political Science at the Australian National University and Chair of Concerned Catholics Canberra Goulburn.

In addition to its direct membership, the GRPT formed an external advisory committee of experts, namely:

- Prof Dr Massimo Faggioli, Church Historian and Professor of Theology and Religious Studies at Villanova University, Philadelphia, USA;
- Rev Dr Richard Lennan, Theologian and Professor of Systematic Theology at Boston College, Boston, USA;
- Prof Dr Myriam Wijlens, Canon Lawyer, Theologian and Professor of Canon Law at the University of Erfurt, Erfurt, Germany; current member of the Pontifical Commission for the Protection of Minors; and
- Rev Dr Brendan Reed, priest with particular expertise in parish and pastoral ministry and a member of the Department of Systematic Theology at the Catholic Theological College, Melbourne.

The role of the external committee was to bring to bear their particular expertise to ensure that the work of GRPT had taken into account, and was consistent with, the ecclesiological and canonical context in which it must operate. They also provided valuable insights into international experience from parts of the world that are grappling with similar issues.

The GRPT also engaged the Washington-based Leadership Roundtable, to contribute insights on developments within the Church in the United States of America. Two senior people from Leadership Roundtable namely Kim Smolik and Michael Brough, respectively the CEO and Deputy Director, travelled to Australia to assist in the final drafting of the report.



## 2.4 Questions to be addressed

There are myriad issues facing the Catholic Church in Australia and globally as it strives to carry out its mission. Many of these great issues are relevant to the imperative for greater transparency, accountability, consultation and participation in the governance and management of dioceses and parishes thus to the terms of reference. In that light, a number of serious questions can be posed.

### Renewal and change

1. What are the underlying factors both promoting and inhibiting renewal and change within and affecting the Church?
2. Does the Church have the capacity to self-reform and can its own resources regenerate its reform?
3. How can the structures support personal conversion as a catalyst for institutional conversion in the furtherance of the mission of Church to proclaim the Gospels?
4. For all members of the People of God: if the Church they desire came about, who would they be in it?

### The Church and the People of God

5. People respond in different ways to the question, 'what is the church?' What are the divine and human realities of 'church' that inform and guide decisions about the governance and management of parishes in Australia?

### Governance and culture

6. As governance is interdependent with, and in, culture:
  - i. How can the Church structure and culture change while remaining faithful to Christ?
  - ii. How best can the aspirations of the People of God be realised for an effective cultural change of the Church?

- iii. How can the Church establish systems, structures and processes of accountability with respect to cultural change to ensure that it happens?
- iv. How can cultural and governance practices enable proper relational and welcoming institutional systems and processes?

7. What best practices already existing in Church authorities and in the wider society might be beneficial to the governance of the Church?
8. How can the imperatives of co-responsibility, collaboration and genuine consultation between Church leaders (bishops and others) and the lay faithful be realised in a synodal church for the benefit of all the People of God?

### A missionary Church

9. How can governance and management structures and culture of the Church be reformed to:
  - i. assist the Church to connect and engage youth in a way that does not isolate their experience and engagement;
  - ii. contribute to the aspirations of PC2020, in answering the fundamental question: how is God calling the Church in Australia to be a Christ-centred body; and
  - iii. facilitate the re-earning of the trust of the faithful and the wider community so the Church can fulfil its prophetic mission?

These questions were at the forefront of thinking as the writers prepared this report. The reader is unlikely to find a concise answer to any individual question in a particular line, paragraph or chapter of this document. They permeate all aspects of the analysis leading to recommendations which, taken together, are designed to create a platform from which should emerge answers to at least some of the questions.

## 2.5 Structure of the report

In addition to the introduction (section 1) and this chapter on the logistics of the review (section 2) the report consists of four substantive sections and a conclusion.

### Section 3: The Church: one, Holy, catholic and apostolic

- This section looks at Catholic ecclesiology (theological principles foundational to the nature of the Church), and the structures and norms of the Church in Australia and globally. This is necessary because any recommendations that are made must be consistent with the overarching self-understanding of the Church.

### Section 4: The Church as a society

- Since the Church is a sacramental body, grace works through its juridical and structural laws, norms and rites. It is necessary therefore to look at the legal and structural issues so the governance and management organs of the Church can be understood and assessments made about best practice in their implementation.

### Section 5: The identification of the principles and culture of good governance

- Experience in the governance of Catholic health, education and social services agencies and bodies in the broader community is examined in section 5 in the search for principles of good governance that can and ought to guide the administration of dioceses and parishes.

### Section 6: Good governance practices and culture of dioceses

- This chapter examines past cultural and governance practices that have aided or impeded the Church's mission and, in the light of those analyses, makes recommendations for change affecting dioceses and other church-wide agencies or authorities.

### Section 7: Good governance practices and culture of parishes

- Section 7 provides a similar review for parish structures in terms of their cultural and governance practices. Much of the analysis in sections 5 and 6 applies with equal force to parishes.

### Section 8: Conclusion

Each section commences with an overview that summarises its content and import and that ties it together with the sections that precede or follow it. Sections 5, 6 and 7 contain specific recommendations for change or further investigation where considered necessary or desirable.

There is also a series of appendices and bibliographies that are necessary for a full understanding of what the review contains and that can serve as a resource for those who are charged with the implementation of recommendations and (or) the day-to-day governance and management of Church authorities in the future.

## 2.6 Review, methodology and outcomes

The GRPT studied the findings of the Royal Commission and other inquiries into the Church's handling of sexual abuse internationally. The ecclesial and theological foundations of the Church, together with its *Code of Canon Law*, were studied as the basis for our reflection. Complementary analysis was undertaken of good governance practice in civil institutions and church agencies and attempts were made to liaise with contemporaneous initiatives such as the PC2020, the Safeguarding Steering Committee<sup>15</sup> and Catholic Professional Standards Limited (CPSL).

Given the paucity of available data available with respect to governance in dioceses and parishes in Australia, a survey-based governance study was undertaken to build a profile of diocesan pastoral, financial and safeguarding councils and to learn about diocesan executives such as financial administrators, directors and chancellors who serve in diocesan offices. The research also endeavoured to capture data on existing parish pastoral councils within each diocese. The Governance Survey in Australia 2019 Report authored by the National Pastoral Research Office is at [Appendix 3](#) of this report.<sup>16</sup>

The GRPT engaged the support of international and national experts who provided background papers and visited Australia to assist the GRPT in its final drafting stages. The GRPT is grateful for the expertise and good judgement of these contributors.

The report contains recommendations. It also contains perspectives and opinions. A balance was sought in the deliberations during the review and this report, between providing our considered views and specific recommendations. Where recommendations have been made an eye has been kept to feasibility, timeframes and implementation.

Australia is a land of vastly differing geographies, cultures, populations and economic situations and dioceses are similarly disparate. In considering governance issues and recommendations the authors have concentrated on the underlying principles. Some of the recommendations are principles-based while others are expressed in more direct terms. The authors appreciate that differences in the situations of dioceses mean that local circumstances need to be taken into consideration. The principles can guide those who have to make decisions about the applicability of the subject matter to their situations and the appropriate manner of implementation.

The GRPT has been mindful of the financial environment in which the Church in Australia operates. The income available to Church authorities is not endless and may well be declining in real terms. The recommendations in this report do not make a business case, which would be well beyond the capacity and budget of the review and the cost, in dollar terms has not been assessed, even provisionally. However, the GRPT has tried to avoid suggesting initiatives the financial impact of which would clearly be prohibitive.

This report has several readerships or audiences. Although the report is primarily for the ACBC and CRA, it is relevant to the People of God throughout Australia and globally.

In Australia, that 'wider audience' includes:

- members of the Catholic community, whether they remain committed to their faith or are alienated by church failings, and who are searching for tangible signs that the Church has learned from the past and is changing;
- people involved in the PC2020;
- the ministerial PJPs; and
- secular authorities and members of the general public who have an interest in the wellbeing of an entity that is one of this country's largest providers of education, health and social welfare services and whose voice has, in the past, contributed positively to public policy debates.

These categories are not mutually exclusive. This report will be a useful resource for people involved in the PC2020 and it would be appropriate to make the report available to them before the meetings commence and table it on the floor of the Council so that it is part of the record.

In addition, it is hoped the report will be of use to particular churches throughout the world and therefore of service to the People of God in multiple contexts. In the global context, if our recommendations for change are to bear fruit, relevant dicasteries in the Roman Curia will need to see the report so they can appreciate the basis on which change is suggested to universal norms. In addition, it should be made available to groups including the Pontifical Commission for the Protection

<sup>15</sup> The Safeguarding Steering Committee was created by the ACBC and CRA in 2019. The committee is mapping the level of implementation of safeguarding measures and professional standards in Church bodies in Australia and is tasked with recommending an efficient and effective model for the ongoing national monitoring of safeguarding and professional standards. The committee is examining the structure and functioning of state and national Catholic agencies involved in safeguarding and professional standards

with a view to recommending best practice. The report of the steering committee is due to the ACBC and CRA in April 2020.

<sup>16</sup> Appendix 3 includes the body of the survey, but excludes the appendices of the survey: Trudy Dantis and Stephen Reid, National Centre for Pastoral Research, *Governance in Australia Survey 2019: A Report to the Implementation Advisory Group* (Australian Catholic Bishops Conference, December 2019) (hereafter cited as 'Governance in Australia Survey 2019 Report')

## 2.6 Review, methodology and outcomes

of Minors, and the Vatican Taskforce announced in March 2020 to assist local episcopates in their development and implementation of processes in response to concerns and allegations of abuse, together with Leadership Roundtable (United States) to assist them in their work.

The making of new particular law as recommended in this report would be a very significant factor in supporting and motivating cultural change with respect to governance practices in the Church within Australia. Cultural change of any form cannot be imposed from outside. It must come from the heart and involves a process of discernment, enhanced with initial and ongoing

education and supported by later monitoring, oversight and regulation relevant to the adoption of new cultural practices. CPSL has a significant role in monitoring the implementation of practices designed to demonstrate that cultural reform is taking place. Accordingly, CPSL and the Safeguarding Steering Committee<sup>17</sup> should be provided with this report inclusive of all the recommendations that could be a key education and audit tool in the carrying out of their current functions.

The following recommendations are made in relation to the provision and publication of this report, *The Light from the Southern Cross*:

1. That this report be made available following the ACBC and CRA consideration of the discussion and recommendations to:
  - 1.1 the members of the Executive Committee, the members of Discernment and Writing Groups, delegates and others involved in the Plenary Council 2020 as soon as practicable and then be formally tabled as part of the deliberations of the Council.
  - 1.2 Catholic Professional Standards Limited and the Safeguarding Steering Committee.
  - 1.3 relevant dicasteries in the Roman Curia that will have to consider the recommendations for changes to universal laws, norms or practices of the Church.
  - 1.4 other international bodies including but not limited to:
    - a. the Pontifical Commission for the Protection of Minors;
    - b. the Vatican Taskforce announced in March 2020 to assist local episcopates in their development and implementation of processes in response to concerns and allegations of abuse; and
    - c. Leadership Roundtable.
2. That the report be released to the public as soon as practicable after its initial consideration by ACBC and CRA in the spirit of good governance.

<sup>17</sup> See n 15 above.

## 2.7 Recommendations

This report contains a series of recommendations. Many of the recommendations are in areas where bishops, religious leaders and parish priests, together with lay leaders in the Church, can implement changes directly and in a spirit of co-responsibility.

Additionally, during the review, matters have arisen where:

- a. a reasoned case can be articulated that changes might need to be made to the laws and norms of the global Church;<sup>18</sup> or
- b. an opportunity arises for the ACBC and (or) individual diocesan bishops to make particular law applying to the Catholic Church in Australia (subject to the compliance of those laws with the universal laws of the Church and the assent, where necessary, of the Apostolic See).

In those instances, recommendations have been made to that effect.

For ease of reference the recommendations are reproduced below with a reference to the section in which they appear.

### Section 2.7 Recommendations

1. That this report be made available following the ACBC and CRA consideration of the discussion and recommendations to:
  - 1.1 the members of the Executive Committee, the members of Discernment and Writing Groups, delegates and others involved in the Plenary Council 2020 as soon as practicable and then be formally tabled as part of the deliberations of the Council.
  - 1.2 Catholic Professional Standards Limited and the Safeguarding Steering Committee.
  - 1.3 relevant dicasteries in the Roman Curia that will have to consider the recommendations for changes to universal laws, norms or practices of the Church.
  - 1.4 other international bodies including but not limited to:
    - a. the Pontifical Commission for the Protection of Minors;
    - b. the Vatican Taskforce announced in March 2020 to assist local episcopates in their development and implementation of processes in response to concerns and allegations of abuse; and
    - c. Leadership Roundtable.
2. That the report be released to the public as soon as practicable after its initial consideration by ACBC and CRA in the spirit of good governance.

<sup>18</sup> See, for example, Sections 6.4, 6.10 and 6.11.7

## Section 5.4.4. Induction and Formation

3. That the ecclesial governance principles of collegiality, synodality, subsidiarity, stewardship, dialogue, discernment, participation and good leadership be reflected in the governance structures and decision-making processes of dioceses, parishes and church agencies.
4. That integrity, accountability and transparency be reflected in the administrative and governance practices of all church bodies.
5. That those in leadership roles in the Church be expected to adopt an inclusive ethical culture, strong risk management practices, and effective engagement and communication.
6. That church agencies be models of fiduciary oversight and effective administrative practice.

## Section 6.2.2. Ad limina visits and reports

7. That the ecclesial governance principles of collegiality, synodality, subsidiarity, stewardship, dialogue, discernment, participation and good leadership be reflected in the governance structures and decision-making processes of dioceses, parishes and church agencies.
  - 7.1 publication of the questions to which the ad limina reports respond;
  - 7.2 prior consultation within the diocese, including with the diocesan pastoral council, about the content of the ad limina report;
  - 7.3 publication of non-confidential elements of the ad limina reports to the local community;
  - 7.4 bishops routinely maintain communication with their respective dioceses in Australia while on ad limina visits to share appropriate insights into their meetings and to enable members of the local church to better understand their significance; and
  - 7.5 communication of non-confidential accounts of the conduct and outcomes of the ad limina visit by bishops upon their return.

## Section 6.3.1. The selection and appointment of diocesan bishops

8. That to increase trust in church governance and support for episcopal leadership among the People of God, the processes and procedures leading to the appointment of bishops by the Pope be explained to the public, for example by an entry on the ACBC website.
9. That the consultative processes within a local Church leading to a recommendation by the apostolic nuncio to the Apostolic See concerning the appointment of bishops be structured so as to accommodate the following principles:
  - 9.1 analysis of the needs of the diocese, and consequently a suitable episcopal appointment, must form part of the consultative process for episcopal appointments;
  - 9.2 in the interests of transparency, efficiency and effectiveness, the consultation process leading to the creation of a terna should embrace genuine discernment that includes clergy and a larger number of lay people than is currently the case and that takes into consideration the potential bishop's experience in dealing with abuse; and
  - 9.3 genuine discernment leading to the creation of a terna that includes clergy and a larger number of lay people than is currently the case and which takes into consideration the potential bishop's experience in dealing with abuse, be embraced in the interests of transparency, efficiency and effectiveness.

## Section 6.3.2. Selection and appointment of senior diocesan administrators

10. That the terms and conditions of administrators be published within dioceses at the time of appointment.
11. That in dioceses without a pastoral council, an interim body be established to support the administrator for the duration of their term.

## Section 6.4. Episcopal leadership and accountability

12. That the Australian Catholic Bishops Conference request the Congregation for Bishops to provide an updated and revised Directory on the Pastoral Ministry of Bishops as soon as possible for improved governance in the Church.

### Section 6.5.2. Synodality as a framework for exercising co-responsibility

13. That the bishops of Australia commit to understanding the interpretation of c. 129 in line with other canonical provisions that have been made after the promulgation of the 1983 Code of Canon Law.
14. That for ecclesiastical offices for which ordination is not required (and without limiting the right of clerics to take up those positions), the bishops of Australia commit to appointing suitability qualified lay persons where practicable.

### Section 6.5.3. Inclusivity and co-responsibility: an element of leadership and governance

15. That the principle of inclusion of all the People of God underpin practice in diocesan appointments and to that end:
  - 15.1 the appointment of lay women and men to senior decision-making bodies and agencies be accelerated;
  - 15.2 the principle of inclusivity be built into the terms of reference of each diocesan body and agency, and dioceses conduct audits of their advisory bodies to ensure inclusiveness in ecclesial bodies; and
  - 15.3 leadership teams be inclusive of the laity (women and men), exercising co-responsibility with bishops, priests and religious.
16. That the governance structure of each diocese, including the powers, responsibilities and composition of its constituent elements, be broadly communicated.
17. That suitably qualified lay people, especially women, be encouraged to exercise functions as judges in ecclesiastical marriage and penal cases and education opportunities be provided to expand the range of persons able to do so.
18. That women take a critical role in relation to the selection and formation of seminarians and participate in the evaluation team deciding suitability for ordination.
19. That lay persons with appropriate expertise be involved in decisions regarding the placement of priests in parishes.
20. That all volunteers, lay, clergy and religious undergo cross cultural awareness training.
21. That Aboriginal and Torres Strait Islander people be included in decision-making processes.

### Section 6.6.2. Identification and management of risk to children and persons vulnerable to harm

22. That the safety of children and other vulnerable persons assumes primacy in the responses to allegations of abuse or malpractice in diocese and parishes.

### Section 6.6.3. Standards and audit for transparency and accountability

23. That dioceses, religious institutes and ministerial PJPs in Australia commit to implement the National Catholic Safeguarding Standards.
24. That dioceses and religious institutes examine the status of their safeguarding programmes and either:
  - 24.1 negotiate arrangements with CPSL for the provision of audit facilities for those programmes, or
  - 24.2 announce publicly why they have not done so and what alternative monitoring systems they have in place.



## Section 6.6.5. National Response Protocol

25. That each diocesan bishop adopt the National Response Protocol once finalised, including procedures for dealing with complaints against bishops and other religious leaders, making it particular law for their diocese.
26. That independent bodies comprised of civil, canonical and relevant professional expertise be established to deal with allegations against Catholic Church personnel (including bishops, religious, priests, deacons, employees and volunteers).

## Section 6.6.6. Record keeping and information sharing

27. That the ACBC:
  - 27.1 commit to the full implementation of the ACMR Card project; and
  - 27.2 investigate the canonical and civil law requirements for a national register of the type contemplated in Royal Commission Recommendation 16.58.

## Section 6.7.1. Selection and formation of candidates for the priesthood

28. That a National Protocol on seminary selection, training and ongoing formation as envisaged by the Truth Justice and Healing Council be developed.
29. That the National Protocol include a provision that each bishop (or dioceses in combination if appropriate) establish a panel for the selection process for entry of candidates into the seminary and review of ongoing formation, including prior to ordination and that these panels:
  - 29.1 involve men and particularly women in the accompanying discernment that is required before a candidate is put forward for ordination;
  - 29.2 facilitate lay people taking a critical role in relation to the selection and formation of seminarians and evaluations of suitability for ordination; and
  - 29.3 include at least one nominee from each of the council of priests and the diocesan pastoral council.
30. That the bishop consult the panel before making a decision about whether to accept a candidate for admission to a seminary, whether to accept a candidate for ordination or whether to permit entry to an international priest.
31. That each diocese develop and make public clear policies in relation to the criteria for entry into the seminary, the criteria for ordination and the policy on international priests and requirement for entry.

## Section 6.7.2. Formation of candidates for the priesthood

32. That the formation and training of candidates for the priesthood and during their ministry have as a primary objective the development in individuals of an internal disposition that values a collaborative lay ecclesial ministry.
33. That in designing formation programmes and curricula, opportunities be provided for:
  - 33.1 increased levels of studies in tertiary institutions outside the seminary;
  - 33.2 extended placements in parishes and ministries; and
  - 33.3 spending time in communal living outside the seminary.
34. That all Church leaders take steps, wherever the opportunity presents itself, to educate about the dangers of clericalism and to make changes to practices that foster an unhealthy culture. These opportunities include, but are not limited to, seminary curricula and ongoing professional development for clergy and lay people.

## Section 6.8.1. Leadership training

35. That leadership formation for all church leaders and prospective leaders be widely available at diocesan and province level in order to support best practice in governance.



36. That in developing and implementing governance and management systems, guidelines and processes, diocese and parishes have regard to relevant civil and ecclesial governance principles.
37. That professional development opportunities be provided in seminaries and theological schools, with the widespread involvement of the laity, for all in leadership, governance and management positions to ensure they understand basic fiduciary and governance principles relevant to their positions.
38. That programmes and opportunities be provided in spirituality and theological formation for clergy and all those in leadership, management and governance roles in the Church.
39. That a national centre for Catholic leadership and governance be established that will:
  - 39.1 identify the range of formation programmes that have already been developed and are fit for purpose in relation to ecclesial leadership;
  - 39.2 identify particular needs that are not currently being serviced and investigate possibilities for coordination; and
  - 39.3 examine how best to establish and resource the research and professional development opportunities necessary to achieve optimal training, development and formation for leadership.

### Section 6.8.3. Opportunities for ongoing leadership development

40. That the ACBC explore opportunities for Australian initiatives to improve the induction and formation of bishops.
41. That opportunities be provided for the ongoing leadership development of every Catholic leader – cleric, religious and lay.

### Section 6.9. The ACBC

42. That the operations of the ACBC be made more accountable, inclusive and transparent through an expansion of its advisory membership, staffing and public communication of non-confidential agendas, internal reports and major decisions.
43. That the ACBC prepare a template for reports for dioceses so that there is comparable and consistent reporting both for ACBC purposes but also for members of the public.
44. That the ACBC regularly convene with a broad range of subject matter experts before considering and voting on a particular subject.

### Section 6.10. Roles and responsibilities of governance within dioceses

45. That the ACBC ask the Apostolic See to consider amending Canon 391 to include ‘the diocesan bishop will consult with the diocesan pastoral council and the council of priests before he makes particular law’. Accordingly, Canon 391 would then provide as follows:

*Canon 391 §1. The diocesan Bishop governs the particular Church entrusted to him with legislative, executive and judicial power, in accordance with the law. The diocesan bishop will consult with the diocesan pastoral council and the council of priests before he makes particular law.*

*§2. The Bishop exercises legislative power himself. He exercises executive power either personally or through vicars general or episcopal vicars, in accordance with the law. He exercises judicial power either personally or through a judicial vicar and judges, in accordance with the law.*

46. That lay advisors, female and male attend council of priests’ and college of consultors’ meeting with the right to participate fully in all discussions and not as mere auditors.

## Section 6.11.6. Bishops and parishes

47. That pastoral planning and provision of ministry are to involve as much effective consultation as is possible between the bishop and the relevant parish communities on major issues affecting the pastoral life of the parish.
48. That the ACBC investigate the canonical and civil requirements for an administrative tribunal to provide an effective means by which administrative decisions by priests, church agencies and bishops can be decided in Australia.
49. That appeal processes from the parish to the diocesan level be accountable and transparent.

## Section 6.11.7. Diocesan pastoral governance

50. That either the Plenary Council 2020-21 or the ACBC legislate to make particular law requiring each diocese have a diocesan pastoral council or close equivalent, established and facilitated with reference to their local context and circumstances.
51. That either the Plenary Council 2020-21 or the ACBC legislate to make particular law that:
  - 51.1 if there is no diocesan pastoral council in existence, the diocesan administrator or apostolic administrator elects a representative group of lay advisors to advise him;
  - 51.2 where a see is vacant the diocesan pastoral council members continue to meet to advise the diocesan administrator on the ongoing pastoral needs of the diocese;
  - 51.3 the members of the diocesan pastoral council participate in the diocesan synod;
  - 51.4 the diocesan pastoral council must be consulted when parishes are erected, suppressed or notably altered;
  - 51.5 the diocesan pastoral council must receive the diocesan annual financial report and be consulted before approval of the diocesan budget and before the diocesan tax on parishes is altered;
  - 51.6 the diocesan pastoral council must be consulted when a new church is being built or a church is being reduced to profane use or to be sold or demolished;
  - 51.7 the diocesan pastoral council must be consulted on matters of importance in the diocese;
  - 51.8 the diocesan pastoral council develop and review (on a regular basis) a profile that identifies the needs of the diocese to support good governance including the development of a strategic plan; and
  - 51.9 the diocesan pastoral council's profile should be used to inform the process of reflection with respect to the appointment of a bishop.
52. That the composition of a diocesan pastoral council be representative of the diversity of lay faithful within the diocese and include a broad range of skill sets and experiences to enable it to fulfil its mandated role.
53. That the ACBC ask the Apostolic See to consider amending Canon 513 for the territory of Australia as follows:

*Canon 513 §1 The pastoral council is appointed for a determinate period, in accordance with the provisions of the statutes drawn up by the bishop.*

*§2 When the see is vacant, the existing pastoral council continues to function.*
54. That dioceses address through a discernment process the model of diocesan pastoral councils best suited to their needs.
55. That the operations of existing diocesan pastoral councils be reviewed with a view to ensuring best practice.

## Section 6.11.8. Diocesan synods

56. That within five years following the closing session of the Plenary Council 2020-21 each diocese conduct a diocesan synod and every ten years thereafter.
57. That the membership of each diocesan synod reflect the profile of the relevant diocese.

### **Section 6.11.9. Diocesan financial governance**

58. That the bishop participates ex-officio in the diocesan finance council and the chair of the diocesan finance council be an independent lay person.
59. That a programme of induction and ongoing formation on the roles, responsibilities and purposes of diocesan and parish councils and boards be provided for new and ongoing members.
60. That each diocese provide publicly full annual financial reporting including an income statement, a summary statement of financial activities including investment strategy and a summary of financial position.

### **Section 6.11.10. Public accountability and transparency**

61. That as a statement of general principle, diocesan agencies and advisory bodies should maintain the highest standards of accountability through open procedures and regular and transparent public reporting.
62. That fiduciary concepts and governance principles be included in professional development programmes for diocesan agencies and advisory bodies.

### **Section 6.11.11. Church media and communications**

63. That Catholic media be maintained to enable clear communication in multi-media modes which encourage the exchange of diverse views conducive to dialogue and discernment amongst all the People of God.
64. That the ACBC produce a consolidated list of dioceses and their legal structure in Australia as a foundation for consistent approaches to professional standards and as an accurate reference for those liaising with agencies such as the National Redress Scheme.

### **Section 6.11.12. Limitations and costs**

65. That governance reform be accompanied by suitable education programmes within dioceses. Advisory bodies, such as pastoral councils, be fully costed and financially supported.

### **Section 6.12. Managing relationships**

66. That the ACBC, CRA and AMPJP jointly commission a study to investigate means by which:
  - 66.1 their activities and responsibilities can be coordinated in the interests of efficiency, economy and the pursuit of principles of good governance, especially in the area of risk management; and
  - 66.2 while recognising the separate identities and independence of each, seeks to build on the 'one voice' approach utilised during the Royal Commission through the coordinating role of the TJHC.
67. That each diocese conduct an audit to identify all associations of Christ's faithful, be they public or private associations, operating in the diocese and take reasonable steps to ascertain whether those associations have adopted or are in the process of adopting the National Catholic Safeguarding Standards developed by CPSL.

### **Section 7.2.5. The body formed by the eucharist**

68. That each parish articulate and enact clearly structured and transparent, prayerful, synodal processes in which the faithful of the parish have the opportunity to bring forth their ideas, and contributions towards the vision and activities of the parish. These may include, but are not be limited to, an annual parish meeting to which all parishioners are invited.

## Section 7.4. Parishes: capable of renewal and adaptation

69. That where this is yet to occur, the diocesan bishop in consultation with the diocesan pastoral council analyse the multiple structures and needs of parishes to evaluate current practices and identify new and emerging forms of ecclesial life in the Catholic Church in Australia which are mission focused and centred on the eucharist.
70. That in developing proposals to reconfigure parishes, the people in each parish or a group of parishes affected by a proposal be consulted and provided with opportunities to meet together to discuss options.
71. That the proposed National Centre for Catholic Leadership and Governance promote shared best practice and resources.

## Section 7.5. Complementary and collaborative ministry

72. That the diocesan bishop in consultation with the diocesan pastoral council and relevant adult education providers establish formation programmes, pathways and ministry opportunities specifically for those who work in parishes and local communities. This includes pastoral associates, youth ministers, catechists and other lay ecclesial ministers both professionals and volunteers.
73. That the proposed National Centre for Catholic Leadership and governance coordinate and contribute to the above programmes and pathways.

## Section 7.6.1. The parish pastoral councils – skills, criteria, commitment, collaboration

74. That each diocesan bishop mandate parish pastoral councils in the parishes of his diocese.
75. That where it may be difficult for a particular parish alone to establish a parish pastoral council (eg due to size or location) alternative means, appropriate for the circumstances of the parish, be adopted to ensure that the voice of the faithful sits alongside the voice of the ordained minister in pastoral planning and decision making.
76. That each parish pastoral council annually self-review and evaluate its effectiveness and operation of parish pastoral councils.
77. That the ACBC commission a study to collate information about experiences of parish councils in Australia with a view to developing models that can be adapted to local circumstances for matters normally found in constitutions or rules for like bodies, including (but not limited to), objects, purposes, powers, procedures, skills matrices and accountability systems.

## Section 7.6.2. Parish finance council

78. That the parish priest participates ex-officio in the parish financial committee and that the chair of the parish financial committee be an independent lay person.

79. That a programme of induction and ongoing formation about the roles and responsibilities of each member and especially new members of parish pastoral committee in the parishes be implemented.
80. That the parish finance committee must meet at least four times each year.
81. That each parish annually provides full financial reporting which includes an income statement, a summary statement of financial activities including investment strategy and a summary of financial position. These annual financial reports are to be completed within four months of the end of the financial year and:
  - 81.1 provided publicly on the parish website, and
  - 81.2 a copy delivered to the person responsible for diocesan financial administration.
82. That each parish that is as Basic Religious Charity have regard to the ACNC governance standards and annual financial reporting requirements as exemplars of good practice.

#### **Section 7.6.4. The appointment and re-appointment of clergy**

83. That bishops are to consult with the college of consultors or a clergy appointments panel when making changes with regard to clergy. These meetings are to include lay women and men.

#### **Section 7.6.6. Lay pastoral ministry and the ministry of pastoral associates**

84. That the diocesan bishop in consultation with the diocesan pastoral council and relevant adult education providers establish formation programmes, pathways and ministry opportunities specifically for pastoral associates.
85. That each diocese is to have a programme of ongoing formation and training for pastoral associates and lay leaders in parishes.

#### **Section 7.7. Safeguarding**

86. That all parish communities annually self-audit against the National Catholic Safeguarding Standards on their implementation of safeguarding practices.

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**THE CHURCH: ONE, HOLY,  
CATHOLIC AND APOSTOLIC**

## 3.1 Overview

Jesus Christ, who is 'both the mediator and the fullness of all revelation', is the foundation of the Church.<sup>19</sup> The Gospel of Jesus Christ, therefore, is the source for the theology, the spirituality, and the ecclesiology of the Church, all of which seek to form in the Church an ever-deepening awareness of, and response to, God's ongoing presence in the whole of creation. The grace of the Holy Spirit unites all disciples of Christ into one body, whose many parts are not in competition with each other but together share a call to be agents of grace in every context. Faith in Christ summons each and all baptised members of the Church to foster a human community marked by mutual respect, a commitment to protect and nurture the dignity of each person, the diversity of gifts within the community, and responsible stewardship of God's world. The Church's worship, sacramental life, teaching, and structures are all directed to this shared purpose, which gives glory to God.

The Church does not exist for its own sake, but for its mission to proclaim and embody the Gospel. In seeking to fulfil its mission, the ecclesial community acts through structures that derive their authority from their relationship to the Holy Spirit. Since the primary responsibility of all governing bodies in the Church is to nourish and serve the mission of the whole community, those who exercise authority in the Church must always be open to a deeper conversion to the grace of the Holy Spirit. Similarly, the practice of governance and management of the Church must continue to reflect the spirituality and the theology that are central to the entire ecclesial community.

## 3.2 Theological foundations of the Church

### 3.2.1 Fundamental ecclesiology

In the Church's official self-understanding, 'the era of the Church began with the "coming", the descent of the Holy Spirit on the apostles gathered in the upper room in Jerusalem, together with Mary, the Lord's mother (with original emphasis).'<sup>20</sup> Pentecost frames the Church as a human community whose existence depends on God's grace and whose purpose is for all of its members to live in the world as disciples of Jesus Christ. The grace of the Spirit unites the members of the Church as one community, sharing a common faith, and common mission. The structures of the Church, including its episcopal leadership, exist to promote and serve the unity of the body of the baptised. This body is both one and catholic, united and diverse; it is not bound to any single culture or group of people but able to serve Christ in all of them.

As the initiative for the formation of the Christian community comes from God's action in Jesus Christ and the Holy Spirit, developing a theology of the Church properly begins with God's self-revelation in history.<sup>21</sup> This revelation, especially in the person

of Jesus Christ, highlights God's 'incarnational tendency'.<sup>22</sup> This tendency not only signals God's commitment to humanity, but the capacity of humanity to be a means of grace. Both factors are central to understanding the Church.<sup>23</sup> The relationship between grace and humanity gives the Church its particular identity: the Church is a human community, but one that exists only in and through grace.

As a human community, the Church exhibits all of the complexities of any other group of people. These complexities do not annul the action of God's Spirit, but they highlight that the Church as a community of faith can never outgrow its need for conversion to greater authenticity in its faith and action. The ecclesial community's constant need for conversion underscores that the Church 'is at one and the same time holy and always in need of purification'.<sup>24</sup> The Church's sacramental worship, particularly the eucharist, is a constant stimulus to this conversion.

<sup>19</sup> Second Vatican Council, *Dei Verbum: Dogmatic Constitution on Divine Revelation of Vatican Council*, November 18, 1965 (hereafter cited as '*Dei Verbum*') in Tanner (ed.), *Decrees of the Ecumenical Councils*, [2].

<sup>20</sup> John Paul II, *Dominum et Vivificantem: On the Holy Spirit in the Life of the Church and the World*, papal encyclical, Vatican website, May 19, 1986, <http://www.vatican.va/content/francesco/en.html>, [25] (original emphasis).

<sup>21</sup> *Lumen Gentium*, [2].

<sup>22</sup> Karl Rahner, 'Personal and Sacramental Piety', in Karl Rahner, *Theological Investigations: Volume II*, trans. K-H Kruger (New York: Crossroads, 1990) 119-20.

<sup>23</sup> *Ibid.*

<sup>24</sup> *Lumen Gentium*, [8].



## 3.2 Theological foundations of the Church

### 3.2.2 Jesus and the kingdom: The foundation of the Church

God's self-communication in creation and through the life-giving covenants with the people of Israel are the broad foundations of the Christian community. Jesus stands firmly in the tradition of the prophets, who called people to use their freedom constructively, to acknowledge their need for conversion, for a renewed relationship with God, and life-giving solidarity with others.

The words and actions of Jesus, the one 'as we are, yet without sin' (Heb 4:15), provide the immediate background to the Church. Those words and actions make present the kingdom of God. Understanding the revelation of God's kingdom in Jesus Christ can illuminate the nature and purpose of the Church.

The Gospels refer to the kingdom through images – for example, a mustard seed flowering into a large tree (Mt 13:31; Lk 13:18), yeast leavening bread (Mt 13:33; Lk 13:20), a treasure that makes a claim on one's whole life (Mt 13: 44), a seed growing unseen (Mk 4:31) or an invitation to a wedding feast to which not all the recipients respond appropriately (Mt 22:2-14). These images indicate the abundance and gift of God's reign, which Jesus expresses in his words and actions. Thus, Jesus' miracles of healing symbolise the life-giving love of God that is not subject to the limits of illness (Mk 5:22-43; Lk 8:41-56). Similarly, the miraculous feedings of the great crowds (Mt 14:13-21, 15:32-38; Mk 6:35-44, 8:1-6; Jn 6: 1-14) are witness to God's desire and capacity to respond to humanity's needs.

In Jesus, God reveals the kingdom as 'a gracious gift from God, who comes with unconditional love to seek out humankind and to offer ultimate salvation to all'.<sup>25</sup> In Jesus, God reveals the kingdom as 'a gracious gift from God, who comes with unconditional love to seek out humankind and to offer ultimate salvation to all'.<sup>26</sup>

Jesus' activity on behalf of the kingdom of God is never a solitary enterprise. Jesus calls certain people into a more intimate relationship with him as his followers, his disciples and apostles (Mt 4:18-22; Lk 6:12-16). Through their relationship to Jesus, those disciples learn how to pray, they struggle to appropriate the broader vision of God and humanity that he proffers and they are sent out as apostles. All of this, the disciples do together. The practice of Jesus in calling, mentoring, and commissioning disciples makes clear that discipleship for the sake of God's kingdom 'requires a dedicated community, a form of life into which it can enter and be made visible'.<sup>27</sup> The disciples themselves become a symbol of God's kingdom: 'The circle of men and women who followed Jesus, their solidary community, their being-together with one another, was to show that now, in the midst of Israel, a bit of "new society" had begun'.<sup>28</sup> All of this represents the background to the communal identity of the Church.

<sup>25</sup> John Fuellenbach, *The Kingdom of God: The Message of Jesus Today* (Maryknoll, NY: Orbis, 2002), 97.

<sup>26</sup> Gerhard Lohfink, *Jesus of Nazareth: What He Wanted, Who He Was*, trans. L. Maloney (Collegeville, MN: Liturgical Press, 2012), 37.

<sup>27</sup> *Ibid.*, 90.

<sup>28</sup> *Ibid.*



## 3.2 Theological foundations of the Church

### 3.2.3 The Spirit and the Church

The resurrection and ascension are integral to knowledge of the Spirit in human history. At Pentecost, the Spirit completes the revelation of God as Trinity. The *Catechism of the Catholic Church* names Pentecost as the event pivotal to the communication of the Spirit to the first Christians (Acts 2:1-4): 'since that day, the Kingdom announced by Christ has been open to those who believe in him: in the humility of the flesh and in faith, they already share in the communion of the Holy Trinity'.<sup>29</sup>

It is the Spirit who expresses the enduring presence of God in grace, which anticipates and leads to the fullness of life in Christ. The Spirit is at the heart of the proclamation of the Jesus as 'Christ', 'Lord', and 'Saviour', the titles that both reflect and form the Christian community's faith in the risen Jesus as 'the vehicle and bearer of a definitive message that can basically no longer be transcended'.<sup>30</sup>

Although there is an inextricable link between the mission of the Spirit and that of Jesus Christ, the Spirit does not become incarnate in human history in a single human being. Nonetheless, since God's revelation is always to human beings as they are, the human experience of the Spirit involves humanity's bodily, social, and historical existence. 'Sacrament' encapsulates this understanding of God's action in human history: a sacrament is physical – we see, touch, eat, hear, etc – but the physical is, simultaneously and irreducibly, the means by which we encounter what is not physical: the life-giving grace of the Holy Spirit. Thus, the Christian tradition uses 'sacrament' to encapsulate God's symbolic self-communication, to name the way in which God offers grace through 'everyday' objects and people that do not cease to have their 'everyday' meaning and existence.

In its major document on the Church, the constitution *Lumen Gentium*, Vatican II begins by acknowledging that 'the Church is in Christ as a sacrament or instrumental sign of intimate union with God and of the unity of all humanity'.<sup>31</sup> In presenting the Church as a sacrament, Vatican II affirmed the identity of the Church as the product of God's initiative and action, while emphasising the

human reality of the Church. The Church, then, is 'one complex reality comprising a human and divine element...the social structure of the Church serves the Spirit of Christ who vivifies it'.<sup>32</sup> The implications of sacramentality apply to the Church's structures and forms of governance: they can be a means of grace to serve the unity and mission of the Christian community. While these structures may have the Spirit as their source, they are also human structures, so stand in need of constant conversion to the Spirit. Only through this conversion can the exercise of governance in the Church be a means of grace, rather than an obstacle to it.

The Spirit within the Trinity expresses the love that unites the first and second persons. In this way, the Spirit is the bond of mutual love that unites without blurring differences. Within the Church too, the Spirit's role is to unite all the followers of Christ into a single community of faith. Spirit-formed unity, however, can exist together with difference. Hence, the conviction that the Church is both united and catholic, that it is one and many, rather than a uniform body unable to tolerate difference. This theological conviction provides a crucial basis for imagining how it can be possible for the Church to be united at a global level, while manifesting differences that arise within particular cultures and nations.

The Spirit's mission in the ongoing history of humanity extends not only to those who proclaim faith in Christ explicitly but, 'to all people of goodwill in whose hearts grace is secretly at work'.<sup>33</sup> The Spirit, as the revelation of the God who in Christ has reconciled the whole of creation, 'offers everyone the possibility of sharing in this paschal mystery in a manner known to God'.<sup>34</sup> As God's activity through the Spirit who unites creation in Christ, grace draws humanity into communion with each other and the whole of creation, a communion that is itself a symbol of God's trinitarian life. All responses to the Spirit are embodied responses: they 'manifest themselves in welcoming cultural and racial differences in the other, in genuine concern for the stranger, in joy in the gifts of others, and in humility about one's own cultural attainments'.<sup>35</sup>

<sup>29</sup> *Catechism of the Catholic Church*, 2<sup>nd</sup> ed. (Vatican City: Vatican Press, 1997) (hereafter cited as '*Catechism of the Catholic Church*'), 732.

<sup>30</sup> Karl Rahner, *The Love of Jesus and the Love of Neighbor*, trans. R Barr (New York: Crossroads, 1983), 28.

<sup>31</sup> *Lumen Gentium*, [1].

<sup>32</sup> *Ibid.*, [8].

<sup>33</sup> *Gaudium et Spes*, [22].

<sup>34</sup> *Ibid.*

<sup>35</sup> M. Shawn Copeland, 'Knit Together by the Spirit as Church', in *Prophetic Witness: Catholic Women's Strategies for Reform*, ed. Colleen Griffith (New York: Herder & Herder, 2008), 22.

## 3.2 Theological foundations of the Church

### 3.2.4 The Mission and Life of the Church

The Spirit offers the Christian community a constant summons to renounce 'the attempt to plan and control everything to the last detail, and instead letting [the Spirit] enlighten, guide and direct us, leading us wherever he wills'.<sup>36</sup> What the Spirit 'wills' is both the Church's faithfulness to Christ and its fulfilment in Christ, the one in whom God is making 'all things new' (Rev 21:5).

Vatican II emphasised the phrase 'the new life of the Spirit' (Rom 7:6) which forms the Church as the People of God, shaping the Church as a pilgrim.<sup>37</sup> As a pilgrim, the church has not achieved its final form in history but 'will reach its completion only in the glory of heaven'.<sup>38</sup> Consequently, the Church 'in its sacraments and institutions, which belong to this age, carries the figure of this world which is passing' rather than of God's fulfilled reign.<sup>39</sup> As noted above, since the Church in history will never be a flawless and unfailingly consistent symbol of grace, the need for conversion is intrinsic to the Church. In the eucharist, the Church renews its faith in the God of Jesus Christ who, through the Spirit, accompanies and nurtures the People of God on their pilgrimage.

As a pilgrim people, the Church, with the whole of creation looks towards the fullness of life in Jesus Christ, to the consummation of God's reign. To be faithful to the promptings of the Spirit in history, the Church must resist the temptation to avoid self-criticism and refuse to face the challenges of its place in the ever-changing history of humanity. As the Church proceeds on its pilgrimage, the Spirit 'abides' (Jn 14:17) with the community of faith and 'leads the Church into all truth'.<sup>40</sup> The link between God's presence and the dynamism proper to the Church supports the view that the Church 'exists wherever "the cause" of Jesus is made present by the Spirit, taken hold of in faith, and put into practice in love. In this view the Church is primarily an event; it is something happening'.<sup>41</sup>

As the People of God, the Church is to serve the grace of the Spirit in the world. This is so since the Church is 'of its very nature missionary since it draws its origin from the mission of the Son and the mission of the Holy Spirit in accordance with the plan of

God the Father'.<sup>42</sup> This mission is not focused on building up the Church, but on 'announcing the kingdom of Christ and of God and of inaugurating it among all peoples'.<sup>43</sup> More specifically, the council characterises the Church as being 'the seed and beginning of the kingdom on earth'.<sup>44</sup> The Church, in short, exists as a sacrament of the grace that God offers to all people and all times.

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***Stewardship is integral to the mission of the Church; it is a fundamental tenet of the Church's spirituality. Stewardship does not suggest 'ownership' but a responsibility for service that aims to nurture a gift from another, from the God who initiates the relationship of friendship with humanity.***

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Today, 'stewardship' is commonly understood in relation to care for the physical environment, but the ideas of mutual respect that are at the heart of stewardship transcend those considerations and apply equally to care for other people and responsible use of the physical assets and intangible assets of the Church. The principles of stewardship, therefore, have implications for the practice of governance, especially financial propriety, in the ecclesial community.

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<sup>36</sup> Pope Francis, *Apostolic Exhortation: Evangelii Gaudium, To the Bishops, Clergy, Consecrated Persons and the Lay Faithful on the Proclamation of the Gospel in Today's World* (hereafter cited as 'Pope Francis, *Evangelii Gaudium*'), Apostolic exhortation, Vatican website, November 24, 2013, <http://www.vatican.va/content/francesco/en.html>, [280].

<sup>37</sup> *Lumen Gentium* uses 'The People of God' as the title for its second chapter. In the same document, 'The Pilgrim Church' is the title of the seventh chapter.

<sup>38</sup> *Lumen Gentium*, [48].

<sup>39</sup> *Ibid.*

<sup>40</sup> *Ibid.*, [4].

<sup>41</sup> Walter Kasper, *An Introduction to Christian Faith*, trans. V. Green (New York: Paulist, 1980), 139.

<sup>42</sup> Second Vatican Council, *Ad Gentes: Decree on the Mission Activity of the Church* (hereafter cited as 'Ad Gentes') in Tanner (ed.), *Decrees of the Ecumenical Councils*, [2].

<sup>43</sup> *Lumen Gentium*, 5.

<sup>44</sup> *Ibid.*

## 3.3 Serving the unity and mission of the Church: synodality and collegiality

The foundation of the Church in the trinitarian God is the source and motive for the unity of the Church. Nurturing this unity is the responsibility of all members of the Body of Christ. The purpose of the Church's unity is to ensure that the community of faith might give a common witness to the world of God's boundless mercy. For the sake of both the Church's unity and its mission, the Spirit bestows on the Church 'a diversity of gifts both hierarchical and charismatic'<sup>45</sup> These charisms, and the specific responsibilities that flow from them, underpin the Church's many ministries, including those of governance.

Prior to any differentiations in the Church on the basis of particular roles and offices, the Church is the one Body of Christ, the one People of God formed by the one baptism, and serving the one mission, and sharing in the one eucharist. Pope Francis has stressed this fundamental unity and shared mission of all the baptised through his focus on 'synodality'. Synodality involves the active participation of all members of the Church in its processes of discernment, consultation and co-operation at every level of decision-making and mission. In promoting the need for the Church to find new ways to live and work in the world using the prayer, advice and experience of all members, including the laity at the parish, diocesan, national and international levels, Pope Francis has connected synodality to both the mission and the reform of the Church:

*The renewal of structures demanded by pastoral conversion can only be understood in this light: as part of an effort to make them more mission-oriented, to make ordinary pastoral activity on every level more inclusive and open, to inspire in pastoral workers a constant desire to go forth and in this way to elicit a positive response from all those whom Jesus summons to friendship with himself. As John Paul II once said to the bishops of Oceania: 'All renewal in the Church must have mission as its goal if it is not to fall prey to a kind of ecclesial introversion' (Post-Synodal Apostolic Exhortation Ecclesia in Oceania, 22 November 2001).<sup>46</sup>*

The International Theological Commission (ITC), writing in 2018, stresses that pastors in the Church need to consult and listen to the views of the faithful before making decisions.<sup>47</sup> Like Pope Francis, the document of the ITC connects synodality and the social ministry of the Church: 'The Church's synodal life presents

itself, in particular, as diakonia.<sup>48</sup> in the promotion of a social, economical, and political life of all peoples under the banner of justice, solidarity and peace.'<sup>49</sup>

The turn of the Catholic Church to synodality entails a series of changes in the culture that can make possible reforms in the governance of the Church. But synodality is specific to the Church also because it requires a prayerful setting and also moments in which synodality finds a liturgical expression. The prayer that the synodal assemblies have been opening with for more than a millennium is the 'Adsumus'.<sup>50</sup> In this text, which invokes the Holy Spirit assembly, there is in fact a 'confession of the sins', therefore a 'penance' in which the Church recognises itself as a sinner but also knows how to listen to the word of God and to listen to one another between brothers and sisters, to seek through the discernment done together the spiritual symphony in evaluations and decisions.

Just as Vatican II was not just a series of debates and decision-making assemblies but also an event that opened every session and every general congregation in St. Peter's Basilica with a celebration of the eucharist, in a similar way synodality at the local level must find a spiritual, prayerful, and liturgical dimension which makes possible the deep changes that our times are asking of us. The process of synodal reform has to also have a spiritual and liturgical focus. This has been reaffirmed by Pope Francis many times, for example in one of his most important documents on synodality, the letter to the pilgrim People of God in Germany of June 2019. It is important to note here that this journey of the Church towards synodality will continue and involve all levels – from universal to the local. On 7 March it was announced that Pope Francis has decided the next bishops' synod, will take place in October 2022, and will have the theme: 'For a synodal church: Communion, participation and mission'.<sup>51</sup>

While synodality underscores the baptismal gifts of all members of the Church, the life of the Church depends also on particular charisms, including those associated with the threefold sacrament of holy orders, which bishops, priests, and deacons receive in their respective ways. The charisms of the ordained are for the sake of the community and its mission, not for self-aggrandisement or personal satisfaction.

<sup>45</sup> Ibid, [4]

<sup>46</sup> *Evangelii Gaudium*, [27].

<sup>47</sup> International Theological Commission, *Synodality in the Life and Mission of the Church* (Vatican: March 2, 2018) (hereafter cited as 'International Theological Commission, *Synodality in the Life and Mission of the Church*', [68]. An electronic copy is accessible at: [http://www.vatican.va/roman\\_curia/congregations/cfaith/cti\\_documents/rc\\_cti\\_20180302\\_synodalita\\_en.html](http://www.vatican.va/roman_curia/congregations/cfaith/cti_documents/rc_cti_20180302_synodalita_en.html).

<sup>48</sup> *Diakoni* meaning a sense of service.

<sup>49</sup> International Theological Commission, *Synodality in the Life and Mission of the Church*, [119].

<sup>50</sup> *Adsumus* meaning a collective presence.

<sup>51</sup> Christopher Wells, 'Synod of Bishops to take up theme of synodality in 2022,' *Vatican News*, March 7, 2020, <https://www.vaticannews.va/en/pope/news/2020-03/synod-of-bishops-to-take-up-theme-of-synodality-in-2022.html> (hereafter cited as 'Wells, 'Synod of Bishops to take up theme of synodality in 2022').

## 3.3 Serving the unity and mission of the Church: synodality and collegiality

Although each bishop, as will be explored further below, has a particular responsibility for the formation and pastoral care of the specific Christian community that they lead, all bishops are members of the one college of bishops. The emphasis on the 'collegiality' of bishops was one of the principal features of Vatican II's approach to the Church. Each bishop is a member of the college of bishops, gathered with and under the Pope.

As the council stressed, 'individual bishops represent their own church, while all of them together with the Pope represent the whole Church in the bond of peace, love and unity'.<sup>52</sup> Just as synodality expresses both the unity and catholicity of the Church, so too the collegiality of the bishops brings into relief 'the catholicity of the undivided Church'.<sup>53</sup>

## 3.4 The bishop as pastor and shepherd

If it is true that the constitution *Lumen Gentium* is the ecclesiological constitution of Vatican II, it is also widely acknowledged that the decree *Christus Dominus* of Vatican II on the pastoral ministry of the bishops has the most important texts on the bishops as 'true pastors' and their responsibility toward their local churches. From this ecclesiological point of view, paragraphs 2 and 8 are a couple of the most important passages of the decree *Christus Dominus*. After the description of the Roman Pontiff, the second paragraph of *Christus Dominus* reads as follows:

*The bishops also, assigned to their position by the Holy Spirit, take the place of the apostles as pastors of souls, and together with the supreme pontiff and under his authority are sent to carry on the never-ending work of Christ, the eternal pastor. For Christ gave to the apostles and their successors the mandate and the power to teach all nations, to sanctify people in truth, and to sustain them spiritually. The bishops, accordingly, through the Holy Spirit who has been given to them, have been made true and authentic teachers of the faith, pontiffs and pastors.*<sup>54</sup>

The statements in paragraph 8 are even more precise:

*As successors of the apostles, the bishops in the dioceses entrusted to them possess as of right all the ordinary power necessary for the exercise of their pastoral office. This power belongs to them as bishops and rests in their own hands, always without prejudice to the universal power which, in virtue of his office, the Roman pontiff possesses of reserving cases to himself or to some other authority.*<sup>55</sup>

Vatican II summarised the duties of each bishop in these terms: 'to promote and defend the unity of faith and discipline common to the whole Church, to instruct the faithful in the love of the whole mystical body of Christ – especially those members who are poor and suffering and those who are undergoing persecution for righteousness' sake – and finally to promote every activity that is common to the whole Church'.<sup>56</sup> Bishops fulfil their duties in relation to a local church, normally a diocese, over which they exercise pastoral leadership, and in which they are to be the primary proclaimers of the Gospel and ministers of the Church's sacramental life and worship.

One of the most significant aspects of Vatican II's teaching on bishops is its emphasis on the bond between the bishop and their local church, each of which the council presented not as a 'branch-office' of a large corporation, but as authentically 'the Church', in which 'the one, holy, catholic and apostolic Church is truly present and at work'.<sup>57</sup> Accordingly, the council stressed that diocesan bishops are 'the proper, official and immediate shepherds of these churches, under the authority of the supreme pontiff'. The council likewise affirmed that the power proper to the local bishop 'is not destroyed by the supreme and universal power, but on the contrary it is affirmed, strengthened and vindicated by it, since the Holy Spirit unfailingly preserves the form of government established by Christ the Lord in His Church'.<sup>59</sup>

In many ways, the diocesan bishop was central to the ecclesiology of Vatican II. For the council, the bishop was not simply the chief teacher of the diocese but also carried

<sup>52</sup> *Lumen Gentium*, [23].

<sup>53</sup> *Ibid.*

<sup>54</sup> Second Vatican Council, *Christus Dominus, Decree on the Pastoral Office of Bishops in the Church* (hereafter cited as '*Christus Dominus*') in Tanner (ed.), *Decrees of the Ecumenical Councils*, [2].

<sup>55</sup> *Ibid.*, [8].

<sup>56</sup> *Lumen Gentium*, [23].

<sup>57</sup> *Christus Dominus*, [11]; see also *Lumen Gentium*, [26].

<sup>58</sup> *Christus Dominus*, [11].

<sup>59</sup> *Lumen Gentium*, [27].

## 3.4 The bishop as pastor and shepherd

a particular responsibility 'for finding an answer to questions of the utmost gravity: the ownership, increase, and just distribution of material wealth; peace and war; the effective fellowship of all peoples'<sup>60</sup> To accomplish this task, bishops were to be agents of 'dialogue' with the culture at large.<sup>61</sup>

At the heart of Vatican II's profile of the bishop is the figure of the bishop as pastor, as chief shepherd of the People of God in a local church. Bishops, then, were 'obliged to show an example of holiness in charity, humility and simplicity of life.'<sup>62</sup> In order to fulfil their role, bishops, the council emphasised, 'must respect

the place proper to their faithful in the affairs of the Church, acknowledging also their duty and right to work actively for the building up of the mystical body of Christ.'<sup>63</sup> In short, bishops were to be not only collegial figures, but promoters of the Church's synodality.

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<sup>60</sup> *Christus Dominus*, [12].

<sup>61</sup> *Ibid*, [13].

<sup>62</sup> *Ibid*, [15].

<sup>63</sup> *Ibid*, [16].

The background features a complex arrangement of overlapping geometric shapes in various shades of teal and light blue. A large, dark teal shape on the left side resembles a stylized letter 'A' or a similar angular form. Other shapes include triangles and rectangles of varying sizes and orientations, creating a layered, architectural feel. The overall composition is clean and modern.

# **THE CHURCH AS A SOCIETY**

## 4.1 Overview

*This Church, established and ordered in this world as a society, subsists in the Catholic Church, governed by the successor of Peter and the bishops in communion with him.*<sup>64</sup>

*The Church has a number of different dimensions. It is at once both human and divine. It has a visible presence in the world but points to a reality beyond this world. It leads people to the kingdom of God.*<sup>65</sup>

*The Church is universal by vocation and mission, but when [it] puts down [its] roots in a variety of cultural, social and human terrains, [it] takes on different external expressions and appearances in each part of the world.*<sup>66</sup>

The People of God, as church, is a graced communion of faith, not primarily a legal entity defined by structures and canonical norms. This is why the theological and spiritual identity of the Church was dealt with first, in section 3. Grace, however, is sacramental so the Church is also 'established and ordered as a society in this world'. Accordingly, Section 4 addresses the 'visible presence'

and the 'external expression' of church as a juridical and structural being. It is necessary to do so in order for the governance and management organs of the Church to be understood and assessments made about best practice in their implementation.

The section proceeds on an assumption that readers will be familiar with the existence of the Church throughout the world and its governance by the Pope, working through the various agencies of the Roman Curia and in a collegial relationship with the bishops of the world. The Church also operates at a local level, rooted in a particular 'cultural, social and human terrain'. In other words, local churches exist in particular geographical settings. It is with the latter, particularly the Australian context, that this section and the two that follow are primarily concerned, although it is necessary to place the material in the context of universal laws and norms.

The text in this section is deliberately brief and complementary detail is to be found in [Appendix 1](#).

<sup>64</sup> Code of Canon Law, canon 204 §2. Throughout this report, canons from the Code of Canon Law (1983) (Latin Rite) will be referred to as 'CIC, c. [number]'. References to the Code of Canons of the Eastern Churches (1991) will be described as 'CCEO, [number]'.

<sup>65</sup> Brian Lucas, Peter Slack and William d'Apice, *Church Administration Handbook*, 2nd ed., (Strathfield NSW: St Paul's Publications, 2018) (hereafter cited as 'Lucas et. al., *Church Administration Handbook*'), 24.

<sup>66</sup> *Catechism of the Catholic Church*, 835.



## 4.2 Church laws, norms and rites

Since the Church is a body that exists in history and within multiple cultures, it has developed canon law to guide its decision-making and regulate the myriad aspects of its life for the sake of more faithful service of the Gospel. Canon law is the body of law governing the structure and discipline of the Catholic Church. It was codified in 1917 and in a revised code was promulgated for the Latin Rite Churches in 1983: The Code of Canon Law. The Eastern Catholic Churches have a separate code: The Code of Canons of the Eastern Churches (1991).

This law includes universal and particular law: typically, universal laws are issued by the Pope or Apostolic See, whereas in the Latin Church the particular law is issued by the diocesan bishop or episcopal conference. The latter needs a review by the Apostolic See<sup>67</sup> as a 'lower legislator cannot validly make a law which is contrary to that of a higher legislator'.<sup>68</sup> The term 'proper law' relates to the law of religious institutes and is usually found in the constitutions and rules of the institutes.

Each individual entity such as a diocese, a parish or a religious institute is a juridic person under canon law, a legal entity in the Church. These entities in canon law are parallel to corporations in Australian law. Public juridic persons, such as parishes, religious institutes and more recently ministerial PJPs, act officially on behalf of the Church in particular situations.

It used to be common to refer to various types of local churches as a 'Rite'. In more recent times the proper term is *ecclesia sui iuris*, literally: 'a church of one's own right'. The Code for the Eastern Churches describes a church *sui iuris* as 'a community of the Christian faithful, which is joined together by a hierarchy according to the norm of law and which is expressly or tacitly recognised as *sui iuris* by the supreme authority of the Church'.<sup>69</sup> Generally, each church has its own liturgical, theological, spiritual and disciplinary heritage, differentiated by culture and historical circumstances, by which each autonomous church expresses its own manner of living the faith.

## 4.3 The Church in Australia: 'local' and 'national'

There are 33 dioceses in Australia<sup>70</sup> and each can be described as a 'local church' that is independent of the other dioceses in the territory (Australia) and is in full communion with the Roman Pontiff. However, and while recognising the authority that a bishop has in his own particular church, an episcopal conference (the ACBC) has been established to contribute to the realisation and development of the spirit of collegiality among members of the same episcopate.<sup>71</sup>

Accordingly, it is the individual dioceses that are properly described as 'local churches' and there is nothing that can properly be described as 'the Australian Catholic Church'. Nonetheless, there are many national structures that, along with the ACBC support the exercise of individual episcopal ministry and the work done by ministries of the Church in this country. These national structures are described in [Appendix 1, Part 1](#).

<sup>67</sup> CIC, c. 455. For a decree of a bishops' conference to be made 'particular law', it must be passed by a two-thirds majority of the conference. One should note here the difference in the ecclesiology of the local church between the Code of Canon Law of 1983 and the Second Vatican Council, *Christus Dominus: Decree on the Pastoral Office of Bishops in the Church* at [2] ('The bishops themselves, however, having been appointed by the Holy Spirit, are successors of the Apostles as pastors of souls. Together with the supreme pontiff and under his authority they are sent to continue throughout the ages the work of Christ, the eternal pastor. Christ gave the Apostles and their successors the command and the power to teach all nations, to hallow men in the truth, and to feed them. Bishops, therefore, have been made true and authentic teachers of the faith, pontiffs, and pastors through the Holy Spirit, who has been given to them') and at [8a] ('To bishops, as successors of the Apostles, in the dioceses entrusted to them, there belongs per se all the

ordinary, proper, and immediate authority which is required for the exercise of their pastoral office. But this never in any way infringes upon the power which the Roman pontiff has, by virtue of his office, of reserving cases to himself or to some other authority').

<sup>68</sup> CIC, c. 135 §1 ('The power of governance is divided into legislative, executive and judicial power.') and §2 ('Legislative power is to be exercised in the manner prescribed by law; that which in the Church a legislator lower than the supreme authority has, cannot validly be delegated, unless the law explicitly provides otherwise. A lower legislator cannot validly make a law which is contrary to that of a higher legislator').

<sup>69</sup> CCEO, 27.

<sup>70</sup> There are also eparchies. For details of the dioceses and eparchies in Australia, see Appendix 1 Part 2.

<sup>71</sup> *Lumen Gentium*, [22].



## 4.4 Diocesan structures

There are various structures or organisms within a diocesan profile that are important for the good governance of an entity. They include:

- the diocesan synod;
- the diocesan pastoral council;
- officers assigned to senior diocesan clergy in governance and administration;
- the council of priests;
- the college of consultors; and
- the diocesan finance council.

**Appendix 1, Part 2** contains some brief details about the dioceses and eparchies in this country, canonical norms relating to them and a description of the structures and organisms mentioned above, the appointment of people to roles within those structures and organisms together with the relationships between them and other bodies.

## 4.5 Parish structures

While the diocese is known as the local church, it is in the parish that communities of the faithful come together, forming a eucharistic community: a community of prayer, of mutual service and apostolic works. The parish is a liturgical community, caring for one another and missionary in outlook. It is here that the local church is actualised as priest and people together form a community of the faithful united around the local bishop.

It is for this reason that the diocese is divided into parishes. The primary mission of a parish is to provide worship, teaching and pastoral care for the People of God within it. At the heart of the parish is the idea of community. Its structures and personnel serve that community which, in turn, serves and evangelises the broader society.<sup>72</sup>

Details of various parish structures and personnel are contained in **Appendix 1, Part 2**, including:

- parish pastoral councils;
- parish finance councils;
- parish schools;
- pastoral ministry of priests; and
- ay pastoral ministries.

<sup>72</sup> Lucas et. al., *Church Administration Handbook*, 179-182.

## 4.6 Church authorities, entities and agencies not centred in a parish or diocese

While the sacramental life of the Church is generally the province of dioceses, parishes and ordained clergy, its great pastoral mission has largely been carried out by other organisations of Catholic identity that have a recognised existence within the Church community. These organisations are not merely peripheral or subservient but are at the heart of the way in which the People of God participate in the prophetic mission. These groups have been (and remain) significant contributors in the fields of health, education and welfare. Others serve as a means by which the communal life and common interests of Christ's faithful can be nurtured and inspired.

Perhaps the most commonly known of these organisations are the institutes and societies of religious, apostolic and consecrated life that have historically been associated with the welfare, health and education ministries of the Church and, in the case of priests, with parish life. Many of these good works have been assumed by the ministerial PJPs. Other categories of organisations include the lay movements or associations of Christ's faithful that conduct

non-sacramental ministries of the Church or exist for spiritual cultural fellowship, spiritual and intellectual development, the sharing and development of particular interests and the carrying out of good works.

A number of organisations associated with the Catholic Church are private organisations. The bishop of the diocese will recommend people to join the St Vincent de Paul Society and the Catholic Women's League, but both these organisations are outside the control of the bishop. Other organisations such as Marist Sports Clubs are completely independent of the Church.

The canonical structures of these bodies are dealt with in [Appendix 1 Part 4](#). Some statistical information about the presence of the organisations in the Catholic Church in Australia can be found in [Appendix 2, Parts 2 and 3](#), which testifies to the important and extensive work these organisations do. Discussion about particular governance and management aspects relevant to these bodies is contained in [section 6.12](#).



**IDENTIFICATION OF THE  
PRINCIPLES AND CULTURE  
OF GOOD GOVERNANCE**

# 5.1 Overview

While much has been written on corporate and civil governance principles and practice, the governance of church agencies has received less attention. **Sections 3 and 4** have laid out the scriptural, theological, ecclesial and juridical foundations of the Church. In this section, the GRPT has drawn together principles of governance derived from church pronouncements and practice, and compared these to civil norms. There are powerful similarities between the two, and the Church distinguishes itself in areas such as discernment and stewardship. However, other areas such as accountability and transparency, and engagement and inclusion can be at variance with civil norms of good governance practice; this is so in many dioceses and parishes.

This report is not seeking to remake the Church in the image of corporate or civil entities. Rather, it seeks to identify existing good practice in the Catholic Church in Australia and elsewhere, draw the best from civil norms and elucidate areas for improvement.

The analysis seeks to ground the Church in its evangelising mission, with the dignity of all human persons steering our reform efforts. It denotes:

- a full recognition of the scale of the problem faced by the global Church;
- a recognition of the profound damage done to individuals and the Body of the Church by the abuse crisis;
- a will and capacity to rectify shortfalls; and
- a call to tackle the issues as the whole People of God.

The report cautions against solely secularist approaches and blind adoption of form over function, rather the recommendations affirm the call to be pilgrim people in a missionary state. The Catholic Church in Australia has to balance the ecclesial and the civil as it moves to improve governance practice through rigorously implementing universal standards of good governance through a Gospel lens.

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## 5.1.1 Governance

There is an acknowledged universality to good governance principles even though implementation will vary greatly between organisations.

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***Within the Church, good governance will rest on clear structures and accountabilities, a commitment to ecclesial and civil governance principles, a supporting ethical culture, effective communication, right relationships, consequences for wrong actions and good leadership.***

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Good governance is as much about character as capability, about discernment as judgement, about integrity as compliance, and about ethics and values as processes and protocols.

This section considers both ecclesial and civil governance principles in good governance practices for parishes and dioceses. It places the essential dignity of each person at the centre of its deliberations.

There has been much written in recent inquiries which sheds light on good and poor governance. As identified in this review's terms of reference, contemporary civil governance principles such as integrity, accountability and transparency, risk management, culture and ethics, consultation, inclusiveness and the participation and genuine responsibility of men and women are germane to this discussion. These principles are reflected in governance structures that are clear regarding authority, accountabilities, roles, and reporting relationships. They are also reflected in processes, and policies that seek to be open, transparent, respectful, honest and fair. Finally, undervalued elements of effective governance practice such as clear communication and right relationships are considered in **section 6** below.

The foundation for the following analysis is an understanding of 'governance'. As addressed in **section 1.2**, at its broadest, governance comprehends the framework of rules, relationships systems and processes within and by which authority is exercised and controlled in the organisation. Governance includes the practices by which that exercise and control of authority are in fact exercised. Governance has a descriptive dimension, in the sense of denoting a simple statement of a governance model that is in place. It is also used in an aspirational sense, holding out a model that practitioners should seek to emulate. In essence, governance is about accountability and stewardship. The physical and less

# 5.1 Overview

## 5.1.1 Governance

tangible assets of an organisation are held and grown for the benefit of those who have an interest in the life and well-being of the organisation.<sup>73</sup>

In recommendation 16.7 the Royal Commission sought a review of both the governance and management of dioceses and parishes. It is well understood that good or poor governance structures respectively enable or inhibit good management culture and practice. Accordingly, throughout this report the term 'governance' is generally used to incorporate both governance and management, only highlighting management when it is administrative in nature.

Good governance does not just happen. It takes a commitment of energy and resources. It is acknowledged that in relation to each parish, diocese, or church agency, contextual factors such as leadership, size, culture, current priorities, available resources, geography and internal capability will come into play. These are influenced by its history, custom and practice. An inclusive or consultative approach is likely to be different in Bunbury, Ballarat

or Brisbane – and each may be proper and good for the people of the local church. As **section 6** outlines, the People of God are each made in the image and likeness of God and this inspires an enduring commitment to the dignity of each human being – a strong foundation on which to build good governance and safeguarding practice.

Alongside this, scripture is replete with a very human respect for custom and law. The commitment is embedded in: the accounts of Jesus driving the moneylenders from the temple, (John 2: 13-61); his questioning of the lawyer prior to the parable of the Good Samaritan (Luke 10: 25-37); his compassionate challenge to the mob wanting to stone an alleged adulteress (John: 3-7); and his welcoming of children (Matthew 19: 13-15). From this scriptural foundation, a principled approach is espoused, in concert with thoughtful implementation that applies good governance practice, mindful of the human dimension and the local context. All people within the Church are partners in good governance. Everyone, both the ordained and non-ordained, has a role to play.

## 5.1.2 Culture

It will be impossible to change safeguarding or governance practices and processes without a change in culture, and in the internal disposition each of the People of God bring to their ministries. Culture is informed by beliefs, norms, customs and practices. It was well described in the Financial Services Royal Commission:

*The culture of an entity can be described as the 'shared values and norms that shape behaviours and mindsets' within the entity. It has been described as 'what people do when no-one is watching' and that description captures what might be called the essentially 'internalised' or 'instinctive' application of shared values and norms.*<sup>74</sup>

Aspects of the culture of the Catholic Church have been widely, and fairly, criticised as a result of the revelations of child sexual

abuse crisis. The myriad calls in the Royal Commission report and elsewhere for cultural change must be taken seriously. The essential elements of culture apply to the Church and to almost all organisations in modern society:

- it must apply across the entire organisation/constituent parts [shared];
- it is not necessarily ingrained – it must be learned [learned or instinctive];
- but that process must come from within; it cannot be imposed from outside, especially by legislation [internalised];
- it involves individual accountability within the framework of shared responsibility [accountability];

<sup>73</sup> HIIH Royal Commission, *Final Report: The Failure of HIIH Insurance – Volume 1: A corporate collapse and its lessons* (Commonwealth of Australia, April 2003) (hereafter cited as 'HIIH Royal Commission Final Report'), 101-103 [6.1]. An electronic copy of the HIIH Royal Commission Final Report is accessible at: <https://webarchive.nla.gov.au/wayback/20030426200550/http://www.hiihroyalcom.gov.au/finalreport/Front%20Matter,%20critical%20assessment%20and%20summary.HTML>.

<sup>74</sup> Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry, *Final Report, Volume 1* (Commonwealth of Australia, 2019), 334. An electronic copy of the Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry Report is accessible at: <https://www.royalcommission.gov.au/sites/default/files/2019-02/fsrc-volume-1-final-report.pdf>.

# 5.1 Overview

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## 5.1.2 Culture

- it is essentially a matter of values, [the end] aided by norms [a means to the end]; and
- the objective is a shaping of behaviours and minds [practice].

These dimensions need to be borne in mind in the identification of principles of good governance that can be utilised in the management of dioceses and parishes and that will facilitate true and meaningful cultural change.

There is a particular aspect of culture that is germane to this review, namely a culture of leadership. As a guiding force in the human activity of the Church, those in leadership must take seriously the expectations of contemporary culture in terms of transparency, accountability, inclusion, participation and diversity. This is not to forgo the Church's prophetic role as an advocate for a good society that respects basic freedoms, and cares for its most vulnerable people. Indeed, leadership in good governance is likely to enhance the credibility of voices lifted in the Church's prophetic role. Leadership is more fully discussed in [section 5.2.6](#).

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## 5.1.3 Identification of appropriate governance principles

There are lessons to be learned from standards and experience of other organisations that represent or accommodate diverse and multitudinous interests. In doing so, Catholic ecclesiology was considered along with relevant recommendation of the Royal Commission, namely that:

- there is a need for greater accountability, transparency and participation; and
- regard should be had to the experience of Catholic agencies whose governance systems are modelled on principles generally accepted in the wider community.

The offences related to the sexual abuse of a child, underscore the need for deep cultural change. It also gives pause to the confidence of the Royal Commission that good practice can be found universally in church agencies. There is deep community sentiment regarding the protection of vulnerable people. Daily media on Australia's Aged Care and Disability Royal Commissions (which were contemporaneous with the GRPT) further illustrate the degree to which the community will not tolerate the abuse of vulnerable people or the failure of organisations to properly respond to that abuse.

## 5.2 Ecclesial governance in the global Church

The ecclesial principles of subsidiarity, stewardship, synodality, dialogue and discernment are discussed below, noting the clear call from Pope Francis in his letter of August 2018 to the People of God inviting all to be involved in working toward improved

practice.<sup>75</sup> These ecclesial principles demonstrate both existing good governance practice and the potential for strengthened governance practice. How those principles can guide improved governance practices is considered in [section 6](#).

### 5.2.1 Subsidiarity

On 20 August 2018 Pope Francis wrote directly to the People of God. He spoke frankly about the sexual abuse crisis then exhorted global communal involvement of every one of the baptised:

*I am conscious of the effort and work being carried out in various parts of the world to come up with the necessary means to ensure the safety and protection of the integrity of children and of vulnerable adults...Together with those efforts, every one of the baptised should feel involved in the ecclesial and social change that we so greatly need. This change calls for a personal and communal conversion that makes us see things as the Lord does... I invite the entire holy faithful People of God to a penitential exercise of prayer and fasting, following the Lord's command. This can awaken our conscience and arouse our solidarity and commitment to a culture of care that says 'never again' to every form of abuse...It is impossible to think of a conversion of our activity as a church that does not include the active participation of all the members of God's People.<sup>76</sup>*

This papal call to action of all Catholics is an example of subsidiarity in action as well as an exhortation to subsidiarity. At the heart of the principle of subsidiarity is vesting involvement and decision-making as close as possible to those impacted by the decision. Subsidiarity has already had a strong tradition in Catholic social teaching. Following Vatican II, the 1967 Synod of Bishops formulated ten principles for a revision of the existing Code of Canon Law of 1917. Among them is the principle of subsidiarity. It reads:

*Careful attention is to be given to the greater application of the so-called principle of subsidiarity within the Church. It is a principle which is rooted in a higher one because the office of bishops with its attached powers is a reality of divine law. In virtue of this principle one may defend the appropriateness and even*

*the necessity of providing for the welfare especially of individual institutes through particular laws and the recognition of a healthy autonomy for particular executive power while legislative unity and universal and general law are observed. On the basis of the same principle, the new code entrusts either to particular laws or to executive power whatever is not necessary for the unity of the discipline of the universal Church so that appropriate provision is made for a healthy 'decentralisation' while avoiding the danger of division into or the establishment of national churches.<sup>77</sup>*

The principle for the revision had limited application in both the legislation of the 1983 Code and with regard to laws issued ever since. The 1985 Extraordinary Synod of Bishops asked for further study of the possibility of, and the extent to which, the principle is applicable within the Church.

The global sex abuse crisis in the Catholic Church should encourage the People of God to consider how 'subsidiarity' might be defined more precisely in the ecclesial context, and how it might contribute to a 'decentralisation' of church governance. The equivalent civil governance precepts include participative decision-making, community engagement and appointing boards and management inclusive of the full range of backgrounds and human talents and abilities.

A thorough engagement with the Pope's call requires initiative from the baptised, and receptiveness from the leaders of the local church, but it gives licence already to people of good will to contribute more actively to improved safeguarding and governance practice. The call also models an inclusive approach that seeks to involve Catholics, irrespective of their gender, class, ethnicity, sexuality, location, age and other human characteristics.

<sup>75</sup> Pope Francis, *Letter of His Holiness Pope Francis to the People of God*.

<sup>76</sup> *Ibid.*

<sup>77</sup> All ten principles are recalled in the Preface to the 1983 Code of Canon Law.



## 5.2 Ecclesial governance in the global Church

### 5.2.2 Stewardship

In [section 3.2.4](#), stewardship is described as a fundamental tenet of the Church's spirituality as it is based on mutual respect. Stewardship is critical to an understanding of fiduciary relationships and is thus an inherent part of good civil governance. Because of its spiritual import, it is also essential to church governance.

Pope Francis' second encyclical in 2015, *Laudato si*, emphasised the dignity of each person, and noted the uneven impact of climate change and environmental degradation on the poor and vulnerable in a world where interrelated economic, technological and environmental forces impact our common homes.<sup>78</sup> At a more prosaic level, there is an expectation that each diocese, parish and church agency purposefully use their resources for a furtherance of mission mindful of the common good and in

preference to the poor. The comparable prudential and fiduciary principles in civil entities would include integrity, quality, efficiency and effectiveness.

Increasingly, concepts such as a 'social licence to operate' demand that corporate entities consider the impact of their commercial activities on the communities in which they operate, as well as beyond Australian new modern slavery legislation,<sup>79</sup> for example requires all organisations (with annual revenue above \$100 million) to investigate their supply chains to ensure those manufacturing their goods are not exploited or enslaved. This takes the concept of stewardship beyond our shores.

<sup>78</sup> Pope Francis, *Encyclical Letter: Laudato Si' / On care for our common home* (hereafter cited as 'Pope Francis, *Laudato Si'*'), papal encyclical, Vatican website, May 24, 2015, <http://www.vatican.va/content/francesco/en.html>.

<sup>79</sup> *Modern Slavery Act 2018* (Cth).

## 5.2 Ecclesial governance in the global Church

### 5.2.3 Synodality

The importance of synodality is noted in [section 3.3](#) above.

***Synodality involves the active participation of all members of the Church in its processes of discernment, consultation and co-operation at every level of decision-making and mission.***

The announcement in March 2020 that Pope Francis has chosen the topic of 'synodality' for the next bishops' synod in October 2022, underscores the importance he attributes to this approach as a *modus operandi* for the Church's present and future.<sup>80</sup> As a recent commentary said:

*To embrace synodality is not a call to do away with hierarchical leadership. The Church is not a democracy. But neither is the Church a monarchy wherein local bishops, bishops' conferences, or even the Pope rules by fiat.*<sup>81</sup>

As a principle of good governance, synodality in diocesan and parish governance can act as a check upon the repetition of poor past governance practices that the Royal Commission identified as contributing to the crimes of child sexual abuse in the Catholic Church in Australia and inadequate responses. The Royal Commission found:

*The governance of the Catholic Church is hierarchical...The powers of governance held by individual diocesan bishops and provincials are not subject to adequate checks and balances. There is no separation of powers, and the executive, legislative and judicial aspects of governance are combined in the person of the pope and in diocesan bishops. Diocesan bishops have not been sufficiently accountable to any other body for decision-making in their handling of allegations of child sexual abuse or alleged perpetrators.*<sup>82</sup>

Collegiality as an expression of synodality applies in the Church at the universal level in the relationship of the Pope to the bishops and the local churches. The only institution in the Catholic Church that has explicitly been given the task to contribute to a more synodal church is the bishops' synod at the universal level. Vatican II brought about change with new institutions such as bishops' conferences, diocesan pastoral councils, priests' councils, colleges of consultors and parish councils. But these institutions were shaped by a theology of episcopacy and of the laity that precedes the stress on synodality. Synodality can be enhanced in those bodies and extended to other structures and practices in church governance and management. Synodality is, of course, not only about structures, but also the embrace of a synodal culture of governance and management among the leadership of the Church. This is discussed further at [section 6.4](#).

<sup>80</sup> See commentary on the announcement: Wells, 'Synod of Bishops to take up theme of synodality in 2022'.

<sup>81</sup> Daniel P. Horan, 'Synodality isn't just an option, it's the only way to be church', *National Catholic Reporter*, November 13, 2019, <https://www.ncronline.org/>

[news/opinion/faith-seeking-understanding/synodality-isnt-just-option-its-only-way-be-church](#).

<sup>82</sup> Royal Commission Final Report Volume 16(2), 681.

## 5.2 Ecclesial governance in the global Church

### 5.2.4 Dialogue

Individuals and groups within the Church operate in communion by being in dialogue with one another. Whether through formalised structures such as the PC2020 or a diocesan pastoral council or through consultors, roundtables or symposia, there are multiple means for the People of God to operate in authentic dialogue with one another. The activities may include pastoral planning, education on parenting or decisions regarding education provision, but all benefit from inclusive input and genuine dialogue.

Dialogue, in its broadest sense, is vital to accountable and collaborative governance. This has long been recognised generally and it applies to church governance. As Pope Francis said in a 2013 exhortation, bishops globally should ‘encourage and develop the means of participation proposed in the Code

of Canon Law, and other forms of pastoral dialogue, out of a desire to listen to everyone.’<sup>83</sup>

The recommendation of the Royal Commission that more participatory and inclusive arrangements be put in place in dioceses and parishes is noteworthy as there is already the capacity for each to have a pastoral council (canons 511-514) to fulfil this function. The research conducted by the GRPT reveals that only ten dioceses in Australia have a diocesan pastoral council. As set out in [section 6.11.7](#), all dioceses ought to establish or reactivate, their diocesan pastoral council in whatever structure suits their local circumstance. Those dioceses with an operational Pastoral Council are urged to share their practice with their colleague bishops. (See [section 6.11.7](#) for further discussion on this issue.)

### 5.2.5 Reflection and discernment

Reflection and discernment are important components of a deliberative thought process. Drawing on factual material and cognitive and emotional capabilities, reflection links present experiences with previously acquired knowledge, and by evaluating and synthesising the details, deliberation flows into discernment.

Effective discernment requires the disposition and time for decision-makers to carefully weigh up all elements of their decisions and enable the guidance of the Holy Spirit. Rights structures and processes enable discernment. Taking the time to think through reporting and accountability relationships gives a clarity to decision-making. Pope Francis’ chapter on discernment in *Gaudete et Exsultate* states that discernment:

*[C]alls for something more than intelligence or common sense. It is a gift which we must implore. If we ask with confidence that the Holy Spirit grant us this gift, and then seek to develop it through prayer, reflection, reading and good counsel, then surely we will grow in this spiritual endowment.*<sup>84</sup>

The PC2020 website states:

*The term discernment often gets used these days to refer to two quite distinct but related things: making big apostolic decisions, life choices, and such – what Ignatius called ‘election’; and the more humble practice of discernment of spirits. Both are practical skills; both are aimed at making choices, either big decisions or the small stuff of moment-by-moment, hour-by-hour, day-by-day practicality – what I think of as micro-choices.*<sup>85</sup>

Many PJPs and church boards prepare for effective discernment by both beginning their meeting with reflection (such as a *Lectio Divina*<sup>86</sup>) and by ensuring trustees and board members have been provided with sufficient information to make a considered decision. In addition, these boards often complete a meeting with a self-assessment of the degree to which the topics discussed and decisions taken are consistent with mission and purpose, and have been reached through a robust process of discernment. This is good practice.

<sup>83</sup> Francis, *Evangelii Gaudium*, [31].

<sup>84</sup> Francis, *Gaudete et Exsultate: On the call to holiness in today’s world* (hereafter cited as ‘*Francis, Gaudete et Exsultate*’), Apostolic exhortation, Vatican website, March 19, 2018, <http://www.vatican.va/content/francesco/en.html>.

<sup>85</sup> ‘Introduction to Discernment,’ Plenary Council 2020 – Catholic Church in Australia, accessed April 22, 2020, <https://plenarycouncil.catholic.org.au/introduction-to-discernment/>.

<sup>86</sup> Pope Benedict XVI described *lectio divina* as “the diligent reading of Sacred Scripture accompanied by prayer brings about that intimate dialogue in which the person reading hears God who is speaking, and in praying, responds to him with trusting openness of heart”: Benedict XVI, *Address of His Holiness Benedict XVI: To the participants in the International Congress organized to commemorate the 40<sup>th</sup> Anniversary of the Dogmatic Constitution on the Divine Revelation “Dei Verbum”*, papal speeches, Vatican website, September 16, 2005, <http://www.vatican.va/content/benedict-xvi/en.html>.

## 5.2 Ecclesial governance in the global Church

### 5.2.6 Leadership

The Royal Commission in Book 16 of its final report, which addresses faith-based institutions and the Catholic Church in particular, contains 356 references to 'leadership'.<sup>87</sup> This is a typical example:

*Case Study 28: Catholic Church authorities in Ballarat exposed a catastrophic failure in the leadership of the Diocese of Ballarat, and ultimately in the structure and culture of the Church over decades, to effectively respond to the sexual abuse of children by its priests.*<sup>88</sup>

Almost all of those references use 'leadership' as a noun. But the verb 'to lead' is a critical element of governance and it raises the question whether those in 'leadership' were properly equipped to carry out the responsibilities and functions expected of leaders. (There is further discussion on formation for leadership in [section 6.8](#)).

***The concept of 'Leadership' has numerous definitions. Many recognise that the capacity and talent for leadership are not necessarily innate. Leaders must be formed and informed. In the Catholic context, the idea of 'servant leadership' epitomises the best expression of leadership.***

In the words of Pope Francis:

*Jesus taught us that he who commands must become like one who serves. Or, if one wants to be first he must be the servant of all.*<sup>89</sup>

Cardinal Dew of Wellington, New Zealand, commented on the example of Pope Francis as a leader in these terms:

*He leads out of his own inner authority, sure of who he is before God and content to be who he is. He is content to be a flawed human being, flawed but still chosen because of the goodness of God's mercy and grace. .... He sees, listens and hears. He has complete trust in God and keeps on going. .... I have been privileged to see him lead with courage, conviction and compassion.*<sup>90</sup>

The three elements (courage, conviction and compassion) are instructive as to the true meaning of leadership. Courage means intellectual fortitude. It is the capacity to be your own person, not to shy away from hard decisions when required and the strength to do what is right. Conviction involves consensus-making, not in the sense of getting agreement to every decision every time, but demonstrating a willingness to see, hear and listen so that others understand why a decision has been reached and are themselves enabled to lead in its implementation. Compassion requires an acknowledgment that every decision a person makes will affect others. Good leadership ensures that all decisions are taken with an understanding of humanity and the human condition.

It would be too limiting to regard leadership in an ecclesial context to bishops. It applies, perhaps in different ways, to all levels of ministry. And because it is not necessarily innate, formation in leadership at all levels is an essential component of a good governance system.

<sup>87</sup> Royal Commission Final Report Volume 16(2).

<sup>88</sup> Ibid, 683.

<sup>89</sup> Hannah Brockhaus, 'What is a leader, really? What is a really a servant?', *The Catholic News Agency*, November 8, 2016, <https://www.catholicnewsagency.com/news/what-is-a-leader-really-a-servant-pope-francis-says-97557>,

quoting a homily of Pope Francis at a Mass held on 8 November 2016.

<sup>90</sup> John Cardinal Dew, 'Servant Leadership in the spirit of Pope Francis', Public Address at the Diocese of Parramatta, NSW, July 16, 2019.

## 5.3 Good civil governance principles

### 5.3.1 Governance

Governance arrangements frame how decisions are made and implemented, and are influenced by an organisation's mission and purpose, its history and traditions, and its culture. Good governance requires:

- affective and effective leadership which ingrains an ethical culture;
- consideration of all impacted by its decisions;<sup>91</sup> and
- accountability and transparency (including adequate clear communication).

The foundation for church bodies is found in theology, ecclesiology, canon law and the social teaching of the Church, with justice integral to the teaching. The inherent dignity of each person is also a bedrock for good governance practice. It explicitly includes inclusive and consultative practice (for all the People of God), alongside a commitment to the common good.

It is reasonable to expect church bodies to adopt (even surpass) comparable standards of governance to other entities in Australia as the norms are congruent with canon law precepts, and they

are accepted as standards of practice.<sup>92</sup> Parishes and dioceses are largely funded by the Catholic community itself and their own works. The education, social welfare and health agencies of the Church all receive significant government funding, and almost all are subject to external regulatory oversight and accountability. In addition, church agencies are in receipt of public taxpayer and donated monies (as well as user-pays income). As such, it is reasonable to expect comparable prudential, fiduciary and probity standards. An examination of the internal operations of Catholic hospitals and aged care operations in Australia, demonstrates the exacting degree to which both adhere to rigorous external accreditation standards. This in no way diminishes their commitment to the norms of the global Church and to the teaching regarding the healing ministry of Jesus. There is good practice within these agencies that some dioceses and parishes could emulate, such as accountability for expenditure, compliance with governance standards, and transparency of non-private aspects of their operations.

The following discussion examines civil governance precepts and their congruence with ecclesial governance principles.

### 5.3.2 Integrity

Integrity in a civil context refers to truth-telling, probity and fidelity. Employees and enterprises themselves are supposed to tell the truth and there are penalties for falsifying commercial documents (such as initial public offerings) and for misleading shareholders, and regulators. Similarly, expectations of probity in individual and corporate behaviour are enshrined into codes such as procurement rules for government departments and codes of

conduct for professions. Not-for-profit (NFP) entities can lose their charitable status (and access to tax concessions) if they lose fidelity to their mission and purpose for administrative practice and governance arrangements.

Integrity is also a core moral precept. For church entities, the civil application of this principle to their dealings offers helpful guidance.

<sup>91</sup> In corporate parlance, this would be shareholders and stakeholders. In a Church context, it would include laypersons and recipients of church services, and well as those ordained or consecrated to religious life.

<sup>92</sup> Examples of best standard and practice of governance that some dioceses and

parishes adhere to are provided by the Standards for Excellence of Leadership Roundtable: 'Catholic Standards for Excellence,' Leadership Roundtable, accessed April 24, 2020, [www.leadershiproundtable.org/standards](http://www.leadershiproundtable.org/standards) (hereafter cited as 'Leadership Roundtable, 'Catholic Standards for Excellence').

## 5.3 Good civil governance principles

### 5.3.3 Accountability and transparency

There are strict accountability and transparency requirements for Australian businesses, NFPs and government departments. Canon law encourages comparable practice for church agencies:

*Can. 1287 §1 Where ecclesiastical goods of any kind are not lawfully withdrawn from the power of governance of the diocesan Bishop, their administrators, both clerical and laity, are bound to submit each year to the local Ordinary an account of their administration, which he is to pass on to his finance committee for examination. Any contrary custom is reprobated.*

*§2 Administrators are to render accounts to the faithful concerning the goods which the faithful have given to the Church, in accordance with the norms to be laid down by particular law.*

Most dioceses and parishes in Australia do not currently publish their accounts and accordingly do not adopt these precepts. In contrast, an example of good accountability practice can be found in the published accounts of the Archdiocese of Boston in the United States.<sup>93</sup>

Church bodies can be unincorporated legal entities<sup>94</sup>, or take on a legal form – generally a statutory corporation sole, an incorporated association, trust, or company limited by guarantee. With the advent of the Australian Charities and Not-for-profits Commission (ACNC) in December 2012 the regulatory expectations and legal requirements of all charities were set out in the ACNC Act 2012 (Cth) and the Charities Act 2013 (Cth).

The legal position in Common Law countries dating back to 1601 is that religious bodies are charities and are therefore covered by the same regulatory provisions as all other charities and one exemption negotiated in the drafting of the ACNC Act (and reinforced in the government's response to the review of the Act in 2020) was that a new entity be enshrined into statute – a Basic Religious Charity. Entities that meet the eligibility criteria of a Basic Religious Charity are exempt from meeting the governance standards and from reporting.<sup>95</sup>

### 5.3.4 Risk management

In high-performing organisations the identification and minimisation of risk is ongoing. It is the purview of both management and governance (boards). Environmental scans ensure that risk frameworks are kept up to date, and that mitigation strategies are continually refined. Apart from context, there is little difference between risk management in church and civil bodies. The response of churches and other institutions to child sexual abuse and other abusive behaviour must identify and minimise risk to children and others by:

- understanding and acknowledging the causes and the impact of abuse on those harmed; and
- prioritising the protection of children and others harmed

or potentially harmed in all decision making processes. Underpinning effective identification and minimisation of harm to children and other persons in Catholic agencies should be an unending prioritisation of the needs of vulnerable people and those disadvantaged in the relevant power dynamic, whether it be a child, elderly person, or vulnerable young adult. Since church bodies must have the dignity of the human person at the heart of their relationships, they have a strong foundation for establishing appropriate risk management frameworks.

Had a risk-based mindset been taken in the individual cases of abuse at the diocesan level, it is likely that factors such as the accumulation of cases (and possible systemic nature of the abuse), the dangers in moving offenders to other settings

<sup>93</sup> 'Finance Annual Reports – Current and Archives', Archdiocese of Boston, accessed April 22, 2020, <https://www.bostoncatholic.org/finance-annual-reports-current-and-archives>.

<sup>94</sup> Most parishes are unincorporated.

<sup>95</sup> To meet the eligibility criteria, amongst other factors, an entity must have a sole purpose of advancing religion, not be an incorporated entity, not have Donor Gift Recipient (DGR) status, and not have received more than \$100,000 funding from Government in the preceding three years.



## 5.3 Good civil governance principles

### 5.3.4 Risk management

where they could re-offend, the risk to the reputation of the Church when the abuse was revealed, and the financial impact of redressing victims may have instigated a different response. There would be wisdom in individual decision-makers, and

groups such as diocesan and parish pastoral councils adopting a risk-based lens to their decision-making. Balancing this with ethical, pastoral and legal considerations would also strengthen decision-making.

### 5.3.5 Ethics and culture

Numerous recent inquiries have found that without a consideration of ethics and culture, governance is weakened.<sup>96</sup> For professional workers such as teachers, doctors and welfare workers, these ethics underpin the norms of behaviour often framed as professional codes or standards. Adherence to the norms enables ongoing licence to practice. But this is only a baseline. It is recognised that all actions and decisions have an ethical dimension, and that organisations need to be more explicit regarding expectations and consequences. There is a growing understanding in civil entities that the ethical dimension of decision-making should be central. In other words, when making decisions, responsible people should not only ask 'can' or 'could we do this', but 'should we'.<sup>97</sup> This mode of ethical thinking will influence the culture of the organisation that is also heavily influenced by the behaviours modelled by the most senior people, and whether they are held to account.

In his findings on the collapse of the HIH Insurance company, Justice Owen made an observation with generic applicability to civil and church bodies:

*Those companies with an ethical culture are likely to adopt appropriate corporate governance practices, while those where this culture is lacking are more likely to continue to adopt an idiosyncratic or expedient approach.... Directors who take the fundamental notions of openness, integrity and accountability seriously.... will be well on their way to good corporate governance.*<sup>98</sup>

Culture, indeed governance generally, and the ethical and moral underpinning of the decision-making process within an organisation are interdependent. In his report on the affairs of HIH, Justice Owen also said:

*From time to time as I listened to the evidence about specific transactions or decisions I found myself asking the rhetorical question: did anyone stand back and ask themselves the simple question – is this right? .....Right and wrong are moral concepts and morality does not exist in a vacuum. I think all of those who participate in [the management of an organisation] need to identify and examine what they regard as the basic moral underpinning of their system of values. They must then apply those tenets in the decision-making process.*<sup>99</sup>

Such ethical thinking is critical in the development of an organisational culture. It also facilitates the inculcation of a culture of compliance, that is, a commitment to an ethical framework that predisposes members of the organisation to making decisions because they seem right, not solely due to external compulsion. The Church can look not only to its own entities for a healthy ethical culture, as recommended by the Royal Commission, but also to civil agencies. For example, in the shadow of the Financial Services Royal Commission the Australian Government moved to enhance the capacity of citizens to have complaints expeditiously managed. The Australian Financial Complaints Authority (ACFA)<sup>100</sup> has been created from merging three predecessor bodies, with strengthened powers and enhanced budgets. There are interesting

<sup>96</sup> Susan Pascoe, 'Best Practice in Governance of Church Agencies: Keynote Address delivered to the Principles and Practice for Church Governance Conference', Yarra Theological Union and University of Divinity, Melbourne, March 3, 2019, accessed February 13, 2020, <https://www.ampjps.org.au/wp-content/uploads/2019/03/Pascoe-Best-Practice-in-Governance-YTU-3Mar2019.pdf>.

<sup>97</sup> The 2018 Prudential Inquiry conducted by John Laker AO, Jillian Broadbent AO and Graeme Samuel AC for the Australian Prudential Regulatory Authority into the Commonwealth Bank of Australia put this ethical dichotomy as important

in senior decision-making: Australian Prudential Regulatory Authority, *Final Report of the Prudential Inquiry into the Commonwealth Bank of Australia* (APRA, April 2018), 7, <https://www.apra.gov.au/media-centre/media-releases/apra-releases-cba-prudential-inquiry-final-report-accepts-eu>.

<sup>98</sup> HIH Royal Commission Final Report, [6.1.3] and [6.6].

<sup>99</sup> *Ibid*, lvii-lviii.

<sup>100</sup> See the website of the Australian Financial Complaints Authority for details of the role of this complaints-handling body: <https://www.afca.org.au/>.



## 5.3 Good civil governance principles

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### 5.3.5 Ethics and culture

parallels between the work of this body and the Church's handling of complaints from victims and survivors of abuse, and in the determination of redress.

At AFCA all staff are required to undertake mandatory training in engaging with people with respect (a parallel to seeing all people as having inherent dignity); staff are trained in managing unconscious bias so they can act with impartiality and integrity (a parallel to justice and truth-telling); and staff are supported in personal resilience and identifying clients who may need emergency assistance (a parallel to adopting pastoral human-

centred approaches). Many of the complainants see AFCA as their last chance to attain justice, and AFCA believes it needs to offer them realistic hope and closure.

There are parallels in good practice approaches being adopted by many Church authorities to dealing with survivors and victims of abuse – the centrality of respect, the training of all staff in dealing with victim/survivors, and the provision of support for staff in a constant environment of distressed, angry and traumatised people.

### 5.3.6 Consultation

Catholic education, health and welfare bodies regularly consult their constituencies. Most Catholic education bureaucracies have regular consultation and dialogue opportunities such as meetings with principals, parents and other partners. Most Catholic schools are very good at maintaining dialogue with families and listening to their concerns. Catholic hospitals and aged care providers, both public and private, operate under government standards that require them to have a complaints-handling mechanism – and in mixed markets they weaken their competitive edge if they ignore the perspectives of their residents and patients. These ministries operate in competitive funding and business environments, where ignoring 'customer' feedback is lethal. However, their underpinning motivation should not be surviving or thriving, but providing services to the unique, graced person at the heart of all they do, with a particular emphasis on those experiencing disadvantage or marginalisation. If this is the case, then engaging with, and listening to, the people they care for is fundamental.

Catholic aged care and disability service providers in Australia that receive government funding to provide care must demonstrate that their approach to the provision of care services is aligned and

compliant with independently set and monitored standards. In both of these settings, the view of the resident or participant in the service is to be an active and determinative voice of the care and services they want. This is referred to as 'consumer led care'. There are formal processes to document this participation and personal agency in the decision-making of services that the resident or participant seeks. Within Catholic health care there is also a strong focus on 'patient centred care'. The clinical governance committees that monitor the safety of patients and excellence in care that patients receive commonly have a 'consumer' advocate on the committee. This voice of the patient is crucial to ensure that the patient's need is at the centre of all decision-making, from the boardroom table through to the caregiver at the bedside.

For all these Catholic providers of human services, the respect for, and dignity of, each person should be at the heart of their approach – and generally is. The congruence between Catholic teaching and the requirements set into accreditation requirements, professional standards and government contracts means this is an easy fit for Catholic agencies.

## 5.3 Good civil governance principles

### 5.3.7 Inclusiveness and participation

**Contemporary standards of good governance require that the Church's structures and practices of governance are more accountable, more transparent, more meaningfully consultative and more participatory, including at the diocesan and parish level.**

When inquiry into the response of institutions to child sexual abuse, the Royal Commission alluded to contemporary governance standards that included government, NFP and commercial organisations having explicit policies regarding inclusion. For example, the Australian Stock Exchange's current Diversity and Inclusion Policy states:

*ASX values diversity and inclusion and recognises the organisational capability and business performance that it brings. ASX is committed to providing an environment in which employees have equal access to opportunities available at work, are not judged by reference to unlawful or irrelevant attributes and have genuine feelings of belonging across integrated workplace activities.<sup>101</sup>*

The Australian Public Service Commission's Diversity and Inclusion Framework includes strategies to:

- improve employment opportunities for people with disabilities;
- challenge assumptions undermining gender equality; and
- support HR practitioners to recruit and retain Indigenous employees.<sup>102</sup>

The principles of human rights that underpin these policies and practices have their parallel in the Church's conception of the dignity of each human person that reflects their inclusion in the one body of Christ. However, not all parishes and dioceses meaningfully involve parishioners, as the data collected for the GRPT reveals (**see appendix 3**). This represents a lost opportunity to engage and draw in lay women and men and to use their talents. If co-responsibility is taken seriously, then there will be an elevated level of involvement of lay people in diocesan and parish decision-making and advisory bodies.

### 5.3.8 Communication

Accessible communication is an important element of transparency, a core governance principle. Clear, consistent communication is also a contemporary democratic impulse as evidenced by freedom of information and whistle-blower laws. Formal reporting to authorities is one dimension of accountability and transparency, but equally important is ensuring colleagues, congregations and the

community know how the dioceses and parishes operate and what they do. This can be done within the Church in a variety of ways, including official websites, diocesan newspapers, and diocesan and parish annual reports and newsletters. There are examples of good communication practice in Australian parishes and dioceses that could provide a template to others.

<sup>101</sup> 'AXS Diversity and Inclusion Policy – May 2018,' Australian Stock Exchange (ASX), accessed February 13, 2020,

<sup>102</sup> 'Diversity and inclusion,' Australian Public Service Commission (APSC), accessed February 13, 2020, <https://www.apsc.gov.au/diversity-and-inclusion>.

## 5.3 Good civil governance principles

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### 5.3.9 Relationships

At the 2019 governance symposia of Catholic Health Australia and the Association of Ministerial PJPs, presenters and participants spoke of the importance of relationships to maintaining good governance.<sup>103</sup> The attention was on right relationships within governing bodies; between such bodies and the managers of the enterprises; and between such bodies and members, dioceses, government and the broader community. Black letter approaches to governance do not focus on interpersonal relationships.

Yet the bonds of trust built between trustees and board members, the respectful relationships forged between boards and management, the cooperative and collaborative stance with Church authorities, and the frank and courteous relationships with government underpin thriving governing bodies. Good will, good judgement and good relationships go a long way to ensuring good governance practice.

## 5.4 Good civil governance practice

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### 5.4.1 Status as charities

Churches and their agencies are legally recognised as charities, whatever their corporate status. All registered charities in Australia are required to comply with the governance standards of the ACNC. Churches comprise nearly a third of Australia's charities. As noted above, there is an exemption from financial reporting, and from adhering to the governance standards for a category called a Basic Religious Charity. Under the ACNC Act, there are mandatory minimum standards to which all charities must adhere to retain their registration and the gateway to tax concessions. They are that charities must:

- be not-for-profit (NFP) and work towards their charitable purpose;
- take reasonable steps to be accountable to their members and provide them with adequate opportunity to raise concerns about how the charity is governed;
- not commit a serious offence (such as fraud) under any Australian law;
- take reasonable steps to be satisfied that their directors

are not disqualified from managing a corporation, and remove any responsible person who does not meet these requirements; and

- take reasonable steps to make sure that responsible persons are subject to, understand, and carry out the duties set out in this standard.

The exemption for Basic Religious Charities allows mainly small parishes, but also some very large dioceses, not to publish financial reports and not necessarily to adopt the basic governance standards. A gesture of commitment and good will to the Catholic and broader communities would be for all Basic Religious Charities to have regard to the ACNC governance standards and for the larger Basic Religious Charities to comply with the same reporting and governance standards as comparable charitable and civil entities to the extent circumstances permit.

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<sup>103</sup> Those presentations can be found at '2019 Governance Symposium,' Catholic Health Australia, accessed April 22, 2020, <https://www.cha.org.au/events/governance-conferences/744-2019-cha-governance-conference>.

## 5.4 Good civil governance practice

### 5.4.2 Civil corporate governance resources

The high levels of congruence in civil and canonical governance precepts are evident from the preceding discussion. The experience of the ministerial PJPs, which are generally incorporated bodies and whose governance operates along secular corporate governance principles, is now well established and understood. Dioceses and parishes are not 'corporations' in the strict sense but many church agencies within dioceses are moving to a corporate model. However, as the TJHC said in its final report:

*The corporate model that commended itself to the Commissioners is not easily translated to the canonical realities of Church authorities such as dioceses and parishes. This is not to say that there is nothing to be learned from governance principles applicable to corporate entities, and the concepts of transparency and accountability ought to be taken seriously in all aspects of public and quasi-public life.*<sup>104</sup>

There is a wealth of material available in the public arena that could be examined and adapted to the specific circumstances of dioceses and parishes as they develop governance models that are relevant and appropriate to their needs, bearing in mind factors such as size, demographics, geographical, situation and cultural diversity.<sup>105</sup> Resources such as the Australian Institute of Company Directors (AICD) not for profits governance principles<sup>106</sup>, Australian Stock Exchange governance principles<sup>107</sup>, Governance Institute of Australia guides<sup>108</sup> and Standards Australia governance principles<sup>109</sup> are some examples. While the principles vary according to the agency to which they are primarily directed, they are about transparency, accountability and leadership (at all levels, not just at the top). They have much to say about stewardship which, as previously addressed, is fundamental to the notion of good governance and to our understanding of the Church's mission.

<sup>104</sup> Truth Justice and Healing Council, *Final Report - Volume 1: The TJHC, the Royal Commission and the Catholic Church in Australia, – Where from and where to* (Truth Justice and Healing Council: April 2018) (hereafter cited as 'Truth Justice and Healing Council Final Report Volume 1'), 40. An electronic copy of the Truth Justice and Healing Council Final Report Volume 1 is accessible at: <http://www.tjhcouncil.org.au/>.

<sup>105</sup> For an example of developed standards that have been customised from the independent sector in the United States for specific Catholic parish and diocesan contexts and are in conformity with canon law, see Leadership Roundtable's 'Catholic Standards for Excellence': Leadership Roundtable, Catholic Standards for Excellence.

<sup>106</sup> Australian Institute of Company Directors *Not-for-Profit Governance Principles* (Sydney: AICD, January 2019, 2<sup>nd</sup> ed), <https://aicd.com.au/>.

[companydirectors.com.au/-/media/cd2/resources/director-resources/not-for-profit-resources/nfp-principles/pdf/06911-4-adv-nfp-governance-principles-report-a4-v11.ashx](https://www.companydirectors.com.au/-/media/cd2/resources/director-resources/not-for-profit-resources/nfp-principles/pdf/06911-4-adv-nfp-governance-principles-report-a4-v11.ashx).

<sup>107</sup> See ASX Corporate Governance Council, *Corporate Governance Principles and Recommendations* (ASX Corporate Governance Council, February 2019, 4th ed), <https://www.asx.com.au/documents/regulation/cgc-principles-and-recommendations-fourth-edn.pdf>.

<sup>108</sup> See the Governance Institute of Australia's Good Governance Guides at: 'Resource Centre,' Governance Institute of Australia, accessed April 25, 2020, <https://www.governanceinstitute.com.au/resources/resource-centre/>.

<sup>109</sup> See Standards Australia, *Good Governance Principles, AS 8000-2003, Standards Australia International: Sydney, 2003*, [https://www.saiglobal.com/PDFTemp/Previews/OSH/as/as8000/8000/8000-2003\(+A1\).pdf](https://www.saiglobal.com/PDFTemp/Previews/OSH/as/as8000/8000/8000-2003(+A1).pdf).

## 5.4 Good civil governance practice

### 5.4.3 Fiduciary and administrative precepts

Overlaying and underpinning good governance is the concept of fiduciary standards, which require those responsible to operate honestly and diligently in the best interests of another party. It is of particular significance to the ecclesial context because it is part of the Law of Equity that originated in the Courts of Chancery and judges have sometimes used scriptural references in explaining its principles.<sup>110</sup> The fiduciary concept stems from the passion of equity to guard relationships that are of trust and confidence which are, or should be, indicative of the relationship between church leaders and the faithful. This precept is at the heart of the notion of stewardship.

Sitting alongside good governance is the myriad of administrative and fiduciary actions within the organisation. Amongst some of the lessons in good administrative and governance practice worth highlighting for dioceses and parishes are:

- map and then communicate civil and ecclesial authority structures and reporting arrangements;<sup>111</sup>
- provide clear written formal delegations and accountabilities;
- ensure role descriptions are written and individuals held accountable for agreed deliverables;
- balance pastoral approaches with performance appraisal,

including consequences for inadequate performance;

- do not co-mingle monies from the public purse with diocesan or parish monies;
- if staff have dual roles with the diocese or parish and another church agency, ensure there is a clear division of functions and financial contributions;
- ensure monies are spent for the purposes for which they were provided;
- avoid related party transactions and ensure market price is applied for rentals and other services;
- avoid or manage conflict of interest, and maintain a register of such;
- determine a fair split of expenses in instances of co-location; and
- adopt as standard practice the publication of an annual report (including financials) for parishes, dioceses and all church agencies.

Where such administrative practices are not in place, there would be value in the leader seeking advice from a peer ministry, or professional services firm to move to this standard of practice.

<sup>110</sup> See, for example, the High Court of Australia's discussion of the origin of fiduciary duties in the biblical injunction that, 'No person can serve two masters' (Mt:6-24): *Breen v Williams* (1996) 186 CLR 71, 108.

<sup>111</sup> For example, the reporting relationship and accountabilities of the school principal to the parish priest, or the CEO of Catholic Care to the Bishop, mindful that each will have separate accountabilities and liabilities.

## 5.4 Good civil governance practice

### 5.4.4 Induction and formation

In **section 6.8** the formation for leadership in Church authorities is addressed. It is sufficient to point out here that ongoing professional development is mandatory in the professions, and governance issues are often dealt with in their professional development programmes. Many Church authorities provide opportunities for professional development of staff members. Two points can be made here:

- professional development should be undertaken by everyone in leadership positions, including bishops and senior clergy; and
- fiduciary concepts and governance principles should be included in professional development programmes designed by or for Church authorities.<sup>112</sup>

Specific recommendations about induction, formation and professional development are contained in **section 6.7**.

This **section 6** should be utilised as a resource for those who lead and administer. The ecclesial and civil principles outlined here are also the focal point of **sections 6 and 7** regarding future diocesan and parish governance practices and reform. While the safety of children and vulnerable adults will always remain paramount, the adoption of these principles and the resulting impact will extend far more broadly to the whole of Church.

#### Recommendations:

3. That the ecclesial governance principles of collegiality, synodality, subsidiarity, stewardship, dialogue, discernment, participation and good leadership be reflected in the governance structures and decision-making processes of dioceses, parishes and church agencies.
4. That integrity, accountability and transparency be reflected in the administrative and governance practices of all church bodies.
5. That those in leadership roles in the Church be expected to adopt an inclusive ethical culture, strong risk management practices, and effective engagement and communication.
6. That church agencies be models of fiduciary oversight and effective administrative practice.

<sup>112</sup> See, for example the 'Graduate Certificate in Management of Not-for-Profit Organisations,' Australian Catholic University (ACU), accessed April 22, 2020, <https://www.acu.edu.au/about-acu/executive-education/our-courses/executive-postgraduate/graduate-certificate-in-management-of-not->

[for-profit-organisations](https://www.catholicweekly.com.au/upskilled-priests-to-manage-mission/). See also Marilyn Rodrigues, 'Upskilled priests to manage mission,' *The Catholic Weekly*, February 26, 2019, <https://www.catholicweekly.com.au/upskilled-priests-to-manage-mission/>.

The background is a solid teal color with several overlapping, semi-transparent geometric shapes. A large, light blue triangle is positioned in the upper left quadrant. In the lower right, there are several overlapping circles and arcs in various shades of teal and light blue, creating a layered, abstract effect.

**GOOD GOVERNANCE  
PRACTICES AND CULTURE  
OF DIOCESES**



# 6.1 Overview

Section 6 assumes the theology, spirituality and ecclesiology of the Church established in earlier sections of this report. Ecclesial governance at diocesan level can only be understood in relation to those larger themes. Section 6 argues that synodality offers the most appropriate interpretative framework for the hierarchical ministry.<sup>113</sup> The ministry of governance falls into legislative, executive and judicial power, which is closely linked to ordination but in which laity can cooperate (c. 129). Section 6 examines principles of good governance that are applicable to ecclesial management and administration and which open the way to, and in some respects require, lay participation.

Experience suggests that the personalisation of the authority of bishops has resulted in diverse approaches to governance across dioceses and parishes, certainly in Australia and most probably globally. As a result, episcopal power in matters of governance predominates generally, without any significant involvement of lay members of the Christian faithful as collaborators in the exercise of power. Consequently, governance by episcopal fiat remains a possibility.<sup>114</sup> While acknowledging that possibility, this section addresses opportunities for increased lay participation and broader implementation of best practice in ecclesial governance.

All leadership positions in the Church are services for the common good of the Church.<sup>115</sup>

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***For effective pastoral leadership at all levels of the Church, clergy and laity need to have a proper sense of co-responsibility so they all work together with meaningful consultation and involve everyone in transparent decision-making about all aspects of Church life and ministry.***<sup>116</sup>

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Right relationships must exist between bishops, clergy and laity. Central to those relationships is the principle of consultation between those who hold responsibility for the final decision and those who have a lawful right to be consulted. This requirement for consultation ‘acts as a restraint on absolute power’, though it

does not eliminate hierarchy nor diminish structural inequalities between partners.<sup>117</sup>

Canon law and the whole tradition of the Church make clear that the bishop exercises within his diocese the responsibility for teaching and pastoral government. The bishop, however, exercises this authority in relation to church governance with the collaborative participation of the clergy, the religious, and the laity as addressed in **section 6.5.2**.

Participation in church governance and decision-making is one of the more important roles of the laity. This participation can occur at both diocesan and parish levels, where lay faithful can cooperate in the exercise of the power of governance. Church law provides for the participation of lay people in appropriate administrative/ advisory structures, including diocesan synods, pastoral councils and finance committees, according to their knowledge, prudence and integrity of life.<sup>118</sup> This participation ensures that the talents, skills and gifts of the Holy Spirit bestowed upon the lay faithful are utilised in the service of God and the mission of the Church. The consequence of such participation is likely to be more faithful stewardship of the mission and resources of the Church.

There is a practical challenge to determine within consultative arrangements:

- who should be consulted;
- by whom;
- about what;
- in what time frame;
- for what purpose; and
- in what kind of setting?<sup>119</sup>

There are further practical challenges to the process of appointment of lay people who are involved in ecclesial governance. These types of questions are addressed in this section. The discussion and recommendations are based on the observance of the universal norms of the Church and the development of governance practice within particular churches that is starting to evolve in response to changing social needs and norms.

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<sup>113</sup> Pope Francis, *Address of His Holiness Pope Francis: Ceremony Commemorating the 50th Anniversary of the Institution of the Synod of Bishops* (hereafter cited as ‘Pope Francis, Address of His Holiness Pope Francis: Ceremony Commemorating the 50th Anniversary of the Institution of the Synod of Bishops’), papal speech, Vatican website, October 17, 2015, <http://www.vatican.va/content/francesco/en.html>.

<sup>114</sup> Ian Waters, ‘The Australian bishops and canon law’, in *Health and Integrity in*

*Church and Ministry Conference Papers*, S Crittenden (ed) (Franciscan Friars (Australia), Sydney: 2019), 103.

<sup>115</sup> CIC, c. 223.

<sup>116</sup> CIC, cc. 204 and 218.

<sup>117</sup> Lucas et. al., *Church Administration Handbook*, 398- 401.

<sup>118</sup> CIC, c. 228.

<sup>119</sup> Lucas et. al., *Church Administration Handbook*, 398.

## 6.2 Oversight of the Apostolic See and diocesan accountability

### 6.2.1 Relationships: the Apostolic See and Local Churches

Every bishop is accountable to the Pope, who alone can appoint and remove bishops and intervene in the affairs of all particular churches, including dioceses.<sup>120</sup> The Roman Curia supports the Apostolic See's oversight of local churches. In particular, the apostolic nuncio to a country reports to the Apostolic See on conditions in them. In practice, however, this does not amount to comprehensive or regular oversight by the Apostolic See of routine matters of diocesan governance by bishops, such as the management of diocesan clergy and the financial administrator, and the quality of the relationship between bishops and the various groups and people in a diocese.

Some commentators have observed governance dangers have been enhanced by a 'post-Vatican II episcopalism'.<sup>121</sup> In response to doctrine of papal infallibility from the First Vatican Council, the ecclesiology of Vatican II emphasised the authority of the bishops both collegially in communion with the Pope ('episcopal collegiality') and individually in their own diocese.<sup>122</sup> This has sometimes occurred at the expense of the power and authority, in local dioceses, of the priests, of the religious orders, and also of the laity. There are some international examples where the limited direct oversight of bishops has allowed for poor governance by

diocesan bishops to remain unchecked for significant periods of time, including in cases of serious episcopal misconduct.<sup>123</sup>

Recent Vatican changes to the response of local authorities to the abuse of children and vulnerable adults have seen a shift in a historical absence of oversight by the Apostolic See. Particularly, the Vatican's historic summit on child sexual abuse in February 2019 concluded with a modest immediate agenda for canonical, administrative and cultural change.<sup>124</sup> The Pope's 21 'reflection points'<sup>125</sup> for delegates at the start of the conference and his strong statement as the summit concluded, marking 'an all-out war against the abuse of minors', have since been followed up with a *motu proprio* in May 2019 titled, *Vos estis lux mundi*.<sup>126</sup> The papal *motu proprio* makes every bishop accountable for complying with new mandatory laws that require reporting to the Vatican of allegations of sexual abuse and misconduct, with local churches to demonstrate compliance by July 2020. The document grants authority to the metropolitan archbishop to investigate a bishop of the province who fails to act in cases of reports of sexual abuse. This is a positive step. A fuller discussion of *Vos estis lux mundi* occurs in [section 6.6.4](#).

<sup>120</sup> *CIC*, c. 333 §1.

<sup>121</sup> Massimo Faggioli, 'Introduzione', in *Commentario air documenti del Vaticano II*, Vol. 4: *Christus Dominus, Optatum Totius, Presbyterorum Ordinis*, Serena Noceti and Roberto Repole (eds) (Bologna: EDB, 2017), 13 – 40.

<sup>122</sup> Ibid; Hervé-Marie Legrand, 'Du gouvernement de l'Église depuis Second Vatican Council', *Lumière et Vie* 288 (Oct-Dec 2010): 47-56; Shaun Blanshard, 'The Ghost of Pistoia: Evocations of 'Auctorem Fidei' in the Debate over Episcopal Collegiality at the Second Vatican Council', *Theological Studies* 79(1) (2018): 60-85.

<sup>123</sup> One example is the case of Bishop Michael Bransfield, Dioceses of Wheeling-Charleston, West Virginia. Serious misappropriation of diocesan funds was reported to the nuncio and Secretariat of State in 2012 but not accepted until 2018: M Boorstein, S Boburg & R O'Harrow Jr, 'A W.Va. bishop spent millions on himself and sent cash gifts to cardinals and other priests \$350,000 in cash gifts before his ouster, church records show', *The Washington Post*, June 5, 2019, [https://www.washingtonpost.com/investigations/a-wva-bishop-spent-millions-on-himself-and-sent-cash-gifts-to-cardinals-and-to-young-priests-he-was-accused-of-mistreating-confidential-vatican-reports/2019/06/05/98af7ae6-7686-11e9-b3f5-5673edf2d127\\_story.html](https://www.washingtonpost.com/investigations/a-wva-bishop-spent-millions-on-himself-and-sent-cash-gifts-to-cardinals-and-to-young-priests-he-was-accused-of-mistreating-confidential-vatican-reports/2019/06/05/98af7ae6-7686-11e9-b3f5-5673edf2d127_story.html); R O'Harrow and S Boburg, 'Warnings about West Virginia bishop went unheeded

as he doled out cash gifts to Catholic leaders', *The Washington Post*, July 4, 2019, [https://www.washingtonpost.com/investigations/warnings-about-wva-bishop-went-unheeded-as-he-doled-out-cash-gifts-to-catholic-leaders-/2019/07/03/7efa27f4-8d4c-11e9-b162-8f6f41ec3c04\\_story.html](https://www.washingtonpost.com/investigations/warnings-about-wva-bishop-went-unheeded-as-he-doled-out-cash-gifts-to-catholic-leaders-/2019/07/03/7efa27f4-8d4c-11e9-b162-8f6f41ec3c04_story.html).

<sup>124</sup> N Winfield, 'Analysis: Pope's sex abuse summit: What it did and didn't do', *AP News*, February 26, 2019, <https://apnews.com/befa18bf56224b9387f2eb15d5045f2b>; C Nugent, 'Why the Pope's Summit on Abuse Disappointed Some Survivors', *Time*, February 28, 2019, <https://time.com/5540867/pope-francis-sex-abuse-summit-2/>.

<sup>125</sup> Holy See Press Office, 'Meeting on "The Protection of Minors" – Reflections points, 21.02.2019', Summary of bulletin, Vatican website, February 21, 2019, <https://press.vatican.va/content/salastampa/en/bollettino/pubblico/2019/02/21/190221f.html>.

<sup>126</sup> Pope Francis, *Apostolic Letter Issued Motu Proprio: "Vos Estis Lux Mundi"* (hereafter cited as '*Vos Estis Lux Mundi*'), *Motu Proprio*, Vatican website, May 9, 2019, <http://www.vatican.va/content/francesco/en.html>. See also: J Reynolds, 'Pope Francis makes it mandatory for clergy to report sex abuse', *BBC News*, May 9, 2019, <https://www.bbc.com/news/world-europe-48213135>.

## 6.2 Oversight of the Apostolic See and diocesan accountability

### 6.2.2 Ad limina visits and reports

Under canon law, diocesan bishops, as part of their obligations in diocesan governance, are required to make five-yearly visitations (now only every seven or eight years) to the Pope to formally report to the Apostolic See on the conditions of their diocese and to discuss issues of concern to their local church.<sup>127</sup> These are known as quinquennial or *ad limina* reports.<sup>128</sup> In the absence of closer oversight of diocesan affairs by the Apostolic See, including reference to the experience of clergy, religious and the lay faithful in a diocese, these reports have limited capacity to maintain bishops' accountability for issues specific to their local church.<sup>129</sup> Historically, the issues reported were self-selected. Without closer oversight of diocesan affairs by the Apostolic See, the *ad limina* reports did not amount to effective accountability. For example, past instances have been documented in which *ad limina* reports did not transparently or accurately reflect issues of concern to the diocese, in particular its lay community, at the time of the report.<sup>130</sup>

More recently, the evolution of *ad limina* visits has seen a shift in governance practice in relation to the oversight of the Apostolic See. Anecdotal evidence suggests that the efficacy and utility of *ad limina* visits as a contributor to diocesan governance has, in the past, been questionable. However, there are indications that this may be changing. For example, in the preparation of the *ad limina* reports by the Archdiocese of Melbourne in 1998, 2004 and 2011 each sought a report from agencies of the Archdiocese to inform the report. The Catholic bishops of Australia most recently collectively attended Rome in June 2019 to meet with the Pope and representatives of Vatican dicasteries as part of their *ad limina* reports. The bishops also participated in a retreat together in the week prior to the formal commencement of the *ad limina* visit. There are a number of indicators of good governance in this recent visit:

- diocesan reports provided on a Vatican template through the apostolic nuncio to the Apostolic See prior to the visit enabled consistency in reporting and jurisdictional comparability;
- bishops reported genuine dialogue in the unimpeded meeting of the bishops with the Pope where there was an opportunity for both sides to engage;
- the initiative the bishops took as a collective to deepen their own faith journey while together in Rome;<sup>131</sup> and
- many bishops made efforts to communicate with their congregations in Australia while in Rome providing insights about the meetings and their significance.<sup>132</sup>

The process of compiling and making *ad limina* reports for the Apostolic See may differ between dioceses. *Ad limina* reporting provides a good opportunity to practice episcopal accountability and transparency in accordance with good governance principles. In preparing *ad limina* reports, it would be good consultative practice for all dioceses to source verifiable evidence for the reports directly from relevant church agencies and to involve both diocesan finance councils and diocesan pastoral councils in the preparation of reports.

Accessible communication is also an important element of transparency and accountability. Effective and comprehensive development and publication of the non-confidential elements of the *ad limina* reports would enhance diocesan commitment to transparency in governance and the exercise of good pastoral leadership.<sup>133</sup> These transparent processes would ensure that the People of God in each diocese are brought along the accountability journey and are informed about the state of their local church.

<sup>127</sup> CIC, c. 502 §1.

<sup>128</sup> CIC, c. 399 §1. In practice, quinquennial reports may occur less regularly than every five years. For example, prior to their *ad limina* report in 2019, the Australian Catholic Bishops Conference reported eight-years prior.

<sup>129</sup> The Pope has foreshadowed a new constitution in its draft form called *Praedicate Evangelium* for the Roman Curia. It is not clear when the new constitution will be promulgated and whether, and if so to what extent, it will affect the powers and responsibilities of diocesan bishops.

<sup>130</sup> The Murphy Report into the Catholic Archdiocese of Dublin, for example, commented on the absence of any or any sufficient statistical analysis in *ad limina* reports from the Archdiocese of Dublin about clerical sexual abuse until at least 1999, despite knowledge of the Archdiocese of incidents of clerical sexual abuse from as early as the 1950s: 6 and 53 (at [1.21] and [3.49]).

<sup>131</sup> Somewhat equivalent in civil terms to a board or executive management group taking time together to collectively deepen their knowledge and understanding of their core purpose or business.

<sup>132</sup> Cindy Wooden and Jamie O'Brien, 'Archbishop Costelloe speaks to Perth Catholics during Ad Limina visit', *Perth Catholics*, June 27, 2019, [http://www.perthcatholic.org.au/News\\_\\_Events-News-2019-June-Week\\_4-Archbishop\\_Costelloe\\_speaks\\_to\\_Perth\\_Catholics\\_during\\_Ad\\_Limina\\_visit.htm](http://www.perthcatholic.org.au/News__Events-News-2019-June-Week_4-Archbishop_Costelloe_speaks_to_Perth_Catholics_during_Ad_Limina_visit.htm); Anthony Archbishop Fisher OP, 'Read Archbishop Anthony Fisher's pastoral message from the Ad Limina', *The Catholic Weekly*, July 2, 2019, <https://www.catholicweekly.com.au/read-archbishop-anthony-fishers-pastoral-message-from-the-ad-limina/>; Brian G Bishop Mascord, 'When in Rome: A Letter from Bishop Brian as he prepares for Ad Limina Visit', June 10, 2019, *Catholic Education Diocese of Wollongong News*, <https://www.dow.catholic.edu.au/about-us/general-news/when-in-rome-bishop-brian-prepares-for-ad-limina-visit/>.

<sup>133</sup> If *ad limina* reports were to be published in their entirety, privacy concerns might limit the frankness of the reporting in the reports, to the detriment of accountability.

## 6.2 Oversight of the Apostolic See and diocesan accountability

### 6.2.2 Ad limina visits and reports

Publication of *ad limina* reports also enables bishops to learn of good practice and issues of pastoral concern for brother bishops in other dioceses. As the reports have to be prepared in any event, the preparation of a document for dissemination to the faithful should not entail a great deal of additional work.

#### Recommendation:

7. That the ecclesial governance principles of collegiality, synodality, subsidiarity, stewardship, dialogue, discernment, participation and good leadership be reflected in the governance structures and decision-making processes of dioceses, parishes and church agencies.
  - 7.1 publication of the questions to which the ad limina reports respond;
  - 7.2 prior consultation within the diocese, including with the diocesan pastoral council, about the content of the ad limina report;
  - 7.3 publication of non-confidential elements of the ad limina reports to the local community;
  - 7.4 bishops routinely maintain communication with their respective dioceses in Australia while on ad limina visits to share appropriate insights into their meetings and to enable members of the local church to better understand their significance; and
  - 7.5 communication of non-confidential accounts of the conduct and outcomes of the ad limina visit by bishops upon their return.

## 6.3 The selection and appointment of episcopal leaders

### 6.3.1 The selection and appointment of diocesan bishops

The Pope appoints diocesan bishops, through the Congregation for Bishops, after consideration of recommendations made by the apostolic nuncio. The recommendations are arrived at after limited, confidential consultation with episcopal, clerical, religious and lay members of the faithful. The Diocese of Springfield in the state of Illinois sets out a succinct and clear explanation of the selection process for the appointment of bishops, at least in that jurisdiction, as follows:

*The process for selecting candidates for the episcopacy normally begins at the diocesan level and works its way through a series of consultations until it reaches Rome. It is a process bound by strict confidentiality and involves a number of important players – the most influential being the apostolic nuncio, the Congregation for Bishops, and the Pope. It can be a time consuming process, often taking eight months or more to complete. While there are distinctions between the first appointment of a priest as a bishop and a bishop's later transfer to another diocese or his promotion to archbishop, the basic outlines of the process remain the same.<sup>134</sup>*

The stages of the process can be summarised as follows:

- Stage 1: Provincial recommendations: At least every three years bishops of an ecclesiastical province submits to the Apostolic See names of presbyters<sup>135</sup> considered suitable for appointment to the episcopate. Individual bishops can also submit names.
- Stage 2: Consultation: On the occasion of the vacancy of the see the apostolic nuncio must consult individually with the metropolitan and suffragan bishops of the ecclesiastical province for which a provision is to be made, as well as the president of the episcopal conference. He must also ask some members of the college of consultors and, if he judges it expedient, is to seek individually and confidentially the opinion of others (clergy, religious and laity).<sup>136</sup>
- Stage 3: The apostolic nuncio: After the process of consultation the apostolic nuncio prepares a list of three names (commonly called a *terna* to be forwarded to the Apostolic See).

Stage 4: Congregation for Bishops: The Congregation considers the information transmitted by the apostolic nuncio, engages in a consultative process it considers expedient and then makes a recommendation to the Pope.

Stage 5: The Pope decides: At a private audience with the Pope, the prefect of the Congregation for Bishops presents the recommendations of the congregation to the Pope. Subsequently, the Pope informs the congregation of his decision.

The steps in the process, including and after the delivery by the apostolic nuncio of recommendations to the Apostolic See, are beyond the competence of this report. The focus in this document is on the process of consultation within the local church leading to the creation of the *terna*, which is commonly a list of three names forwarded to the Apostolic See for consideration.

There are some recent examples of Australian experience where there have been inordinate delays in the appointment of bishops following the death or retirement of a previous bishop. Sometimes the delay of appointments to dioceses is due to unavoidable human circumstances. At the time of writing this report, the rural Diocese of Wagga Wagga has been without a bishop for over three and a half years, while a new Archbishop of Adelaide was announced eighteen months after the resignation of his predecessor. There is a diminishing pool of candidates for episcopal appointments and it seems likely some people who are approached decline the appointment. Nonetheless, steps should be taken to minimise the delays, given that the impending 75th birthday of the bishop is a known date and can be planned for in advance.

While the principle of consultation is provided for in canon law it is not readily apparent how it occurs in practice. Much of the consultative process is conducted under the practice of *sub secreto pontificio* (commonly referred to as 'the pontifical secret'). The absence of public consultation, together with the opaqueness of the selection process, leaves all but the select few consulted in the dark, and calls into question its efficacy.

The process of confidential reputation checking is not unlike the selection of judges in some courts in Australia or corporate executive searches, and it is evident that there is a need for

<sup>134</sup> 'Office of the Bishop', Diocese of Springfield in Illinois, accessed April 22, 2020, <https://www.dio.org/bishop/appointing-bishops.html>.

<sup>135</sup> 'Presbyters' are the parish priest or priests who reside in the presbytery.

<sup>136</sup> *CIC*, c. 502 §1.

## 6.3 The selection and appointment of episcopal leaders

### 6.3.1 The selection and appointment of diocesan bishops

a degree of discretion in the way the search is carried out. However, in the interest of transparency and accountability in episcopal appointments there ought to be more publicly available information about the process and an expansion of opportunities for consultation.<sup>137</sup>

This would result in the broader Catholic community understanding how their episcopal leaders are appointed and how persons such as congregational leaders, chairs of agency boards and PJPs, or those in senior executive roles in Catholic agencies in the relevant diocese are being confidentially consulted.

Reflection, consultation and discernment are necessary within the context of a broad diocesan membership to instil the most comprehensive understanding of the needs of a diocese together with the relevant qualities of the incoming bishop.<sup>138</sup> For example, in the Diocese of Buffalo in the State of New York, United States, when the bishop's early resignation was accepted, a lay group, the Movement to Restore Trust, held a public symposium where lay faithful identified seven desirable qualities in their next bishop and presented those qualities to the papal nuncio as part of the selection process of the next bishop.<sup>139</sup>

The development and ongoing review of a profile by the diocesan pastoral council that identifies the needs of the diocese is addressed in [section 6.11.7](#). This profile should be used to inform the process of reflection with respect to the appointment of a bishop. This process of identifying the needs of a diocese should be done in consultation with the president of the episcopal conference and People of God of the diocese to gather a better idea of the future needs of the diocese and create a required profile of the candidates to be appointed bishop.

If for any reason such an analysis does not exist when a see becomes vacant, the college of consultors should establish a body that reflects the make-up of the People of God in the diocese to carry out that exercise and transmit the result to the apostolic nuncio to form part of the consultative process.<sup>140</sup>

Some information is available in the 1983 Code of Canon Law and in publications of the Apostolic See about the qualities seen as fitting a person for episcopal office and the consultative processes leading to an appointment.<sup>141</sup> However, the information is, for the most part, general in nature and, with the exception of the Code, not easy to access. It would therefore be appropriate for the ACBC to put together, and make publicly available, a document covering those issues in so far as they relate to the Australian experience.

Finally, it should be recognised that the recommendations for governance changes put forward in this report are designed to create a platform that is theologically sound, reflects an ecclesiology in harmony with the needs of the Church in the 21st Century and will facilitate truly synodal and co-responsible leadership. The next generation of episcopal leaders must be prepared to embrace the approaches advocated in this report. Further the reality is that the problems arising from the child sexual abuse tragedy and the failure of Church leaders to properly deal with it are going to continue in the coming years. The next generation of leaders will have to be adept at handling these difficult issues. It follows that all of these matters should form part of, and be given high priority in, the investigations and consultative processes leading to appointment of new bishops.

<sup>137</sup> The Royal Commission identified the need for the process of appointment for bishops to be reformed, leading to Recommendation 16.8: Royal Commission Final Report Volume 16(2), 682.

<sup>138</sup> CIC, c. 205.

<sup>139</sup> 'MRT Leader meets with Papal Nuncio,' The Movement to Restore Trust, accessed April 22, 2020, <https://movementtorestoretrust.org/mrt-leader-meets-with-papal-nuncio/>.

<sup>140</sup> A 'see' is the equivalent of the office of the diocesan bishop.

<sup>141</sup> CIC, c. 377 and c.378; and see, for example, Pope Paul VI, Apostolic Letter Motu Proprio: Sollicitudo omnium ecclesiarum, Motu Proprio, Vatican website, June 24, 1969, [www.vatican.va/content/paul-vi/it/motu\\_proprio/documents/hf\\_p-vi\\_motu-proprio\\_19690624\\_sollicitudo-omnium-ecclesiarum.html](http://www.vatican.va/content/paul-vi/it/motu_proprio/documents/hf_p-vi_motu-proprio_19690624_sollicitudo-omnium-ecclesiarum.html); and Council for the Public Affairs of the Church, *Episcoporum delectum*, Norms, March 25, 1972.



## 6.3 The selection and appointment of episcopal leaders

### 6.3.1 The selection and appointment of diocesan bishops

#### Recommendations:

8. That to increase trust in church governance and support for episcopal leadership among the People of God, the processes and procedures leading to the appointment of bishops by the Pope be explained to the public, for example by an entry on the ACBC website.
9. That the consultative processes within a local Church leading to a recommendation by the apostolic nuncio to the Apostolic See concerning the appointment of bishops be structured so as to accommodate the following principles:
  - 9.1 analysis of the needs of the diocese, and consequently a suitable episcopal appointment, must form part of the consultative process for episcopal appointments;
  - 9.2 in the interests of transparency, efficiency and effectiveness, the consultation process leading to the creation of a terna should embrace genuine discernment that includes clergy and a larger number of lay people than is currently the case and that takes into consideration the potential bishop's experience in dealing with abuse; and
  - 9.3 genuine discernment leading to the creation of a terna that includes clergy and a larger number of lay people than is currently the case and which takes into consideration the potential bishop's experience in dealing with abuse, be embraced in the interests of transparency, efficiency and effectiveness.

### 6.3.2 The selection and appointment of diocesan administrators

**Appendix 1 Part 2** addresses the election of diocesan administrators and the appointment of apostolic administrators. As noted above, the extended process of appointing bishops means that dioceses may be left without bishops for several years, this means that leadership of the diocese is temporarily in the hands of an administrator, who is himself appointed after only limited consultation, not including the wider faithful. The governance arrangements instituted by the previous bishop, including the diocesan pastoral council, lapse upon his retirement. This transition period is a dilemma for good governance.

It would be helpful for the terms and conditions of an administrator's appointment to be known by the local people at the time of appointment. When the previous bishop has had a diocesan pastoral council, the administrator should maintain such a group (or create a newly appointed group) as a point of reference for local knowledge and consideration of complex issues.

#### Recommendations:

10. That the terms and conditions of administrators be published within dioceses at the time of appointment.
11. That in dioceses without a pastoral council, an interim body be established to support the administrator for the duration of their term.



## 6.3 The selection and appointment of episcopal leaders

### 6.3.3 The selection and appointment of senior diocesan leaders

**Appendix 1, Part 2** addresses other structures of diocesan governance including senior diocesan leaders. Consideration is given here to the reform of the selection and appointment process with respect to the senior diocesan roles in governance and administration.

A diocesan bishop should be consulting with the college of consultors, council of priests and the diocesan pastoral council when he is making major decisions impacting the diocese, such as when he is considering the request to have a coadjutor or an auxiliary bishop. The Directory on the Pastoral Ministry of Bishops, *Apostolorum Successores*, (Directory on the Pastoral Ministry of Bishops) outlines the criteria for a request in paragraph 71:

- a. the bishop's petition explaining his reasons to request an auxiliary or coadjutor;
- b. an explanation why more vicars general and episcopal vicars will not suffice; and
- c. detailing the offices and tasks he will assign the bishop after evaluating the quality of his own episcopal service for the good of the diocese.<sup>142</sup>

This requires some review and evaluation from key officials and diocesan bodies.

The diocesan bishop also appoints people, both clergy and lay, to various offices and departments within the diocesan administration. Some of these people have significant authority depending on the office or the delegated power granted to them.

The roles of senior clergy and lay office holders vary greatly from one diocese to another. Greater sharing of good practice is encouraged amongst the bishops making up the ACBC. When a bishop or a religious institute refuses to accept the procedures or personnel agreed to by the other members of the ACBC or CRA, there is a risk that the credibility of the Church and pastoral care suffer.

The Directory on the Pastoral Ministry of Bishops acknowledges:

*the bishop freely appoints the heads of the various curial offices from among those who distinguish themselves by competence in their respective fields of expertise...In making these appointments, the bishop would be well advised to consider the opinions of certain priests and lay people through opportune consultation.*<sup>143</sup>

A synodal bishop today would consult the council of priests and the diocesan pastoral council about pastoral planning and involve representatives of these bodies on appointment committees.

In relation to all senior diocesan positions, there would be value in all these offices having clear role descriptions and clarity regarding length of term. The benefit of fixed term appointments (for example five years) is the educative element in working in diocesan administration is shared broadly and that talents of a wider pool of ordained and non-ordained (where appropriate) people could be used.

<sup>142</sup> Congregation for Bishops, "Apostolorum Successores": *Directory on the Pastoral Ministry of Bishops*, February 22, 2004, ). [http://www.vatican.va/roman\\_curia/congregations/cbishops/documents/rc\\_con\\_cbishops\\_](http://www.vatican.va/roman_curia/congregations/cbishops/documents/rc_con_cbishops_)

doc\_20040222\_apostolorum-successores\_en.html (hereafter cited as 'Directory on the Pastoral Ministry of Bishops'), [71]  
<sup>143</sup> *Ibid.*, [176].

## 6.4 Episcopal leadership and accountability

As discussed in [section 3.4](#), a diocesan bishop in the Catholic Church, governs the diocese entrusted to him with legislative, executive and judicial power, in accordance with canon law.<sup>144</sup> All bishops are accountable to the Apostolic See.

Subject to the requirements of canon law to seek advice on certain matters, bishops have significant responsibility in governance and decision-making but without comprehensive oversight or checks and balances. In the past, inquiries have found that this contributed to some bishops acting as if they were accountable only to themselves or to God and also to the Pope. In some dioceses this enabled the effects of poor decision-making practices to go unmitigated, particularly regarding the management of clergy, and the exclusion of religious and lay people.

**Section 6.4** focuses on the problem with the personalisation of the decision-making power in the figure of the bishop and the lack of checks and balances inherent in the process. Nowhere has this been more apparent than in the way in which some bishops failed to respond to allegations of abuse of children by clergy. This is largely a question of culture and personal leadership style.

Recent inquiries into corporate failures in Australia have demonstrated the cultural dimension is critical to either enabling improper conduct or clarifying its inappropriateness. Similarly, much of the critique of the failure of response to sexual abuse in the Church globally has identified a culture of clericalism as an underlying factor.<sup>145</sup>

At its heart, clericalism is about power and its misuse.<sup>146</sup> In one commentary about clericalism, its chief manifestations were described as ‘an authoritarian style of ministerial leadership, a rigidly hierarchical worldview, and a virtual identification of the

holiness and grace of the Church with the clerical state and, thereby, with the cleric himself’<sup>147</sup> The same commentary opined that problematic behaviour ‘is properly termed clericalism when it rests on a claim to special religious expertise or ecclesial authority, based on role or status in the Church’<sup>148</sup>

The phenomenon exists, to varying degrees, in some professions of highly technical expertise but it is a particular issue for the Church as the relationship between pastor and layperson is different from that between surgeon and patient or engineer and client, where choice can be exercised, and professional codes of conduct and competitive markets oblige the expert to accommodate the needs of the patient/client. The fact it exists elsewhere does not detract from its deleterious impact on the faith community.

Evidence given by many church leaders to the Royal Commission acknowledged that clericalism was a phenomenon that had to be addressed.<sup>149</sup> In this, they were echoing exhortations of Pope Francis, who has described clericalism as ‘a really awful thing’<sup>150</sup> and a ‘perversion of the Church’<sup>151</sup>. A culture of clericalism is inimical to a more collaborative, transparent and accountable system of governance and this is why the issue is relevant to the review. Ways to combat the personalisation of decision-making power in a bishop and the dismantling of clericalism are primary focuses of this report and many of the recommendations address relevant reform.

Clericalism is not only an attitude that denotes a distorted perception of relationships in the Church, it is also a behaviour that fails to reflect the equality of all disciples of Christ, an equality that the *New Testament* underscores.

<sup>144</sup> CIC, c. 391.

<sup>145</sup> See generally Royal Commission Final Report Volume 16(2), 612 - 643.

<sup>146</sup> See generally: Truth Justice and Healing Council, *Submission to the Royal Commission into Institutional Responses to Child Sexual Abuse in connection with Case Study 50: Final hearing into Catholic Church authorities in Australia - The Catholic Church: Then and Now* (Truth Justice and Healing Council, 22 December 2016) (hereafter cited as ‘Truth Justice and Healing Council, *Submission: Final hearing into Catholic Church authorities in Australia - The Catholic Church: Then and Now*’). An electronic copy of the submission to the Royal Commission was published by the Royal Commission as Exhibit 50-0004, ‘Truth Justice and Healing Council, Submission in connection with Case Study 50: Final hearing into Catholic Church authorities in Australia - The Catholic Church: Then and Now, 2016’, Case Study 50, SUBM.2463.001.0001\_R and is accessible at: [https://www.childabuseroyalcommission.gov.au/sites/default/files/SUBM.2463.001.0001\\_R.pdf](https://www.childabuseroyalcommission.gov.au/sites/default/files/SUBM.2463.001.0001_R.pdf).

See also: Truth Justice and Healing Council, *Final Report - Volume 2: The Royal Commission's recommendations, and responses from the Truth*

*Justice and Healing Council* (Truth Justice and Healing Council: March 2018) (hereafter cited as ‘Truth Justice and Healing Council Final Report Volume 2’), 31. An electronic copy of the Truth Justice and Healing Council Final Report Volume 2 is accessible at: <http://www.tjhcouncil.org.au/>.

<sup>147</sup> Conference of Majors Superior of Men, *In Solidarity and Service: Reflections on the Problem of Clericalism in the Church* (Washington DC: 1983), 2.

<sup>148</sup> Ibid.

<sup>149</sup> Royal Commission Final Report Volume 16(2), 642.

<sup>150</sup> Pope Francis, *People discarded: Morning meditation in the Chapel of the Domus Sanctae Marthae* (hereafter cited as ‘Pope Francis, *People discarded: Morning meditation in the Chapel of the Domus Sanctae Marthae*’), Daily meditation, Vatican website, December 13, 2016, <http://www.vatican.va/content/francesco/en.html>.

<sup>151</sup> Pope Francis, *Address of His Holiness Pope Francis: Prayer Vigil with Young Italians* (hereafter cited as ‘Pope Francis, *Prayer Vigil with Young Italians*’), papal speech, Vatican website, August 11, 2018, <http://www.vatican.va/content/francesco/en.html>.

## 6.4 Episcopal leadership and accountability

***Clericalism flourishes in contexts where the lay faithful are excluded or marginalised and adopt a posture of subservience.***

With increasing numbers of lay leaders (women and men) in church agencies as CEOs and members of church boards, and as active and involved parishioners, the opportunity is there to transform a culture of clericalism and to work collegially and co-responsibly together. However, a move from paternalistic behaviour is needed, as well as improved communication on both sides, to enable a change of heart by both ordained and lay people. If the change of heart is to occur, greater attention is needed on the training of priests and formation of bishops and other church leaders, including lay people.

Put succinctly, clericalism in any form in which it appears in the Church must be addressed, and the need to do so is urgent. There is a recommendation to this effect in [section 6.7.2](#).

The Directory on the Pastoral Ministry of Bishops allows a purely consultative and accessory role of the laity: at par. 111, 181 there is the mention of the fear of 'congregationalism'; at par. 184 an emphasis on the 'consultative nature' of the diocesan pastoral council; and at par. 192 on the role of diocesan finance council (the bishop needs its consent for 'acts of extraordinary administration established by the episcopal conferences').<sup>152</sup> There was a similar lack of attention to this issue in the post-synodal exhortation on the episcopacy, *Pastores Gregis*, published in 2003. A major consideration when addressing the past absence of consultation by bishops with the laity lies in what might be characterised as an inherent conflict of interest that arises when bishops are required to make decisions about clergy, whether it relates to child sexual abuse or other abusive behaviour such as alcoholism, gambling or misuse of parish funds. The Royal Commission and other inquiries found bishops sometimes worked to prioritise the needs of alleged perpetrator priests, even not complying with the requirements of canon law.<sup>153</sup> It may be possible to avoid these conflicts if bishops consult with lay advisors when such matters arise.

There are comparable behaviours in many western democracies. When allegations are made of ministerial misconduct in

governments, the initial tendency of parliamentary colleagues is to form a phalanx of support around the accused individual. Usually, it is only when the evidence is overwhelming, and political fallout imminent, that a particular minister is sacrificed in an attempt to avoid public outrage.

The difference with ministerial misconduct is that ministers are subject to codes of conduct, checks and balances, and intense media scrutiny. The Church is taking some steps in this direction of accountability with the decrees *As a loving mother* (2016) and *Vos estis lux mundi* (May 2019) laying the foundation for improved episcopal response to allegations of misconduct.<sup>154</sup>

The 2004 United States Conference of Catholic Bishops' National Review Board's Report on the crisis in the Catholic Church in the United States made a similar observation. The report stated that clerical culture and a misplaced sense of loyalty contributed to the unwillingness of members of the clergy to condemn the conduct of a fellow priest:

*A significant cause of the inadequate response of church leaders to allegations of sexual abuse was the fact that in assessing allegations against accused priests, presumptions rooted both in theology and church culture heavily favoured the accused priest. Surveying the landscape in certain dioceses, one bishop noted, 'There is a larger pattern of protection of priests first, rather than protecting the children first.'*<sup>155</sup>

In the Australian context the National Catholic Safeguarding Standards have been developed by CPSL and endorsed by the ACBC and CRA. The practice of the ACBC and CRA to work jointly on key issues is also increasing. The foundations for improved practices that take into the account the needs of vulnerable people are also building. More broadly, as noted below, the forthcoming PC2020 offers the opportunity for greater involvement of the laity in contributing to the shaping of rules for the local Church in Australia.

The induction and formation of church leaders is discussed in [section 6.8](#) below. One of the resources developed by the Apostolic See is the Directory for the Pastoral Mission for Bishops that was published on 22 February 2004. The introduction states it is an updated and revised edition of the one dated 22 February 1973.

<sup>152</sup> Directory on the Pastoral Ministry of Bishops, Chapter VII.

<sup>153</sup> See, for example, the Royal Commission Final Report Volume 16(2) at 631, discussing evidence to the Royal Commission of Professor Ormerod's view that priests are a 'tight cultural group' with 'associations, common training, common backgrounds and common lifestyles' so that they identify with each other in a similar manner to individuals in organisations such as the 'armed forces, police forces' making it 'very difficult for them to make assessments

about their brother priests or religious' with whom they identify (quoting the Royal Commission's Transcript of N Ormerod, Case Study 50, 7 February 2017 at 24871:34–24872:6).

<sup>154</sup> *Vos Estis Lux Mundi*.

<sup>155</sup> National Review Board Report, *Report on the crisis in the Catholic Church in the United States*, 100.

## 6.4 Episcopal leadership and accountability

As such, it is, or ought to be, a significant resource for the guidance of bishops and church leaders in carrying out their functions. Much has developed in the Church and changed in the world in which it exists since it was issued in 2004 including various theological developments and most importantly, the failures of bishops in responding to allegations of abuse. Hence a question arises whether it is still as useful as a resource as it may have been when drafted. The following are examples of issues that would benefit from attention:

- the office of the apostolic administrator when the see is vacant (see [section 6.3.2](#));

- the consultative process for the appointment of senior diocesan leaders (see [section 6.5.3](#));
- the inference that the laity has ‘a purely consultative and accessory role’, an inference at odds with current understandings of co-responsibility and synodality (see [section 6.4](#) above); and
- the tendency to refer to the office of bishop under the title ‘father,’ which can engender a paternalistic impression.<sup>156</sup>

### Recommendation:

12. That the Australian Catholic Bishops Conference request the Congregation for Bishops to provide an updated and revised Directory on the Pastoral Ministry of Bishops as soon as possible for improved governance in the Church.

## 6.5 Synodality and inclusive practice

### 6.5.1 Initiatives of governance reform

The need for reform and practical renewal of synodality is a broad cultural reality; one that is recognised. As Pope Francis said in his Letter to the People of God, 20 August 2018:

*It is impossible to think of a conversion of our activity as a church that does not include the active participation of all the members of God's People. Indeed, whenever we have tried to replace, or silence, or ignore, or reduce the People of God to small elites, we end up creating communities, projects, theological approaches, spiritualities and structures without roots, without memory, without faces, without bodies and ultimately, without lives. This is clearly seen in a peculiar way of understanding the Church's authority, one common in many communities where sexual abuse and the abuse of power and conscience have occurred.<sup>157</sup>*

The declaration of Pope Francis in December 2019 that the pontifical secret will no longer apply in cases of accusations and trials involving abuse of children or vulnerable persons, and in cases of possession, distribution, or acquisition of child sexual abuse material by clergy, is an indication of his ongoing commitment to cultural reform. Further, he declared that under canon law child sexual abuse material relates to images of children up to 18 years of age (previously only up to 14 years of age). While canon law provides little provision for comprehensive oversight of bishops' governance in practice, it does allow significant freedom for bishops to voluntarily commit to mechanisms to maintain supervision and accountability of their governance practices. In this respect, the ACBC, along with CRA, has made a significant advance to better practices in establishing CPSL in 2017.

<sup>156</sup> See Directory on the Pastoral Ministry of Bishops, for example, [33], [50], [66], [75], [76], [98], [102], [114], [140], [158] and [203].

<sup>157</sup> Pope Francis, *Letter of His Holiness Pope Francis to the People of God*.

## 6.5 Synodality and inclusive practice

### 6.5.1 Initiatives of governance reform

CPSL has established national standards.<sup>158</sup> It is also independently and expertly auditing compliance by dioceses in relation to those national standards with respect to the safety and care of children and vulnerable adults. CPSL publicly reports its findings. This is an important and welcome commitment towards more accountable and responsible governance practices and greater consistency of practice between Catholic Church authorities in responding to a shared problem. It is also a significant step towards rebuilding the trust of lay people in the Church's structures and leaders following the Royal Commission.

Another key example is the initiative of the Catholic Church in Australia to reflect on its direction and practice by holding a plenary council.<sup>159</sup> As noted above, a plenary council has authority (subject to approval by the Apostolic See) to issue particular laws for the Church in Australia. At the same time deep reflection opens up the possibility of advice to the Apostolic See on matters that transcend the interests of the People of God in Australia and that may be of benefit to the global presence of the Church. The PC2020 offers the opportunity for genuine dialogue and co-designed recommendations.

Those appointed to the PC2020 will be in a position to facilitate a process for sharing transparently with as wide an audience as possible the thinking and deliberations of all who have contributed. It is a bold initiative and one that can be truly synodal in a way that respects the hierarchical and episcopal nature of the Church and recognises that the whole People of God are involved in an inclusive, co-responsible process of planning for the Church for the future.

Some 250,000 people have contributed to 17,500 written submissions. The submissions have not been made public but they have been analysed to identify themes for the Council. 'Governance' has not been identified as a separate theme but one of the themes – 'Inclusive, Participatory and Synodal' – is described as reflecting:

*[A] call to renew forms of governance and leadership in the Church, to find ways formally and informally of being co-responsible for ministry and mission, seeking structures and processes of collaboration, shared decision-making and financial co-responsibility in order to enable this greater involvement of lay people particularly of women, young people, people of diverse cultural backgrounds and people with disabilities.<sup>160</sup>*

It can be assumed, therefore, that many of the submissions directly or obliquely refer to governance practice and this mirrors the investigations of the GRPT. The GRPT was not privy to the submissions or to the work of the writing group of the relevant theme and so there may be some overlap and duplication of effort. As set out in [section 2.7](#), this report, *The Light from the Southern Cross* should be tabled at and form part of the deliberations of the PC2020.

Across the Pacific, in the lead up to the 2019 Vatican Meeting on the Protection of Minors, Leadership Roundtable in the United States adopted a synodal approach to its preparation by convening a Catholic Partnership Summit.<sup>161</sup> Their discussions moved from examining the root causes of the twin crises of sexual abuse and leadership failure, to identifying the guiding principles, cultural change and desired outcomes that would assist the Catholic Church in the United States both at a diocesan and national level to move forward. The five principles were:

1. transparency,
2. accountability,
3. competency,
4. justice, and
5. trust.

<sup>158</sup> See: 'National Catholic Safeguarding Standards,' Catholic Professional Standards (CPSL), accessed April 22, 2020, <https://www.cpsltd.org.au/safe-church/national-catholic-safeguarding-standards/> (hereafter cited as 'National Catholic Safeguarding Standards').

<sup>159</sup> For further detail about the Plenary Council 2020, see the Plenary Council 2020 website: 'Plenary Council 2020,' Plenary Council 2020 – Catholic Church in Australia, accessed February 13, 2020, <https://plenarycouncil.catholic.org.au/>.

<sup>160</sup> See: 'Inclusive, Participatory and Syodal,' Plenary Council 2020 – Catholic

Church in Australia, accessed February 13, 2020, <https://plenarycouncil.catholic.org.au/themes/>.

<sup>161</sup> Leadership Roundtable, *Heal the Body of Christ: A plan to create a new culture of leadership and a new response to abuse in the Catholic Church – A report from the Catholic Partnership Summit* (Leadership Roundtable: Washington DC, 2019), 4. An electronic copy of the report is accessible at <https://leadershiproundtable.org/wp-content/uploads/2015/09/SummitReport2019.pdf>.



# 6.5 Synodality and inclusive practice

## 6.5.1 Initiatives of governance reform

Although these guiding principles do not name 'inclusiveness', the GRPT suggests it should be added as a sixth important guiding principle. The key areas of focus of Leadership Roundtable with respect to these principles are to:

- *impact the leadership and management culture of the Church, in line with Catholic beliefs, ecclesiology, and canon law;*
- *restore trust in the Church based on measurable, visible outcomes;*
- *engage both ordained and lay Catholics, working together for the mission;*
- *lean forward, not dwell in the past; and*
- *be realistic and translate into practical strategy, organisation, and implementation.<sup>162</sup>*

The Catholic Partnership Summit hosted by Leadership Roundtable operated as a good exemplar of the adoption of the five principles of ecclesial governance identified above. Attendees to the summit were from 43 dioceses and included bishops and abuse survivors, diocesan staff and college presidents, corporate leaders and theologians, canon lawyers and philanthropists, religious superiors and experts in abuse prevention.<sup>163</sup>

The report by Leadership Roundtable titled *Heal the Body of Christ: A plan to create a new culture of leadership and new response to abuse in the Catholic Church* outlines a new culture of leadership that identifies accountability, co-responsibility and transparency as the issues for a bishops' conference, individual

bishops, and lay leaders to consider.<sup>164</sup> As such it addresses the issue of clericalism without dwelling on the unhealthy power relationships inferred by the term.<sup>165</sup> It is action-oriented with suggested task forces, next steps and outcomes identified. This report is useful for its honesty, for the partnerships that sit underneath its creation and for its commitment to action. While the report was distributed to every bishop in the United States, it is not a report of the United States Conference of Catholic Bishops (USCCB). Leadership Roundtable held a further summit in February 2020 titled *From Crisis to Co-Responsibility: Creating a New Culture of Leadership*.<sup>166</sup> The report in relation to this summit had not yet been released at the time this report was provided to the ACBC and CRA but will become available. From this perspective PC2020 offers a more concrete synodal pathway to planning for the future Catholic Church, at least in this country and, hopefully, as one exemplar that others can consider.

The Church in Germany is embarking on a similar synodal journey. In Pope Francis' 29 June 2019 *Letter of the Holy Father to the People of God of Germany on their Pilgrimage* as the German Church prepared for its synodal process, the Pope called for an evangelising journeying together as a whole Church – the symbiosis of the local within the global.<sup>168</sup> The Pope cautioned against overly technocratic approaches that focused narrowly on a reform of structures, organisations and administration. Rather, he argued for a theological perspective with the Gospel as our beacon and guide, *'May God free us from a secular Church under spiritual or theological drapery'*.<sup>169</sup> This is a call to maintain the essence of scripture and theology in our thinking and is helpful to those considering improved governance practice.

<sup>162</sup> Ibid.

<sup>163</sup> Ibid, 3.

<sup>164</sup> Ibid, generally.

<sup>165</sup> Pope Francis has repeatedly criticised the Church's culture clericalism as creating small groups of elites whom ignore the wisdom of the entire people of God. See, for example: Pope Francis, *People discarded: Morning meditation in the Chapel of the Domus Sanctae Marthae*; and Pope Francis, *Prayer Vigil with Young Italians*.

<sup>166</sup> See: 'Catholic Partnership Summit,' Leadership Roundtable, accessed April 26, 2020, <https://leadershiproundtable.org/what-we-do/catholic-partnership-summit/>; and 'Resources and Recommendations for Creating a New Culture of Leadership,' Leadership Roundtable, accessed April 26, 2020, [https://leadershiproundtable.org/wp-content/uploads/2015/09/Summit2020\\_ResourcesandRecommendations\\_Final.pdf](https://leadershiproundtable.org/wp-content/uploads/2015/09/Summit2020_ResourcesandRecommendations_Final.pdf).

<sup>167</sup> At the website of Leadership Roundtable: <https://leadershiproundtable.org/>.

<sup>168</sup> 'Im Wortlaut: Den Brief von Papst Franziskus an die Katholiken in Deutschland',

CNA Deutsch, June 29, 2019, <https://de.catholicnewsagency.com/article/dokumentiert-der-brief-von-papst-franziskus-an-die-katholiken-deutschlands-im-wortlaut-0595>; B Hagenkord, 'Pope urges German Church to walk together, moved by the Spirit', *Vatican News*, June 29, 2019, <https://www.vaticannews.va/en/pope/news/2019-06/pope-francis-letter-german-church-synodality.html>; I San Martin, 'Francis warns German Catholics they can't just do their own things', *Crux*, June 29, 2019, <https://cruxnow.com/church-in-europe/2019/06/francis-warns-german-catholics-they-cant-just-do-their-own-thing/>; M Hickson, 'Pope's letter to Germans on 'synodal path' is open to interpretation', *Life Site*, July 1, 2019, <https://www.lifesitenews.com/blogs/popes-letter-to-germans-on-synodal-path-is-open-to-many-interpretations>.

<sup>169</sup> Michael Monsignor Fuchs, "'The situation is dramatic': on the papal letter to Catholics in Germany", *Catholic News Agency*, July 2, 2019, <https://www.catholicnewsagency.com/news/the-situation-is-dramatic-on-the-papal-letter-to-catholics-in-germany-23488>.

# 6.5 Synodality and inclusive practice

## 6.5.1 Initiatives of governance reform

Within Australia, under episcopal leadership committed to improving governance practices, some dioceses have also introduced measures for greater public accountability in ecclesiastical governance through instituting more transparency in diocesan governance and administration. They have done so by, for example:

- developing strategic and pastoral plans for the diocese and publishing them online;
- publishing diocesan annual reports and financial accounts;
- documenting and making publicly available the remit of diocesan offices, terms of reference for diocesan councils and committees, as well as diocesan policies and procedures; and
- the assurance that all relevant documents will not be destroyed and will be kept in archive.<sup>170</sup>

Such transparent practices are longstanding and common within the Catholic education and social services branches of diocesan governance.

***There is a real opportunity for principles of good governance to be applied consistently across all dioceses within Australia with an understanding that the models adopted will vary depending on many factors including the geographical, cultural and financial reality of a particular diocese.***

As addressed in **Appendix 1, Part 2** in relation to diocesan synods, the legislative authority of a diocesan bishop allows a bishop to pass law for that relevant diocese only. It is noted that any new local law may not contradict laws issued by a higher authority. To ensure meaningful consultation when a bishop legislates particular laws, advice and viewpoints should be sought from both the college of consultors and the diocesan pastoral council.

The delegation by bishops of aspects of their administration to expert lay people has enhanced good governance practices. Canon law requires bishops to consult on many things to ensure the validity of their action. At present, bishops need to consult or get consent for large financial matters. Such a provision can be built into particular law on many other matters:

*Can. 127 §1 When the law prescribes that, in order to perform a juridical act, a Superior requires the consent or the advice of some college or group of persons, the college or group must be convened in accordance with Can. 166, unless, if there is question of seeking advice only, particular or proper law provides otherwise. For the validity of the act, it is required that the consent be obtained of an absolute majority of those present, or that the advice of all be sought.*

*§2 When the law prescribes that, in order to perform a juridical act, a Superior requires the consent or advice of certain persons as individuals:*

1. *if consent is required, the Superior's act is invalid if the Superior does not seek the consent of those persons, or acts against the vote of all or any of them;*
2. *if advice is required, the Superior's act is invalid if the Superior does not hear those persons. The Superior is not in any way bound to accept their vote, even if it is unanimous; nevertheless, without what is, in his or her judgement, an overriding reason, the Superior is not to act against their vote, especially if it is a unanimous one.*

*§3 All whose consent or advice is required are obliged to give their opinions sincerely. If the seriousness of the matter requires it, they are obliged carefully to maintain secrecy, and the Superior can insist on this obligation.*

<sup>170</sup> Standard 1.6.2 of the National Catholic Safeguarding Standards requires that an 'entity's information sharing and record keeping policies and procedures relating to all aspects of child safeguarding, including incidents and complaints, apply' including that 'records are maintained and disposed

of in accordance with legislative and statutory requirements, or after a period of 50 years (refer to Indicator 6.1.7), whichever is longer': National Catholic Safeguarding Standards.



# 6.5 Synodality and inclusive practice

## 6.5.1 Initiatives of governance reform

Examples of other matters on which a bishop could be required to consult (and if canon law dictates to obtain consent from) bodies such as the council of priests and (or) a diocesan pastoral council include:

- the acceptance of seminarians;
- final decisions about suitability for ordination;
- acceptance of priests and religious whose formation took place outside the oversight of the diocese or religious congregation to which they seek admission; and
- granting faculties to a priest who has had a complaint against him upheld by the professional standards office.

For parish priests, an example would be a requirement to consult with, and in some instances obtain the consent from, the parish finance committee and parish council for all expenditure items over a designated amount.

The true nature of 'consultation' in the context of co-responsibility in the exercise of power involves a meeting of minds for purposes of discussion and collaboration so as to gain information. It is more than simply taking advice and has some constituent elements, including that:

- the body to be consulted should be convened, not necessarily joining together in the same place (technology allows more flexibility in the manner in which minds can meet);
- there should be an opportunity for a full and frank exchange of views; and
- the body to be consulted should be provided with all necessary and pertinent information to enable this to occur.<sup>171</sup>

***The practice of decision-making based on discernment in church agencies, coupled with strong moral and ethical frameworks provides a solid foundation for ethical decision-making.***

When coupled with accountability and transparency, and consequences for actions, there is greater likelihood of reducing undesirable behaviours and promoting good governance. Good governance practice in an organisation is the aggregation of all the actions of people involved within a clear culture, defined accountability structures, and sound policies and practices. And this practice is currently strongly influenced by the disposition of the bishop. Participation of the laity is also required in other structures and organisms, such as in the selection and training of seminarians and novices.

There is significant flexibility in canon law to introduce improved governance practices, and so to counteract the historic form of leadership by which bishops made decisions in isolation, without proper consultation with subject experts. As noted above, the delegation by bishops of aspects of administration to expert lay people has enhanced good governance practices, demonstrating the value of a commitment to synodality and the active consultation and collaboration with the laity.

Even more important than appropriate structures, true synodality requires a conversion of minds and hearts. Without the wholehearted embrace of a culture of synodal decision-making, structures will be 'simple masks without heart or a face.'<sup>172</sup>

<sup>171</sup> The Code of Canons for the Eastern Churches adds an important aspect to the norm on consultation and obtaining consent. CCEO, 934 §3 reads: 'An authority that needs consent or counsel must provide those whose consent or counsel is required with the necessary information and ensure that every way their free expression of opinion.'

<sup>172</sup> 'Mere heartless, faceless masks': International Theological Commission, *Synodality in the Life and Mission of the Church*, [107].

# 6.5 Synodality and inclusive practice

## 6.5.2 Synodality as a framework for exercising co-responsibility

Sections 3.3 and 3.4 note that synodality offers the most appropriate framework for understanding the hierarchical ministry itself. The diocesan bishop, 'to whom the pastoral care of particular churches has been committed',<sup>173</sup> holds all the power necessary to govern his diocese on all matters except what is reserved to a higher authority (c. 381). This power falls into legislative, executive and judicial power. As this report has stressed, the bishop does not exercise this power alone but in cooperation with clergy and laity in his diocese.

Over the course of history, the Latin Church differentiated between the power of orders and the power of jurisdiction. A particular point of discussion has been the exercise of jurisdiction and the connection between the power of jurisdiction and the power of orders. History reveals that popes, who had not been ordained a bishop, had nevertheless been exercising jurisdiction, (for example, by already appointing bishops); laity exercised jurisdiction (eg when the emperor convoked an ecumenical council), as did religious (eg when an abys granted faculties to hear confession to priests or acted as judges in ecclesiastical courts).

Vatican II reflected anew on the relationship between the two powers and taught that there is a so-called sacred power (*sacra potestas*) for bishops which implies that a bishop cannot exercise jurisdiction without being ordained. Simultaneously, it taught that all the baptised participate in the threefold ministry of Christ, being a priest, prophet and king. The tasks of the bishop were also presented with the help of the three offices of Christ *tria munera*, namely to proclaim (prophet), to celebrate (priest) and to govern (king). The Council itself saw the challenge of relating the doctrines on *potestas* and *munera* to each other. After the Council, canon law faced the question how to reconcile the historical examples of the exercise of two powers with the new doctrine on the *sacra potestas* and the three *munera*.

Different schools of thought developed: the so-called Munich school held that for anyone to exercise the power of jurisdiction it was necessary to be ordained. The so-called Roman school

while referring to history confirmed the necessary connection between the two powers for bishops, but held that laity could participate in the exercise of jurisdiction if a bishop granted this. As of 1971 a diocesan bishop could confer the office of judge in an ecclesiastical court on a lay man. The 1983 *Code of Canon Law* saw a change in the final drafting of canon 129: the original word that laity could 'participate' in the exercise of the power of governance was replaced by 'cooperate'. A reason for the change was not provided. The Munich school saw the change as an affirmation that lay persons could not exercise jurisdiction and invoked c. 274 which states that 'only clerics can obtain offices for whose exercise the power of orders or the power of ecclesiastical governance is required'.

The so-called Roman school, however, rejected this interpretation referring to what had been possible in history and to the provision in the 1983 Code that a diocesan bishop can confer the office of a judge in an ecclesiastical court to a lay person, which now meant both lay men and women. A layperson could, however, only act in a collegiate tribunal with two clerics.<sup>174</sup> In the subsequent discussion both schools agreed more or less that the layperson that acts as judge truly exercises jurisdiction. Whereas the Roman school approved of this, the Munich school did not.<sup>175</sup> In line with the Roman school the 2010 norms *De delictis gravioribus* provided that the Congregation for the Doctrine of the Faith can grant a dispensation for the appointment of lay persons as judges in penal trials.<sup>176</sup> In 2015 it was determined that for marriage cases the court can consist of two lay judges besides a cleric.<sup>177</sup>

The *Code of Canon Law* allows ecclesiastical offices to be conferred upon laypersons.<sup>178</sup> Examples of such offices are the finance officer of a diocese, the chancellor, the notary, the delegate for religious or for schools, etc. The current canon law thus not only allows laypersons to cooperate in the exercise of jurisdiction, but should also be interpreted and implemented in light of legal provisions that have occurred since the promulgation of the 1983 Code.<sup>179</sup> Such an understanding calls for revisiting how laity can exercise their responsibility, which originates from their

<sup>173</sup> *Christus Dominus*, [11].

<sup>174</sup> CIC, c. 1421 §2.

<sup>175</sup> For an overview of the discussion until 1995, see: John P. Beal, 'The Exercise of the Power of Governance by Lay People: State of the Question', *The Jurist* 55 (1995): 1-92.

<sup>176</sup> Congregation for the Doctrine of the Faith, *Normae de delictis Congregationi pro Doctrina Fidei reservatis seu Normae de delictis contra fidem necnon de gravioribus delictis* – Norms AAS 102 (2010) 419 - 434, Congregation for the Doctrine of the Faith documents – disciplinary documents, Vatican website, May 21, 2010, [http://www.vatican.va/roman\\_curia/congregations/cfaith/doc\\_dis\\_index.htm](http://www.vatican.va/roman_curia/congregations/cfaith/doc_dis_index.htm), art. 15.

<sup>177</sup> CIC, c. 1673 §3. Pope Francis, *Apostolic Letter Motu Proprio: Mitis Iudex Dominus Iesus: By which the canons of the Code of Canon Law pertaining to cases regarding the nullity of marriage are reformed*, Motu Proprio, Vatican website, December 8, 2015, [http://www.vatican.va/content/francesco/en/motu\\_proprio/documents/papa-francesco-motu-proprio\\_20150815\\_mitis-iudex-dominus-iesus.html](http://www.vatican.va/content/francesco/en/motu_proprio/documents/papa-francesco-motu-proprio_20150815_mitis-iudex-dominus-iesus.html), art. 1 c. 1673 §3.

<sup>178</sup> CIC, c. 228 §1.

<sup>179</sup> The reflections presented here do not contradict the Pontifical Council for the Laity, *Instruction on Certain Questions Regarding the Collaboration of the Non-Ordained Faithful in the Sacred Ministry of Priest* (Vatican City: Libreria Editrice Vaticana, 1997).

# 6.5 Synodality and inclusive practice

## 6.5.2 Synodality as a framework for exercising co-responsibility

baptism in the governance of the Church which sees synodality as the most appropriate interpretative framework for understanding the hierarchical ministry.<sup>180</sup>

Canon law, properly interpreted and understood, is therefore not an impediment to a true participative partnership between laity and clergy in the governance processes that are integral

to the decision-making processes of the Church. Rather it actually enhances it. If best practice in governance, which includes transparency, accountability and the critical notion of stewardship, is to be utilised, there is room for the ultimate canonical responsibilities of a bishop to co-exist in harmony with the collaborative participation of the laity in a sense of partnership aimed at fulfilling the prophetic mission of the Church.

### Recommendations:

13. That the bishops of Australia commit to understanding the interpretation of c. 129 in line with other canonical provisions that have been made after the promulgation of the 1983 Code of Canon Law.
14. That for ecclesiastical offices for which ordination is not required (and without limiting the right of clerics to take up those positions), the bishops of Australia commit to appointing suitability qualified lay persons where practicable.

## 6.5.3 Inclusivity and co-responsibility: an element of leadership and governance

Co-responsibility is a fundamental tenet of the approach to mission. The involvement of all of the People of God in mission enhances the notion of true co-responsibility. To take full advantage of the opportunities this provides there must be a proper appreciation of the concept of inclusivity.

### 6.5.3.1 The participation of women in the Church

The Church seeks to be a community that enacts Jesus' message of love, dignity and equality, which was so prevalent in the early Christian communities. Today, however, many Catholic women and men experience pain at the failure of the Church to enable the fuller participation of women. The most visible indicator of the barriers to full participation is that the hierarchy of the Catholic Church in Australia, as in the Church across the world, remains exclusively male.

The appointment of women to senior professional leadership roles within the Church is welcomed, as are the initiatives of individual bishops and parish priests to include women on governing bodies.<sup>181</sup> Women, nonetheless, still experience the detrimental effects of a prevailing culture of 'clericalism' that elevates the male ordained above religious and the laity. The Church's teaching of the inherent dignity of each person underpins the rationale of equal participation in decision-

<sup>180</sup> Pope Francis, *Address of His Holiness Pope Francis: Ceremony Commemorating the 50th Anniversary of the Institution of the Synod of Bishops*.

<sup>181</sup> See, for example, a media release issued for International Women's Day

by the Archbishop of Canberra and Goulburn: 'March 8 a day to thank exceptional women leaders in the Church – Media Blog,' Catholic Church in Australia, accessed April 22, 2020, <https://mediablog.catholic.org.au/march-8-a-day-to-thank-exceptional-women-leaders-in-the-church/>.

# 6.5 Synodality and inclusive practice

## 6.5.3.1 The participation of women in the Church

making of women and men. This is expressed in canons 204 and 208, which explicitly affirm the dignity and responsibility of all the baptised, both women and men.<sup>182</sup>

The Church is called to embrace all the gifts and charisms that the Spirit gives to the faithful. To realise this equality, and ensure the cooperation of all the faithful in building up the body of Christ, there is a need for the conversion of every Christian; this conversion begins with a change in internal disposition in all of us toward right relationships among all the baptised.<sup>183</sup>

Twenty years ago there was a major consultation within the Church in Australia, producing the *Woman and Man - One in Christ Jesus* report.<sup>184</sup> Most of its recommendations were never fully implemented.<sup>185</sup> This is an example where the Church in Australia is at variance with contemporary norms of equality between men and women. This robs the Church of the full benefits of the feminine in dialogue, in celebration, and in decision-making. The marginalisation of women in the Church discourages the participation of younger women and is an urgent issue that needs to be heard, understood, and redressed.

As has been noted throughout this report, synodality is the best means by which all the Church's members are actively involved in discerning the will of God and forming decisions. As the diocesan bishop consults and listens to all, he remains the principal teacher and leader in his own diocese, but the

'listening' occurs in a co-responsible act of collaboration.<sup>186</sup> This is in line with the words of Pope Benedict XVI:

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***Co-responsibility demands a change in mindset especially concerning the role of lay people in the Church. They should not be regarded as 'collaborators' of the clergy, but, rather, as people who are really 'co-responsible' for the Church's being and acting.***

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*It is therefore important that a mature and committed laity be consolidated, which can make its own specific contribution to the ecclesial mission with respect for the ministries and tasks that each one has in the life of the Church and always in cordial communion with the bishops.<sup>187</sup>*

Women and men, religious, lay and clerical, working together will ensure the wisdom, talent and professional expertise and commitment to the Gospel needed to animate the mission of the Church in the 21st century.

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<sup>182</sup> CIC, c. 204. §1 ('Christ's faithful are those who, since they are incorporated into Christ through baptism, are constituted the people of God. For this reason they participate in their own way in the priestly, prophetic and kingly office of Christ. They are called, each according to his or her particular condition, to exercise the mission which God entrusted to the Church to fulfil in the world'); and c. 208 ('Flowing from their rebirth in Christ, there is a genuine equality of dignity and action among all of Christ's faithful. Because of this equality they all contribute, each according to his or her own condition and office, to the building up of the Body of Christ.')

<sup>183</sup> CIC, c. 208.

<sup>184</sup> Dr Marie Macdonald, et al., *Woman and Man - One in Christ Jesus: Report on the Participation of Women in the Catholic Church in Australia* (HarperCollinsReligious: Sydney, April 1999). An electronic copy is accessible

at: <https://women.catholic.org.au/woman-and-man/60-woman-and-man-one-in-christ-jesus-full-version/file>.

<sup>185</sup> Sandie Cornish and Andrea Dean, eds., *Still Listening to the Spirit: Woman and Man Twenty Years Later* (Office for Social Justice, Australian Catholic Bishops Conference, November 2019).

<sup>186</sup> *Lumen Gentium*, [27].

<sup>187</sup> Pope Benedict XVI, *Message of His Holiness Pope Benedict XVI on the occasion of the sixth ordinary assembly of the international forum of Catholic Action*, pontifical message, Vatican website, August 10, 2012, <https://w2.vatican.va/content/benedict-xvi/en.html> (hereafter 'Pope Benedict XVI, *Message on the sixth ordinary assembly of the international forum of Catholic Action*').

## 6.5 Synodality and inclusive practice

### 6.5.3.2 First Nations Catholics<sup>188</sup>

For over 80,000 years our First Nations people have lived a dreaming and spirituality, a connection with the land and spirit that is still powerful today. The interweaving of Catholic faith and traditional cultural beliefs provide First Nations Catholics with a genuine expression of the Catholic Church in Australia.

Many Aboriginal Catholics are supported by and affirmed in their faith through the existence of Aboriginal Catholic Ministries (ACMs). ACMs operate on the principle of subsidiarity and are empowered by their dioceses to deliver programmes relevant to their local communities.

The Church, through National Aboriginal and Torres Strait Islander Catholic Council (NATSICC), continues to support

these ministries, but often through a white lens without the full understanding and appreciation of not only the culture of the people they are ministering to, but the continued impact of trauma of colonisation on their parishioners. The lack of cultural awareness training of clergy is an impediment to the sense of connection and capacity to value experiences by the Aboriginal and Torres Strait Islander faithful.

To achieve an authentic Catholic Church in Australia, the gifts of perseverance, culture and spirituality of First Nations Catholics should be fully embraced. This goal can be achieved through education, participation in decision-making and a comprehensive commitment to fostering mutual respect between First Nations and non-Indigenous Catholics.

### 6.5.3.3 Embracing all

The Catholic Church in Australia over the past century welcomed many migrant and refugee groups into the Church. They have contributed to parish life with the richness of their traditions. Despite their contribution, the governance, structure, and gatherings of our church fail frequently to embrace diversity. Governance structures and processes must actively encourage full engagement, participation and contribution of all migrant and refugee groups.

Similarly, Catholics of diverse sexualities as well as divorced and remarried Catholics feel unwelcome in the Church. Acknowledging that all members of the Church share the one journey to the fullness of life in Christ, our structures and processes should be actively welcoming and open to all people. Such openness recognises that each baptised person is in need of the unconditional love and mercy of God, which the eucharist embodies.<sup>189</sup> As Pope Francis reminded us:

*The Holy Spirit bestows holiness in abundance among God's holy and faithful people, for it has pleased God to make men and women holy and to save them... God draws us to himself,*

*taking into account the complex fabric of interpersonal relationships present in a human community...Holiness is the most attractive face of the Church.*<sup>190</sup>

The principles of human rights that underpin policies and practices in the wider world have their parallel in the Church's conception of the dignity of each human person. *Laudato si*, emphasised this dignity, and noted the uneven impact of environmental degradation on the poor and vulnerable in a world where interrelated economic, technological, and environmental forces impact our common homes.<sup>191</sup> The Synod on the Amazon in October 2019 brought into the heart of the Vatican, people directly impacted by changing environmental and economic forces. The placement of the dignity of each person in the heart of papal writing and practice provides a timely reminder of right relations within the People of God, who form the collective body of the Church. This is evocative of good practice in Catholic education, health and welfare agencies where the child, patient or vulnerable person is at the centre of the enterprise.

<sup>188</sup> The GPRT and IAG would like to thank John Lochowiak, Manager Aboriginal Services at Centacare Catholic Family Services, Adelaide and Chair of NATSICC together with Craig Arthur, Executive Officer of NATSICC for their contribution to this section of the report.

<sup>189</sup> Pope Francis, *Gaudete et Exsultate; Catechism of the Catholic Church*, 1832.

<sup>190</sup> Pope Francis, *Gaudete et Exsultate*, [9].

<sup>191</sup> Pope Francis, *Laudato Si*.

# 6.5 Synodality and inclusive practice

## 6.5.3.3 Embracing all

The inclusiveness of diocesan governance may be measured by the composition of diocesan advisory bodies against the best civic principles discussed in [section 5.3.7](#).

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***Advisory bodies need to ensure a range of competencies necessary for the assigned tasks and to reflect, where possible the distribution of the faithful according to categories such as gender, age, clerical/lay, sexuality, race and ethnicity, ability/disability, and region.***

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However, local circumstances differ widely between dioceses in different geographical locations and the availability of people with requisite experience, qualifications and time has to be taken into account.

A particular example is the appointment of women as judges in ecclesiastical marriage cases and penal cases, for which the

current law makes provision. It is a clear instance of lay women and men exercising jurisdiction. In Australia, women have, in the past, carried out these functions but in recent years the number of suitably qualified persons has diminished. Training opportunities should be provided, and lay persons be strongly encouraged to take up these roles.

There are other examples (such as diocesan financial administrators, chancellors, vicars/delegates for religious or schools and assessors) where lay people can hold ecclesiastical offices and exercise jurisdiction. These opportunities too should be expanded.<sup>192</sup>

In later sections of the report, for example [sections 6.5.3.1](#), this review addresses particular aspects of participation of women in decision-making processes concerning the selection, training, formation and suitability for ordination of candidates for the priesthood. And in a similar vein in [section 7.6.4](#) this review focuses on the importance of lay participation in the appointment and reappointment of parish priests.

In the light of the discussion in the various parts of [Section 6.5](#) and having considered elements of best practice in governance, the following recommendations are made:

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<sup>192</sup> For a fuller discussion about positions that lay persons can hold see Myriam Wijlens, 'Norms Alone are Not Sufficient: A Canonical Reflection about Women in the Church', *The Canonist* 7 (2017): 246-249. Without attempting an exhaustive list, relevant positions include: catechists, notary, judge,

defender of the bond, advocate, parish leader, lay pastoral worker, hospital and prison ministers, vicar for ecumenism, interreligious dialogue or social issues and heads of human resources.

## 6.5 Synodality and inclusive practice

### 6.5.3.3 Embracing all

#### Recommendations:

15. That the principle of inclusion of all the People of God underpin practice in diocesan appointments and to that end:
  - 15.1 the appointment of lay women and men to senior decision-making bodies and agencies be accelerated;
  - 15.2 the principle of inclusivity be built into the terms of reference of each diocesan body and agency, and dioceses conduct audits of their advisory bodies to ensure inclusiveness in ecclesial bodies; and
  - 15.3 leadership teams be inclusive of the laity (women and men), exercising co-responsibility with bishops, priests and religious.
16. That the governance structure of each diocese, including the powers, responsibilities and composition of its constituent elements, be broadly communicated.
17. That suitably qualified lay people, especially women, be encouraged to exercise functions as judges in ecclesiastical marriage and penal cases and education opportunities be provided to expand the range of persons able to do so.
18. That women take a critical role in relation to the selection and formation of seminarians and participate in the evaluation team deciding suitability for ordination.
19. That lay persons with appropriate expertise be involved in decisions regarding the placement of priests in parishes.
20. That all volunteers, lay, clergy and religious undergo cross-cultural awareness training.
21. That Aboriginal and Torres Strait Islander people be included in decision-making processes.



## 6.6 Safeguarding and responding to concerns and allegations of abuse

Strong and effective governance is critical in safeguarding and prevention of abuse as well as responding to concerns and allegations, including clearly articulated roles, and lines of authority, responsibility and accountability for personnel at each level of management. This is recognised in Standard One of the Child Safe Standards established by the Royal Commission and replicated by CPSL in the National Catholic Safeguarding Standards 1:

*Committed leadership, governance and culture - Child safeguarding is embedded in the entity's leadership, governance and culture.*<sup>193</sup>

Inquiries both in Australia and overseas have concluded that past governance practices within diocesan and parish structures contributed to failures of church leaders to respond appropriately to allegations of sexual abuse of children, as well as to the alleged perpetrators.

### 6.6.1 The governance structures and leadership for safeguarding within Australia

The design and implementation of the safeguarding structures requires a balance between the autonomy of individual Church authorities and establishing an agreed national approach. Over a period of time, national and regulatory oversight, in conjunction with local implementation and adaptation by individual Church authorities, will promote consistent practices across the Church.

This approach recognises that while there are important standards to be observed by all authorities, there is room for difference in the way the principles are implemented based on individual circumstances. In that respect, authorities retain the autonomy to implement procedures and processes of good practice within a framework of continuous improvement and with the support and regulation of external oversight.

In November 2018, the ACBC and CRA resolved to undertake a review to examine the current and future needs of the Church in relation to the safeguarding of children and vulnerable adults within church communities and bodies. The ACBC and CRA recognise that the regulatory framework across Australia is changing as is best practice in this area and the Church needs to ensure that it has structures which are flexible, adaptable and sustainable so that the effective safeguarding of children is at the forefront of all ministries.<sup>194</sup>

The ACBC and CRA appointed a three-person team to undertake the review. The final report with respect to this review was delivered to the ACBC and CRA in April 2019.<sup>195</sup>

In response to the report, a steering committee was established contemporaneous with this review. The committee engaged the Australian Catholic University's Institute of Child Protection Studies to:

- map the current national, regional and local structures that exist within the Church; and
- propose an effective and sustainable church approach to safeguarding and child protection at the national, regional and local level.<sup>196</sup>

The committee examined the structure and functioning of state and national Catholic agencies involved in safeguarding and professional standards with a view to recommending best practice. The report of the steering committee was provided to the ACBC and CRA in April 2020.

<sup>193</sup> Standard 1: National Catholic Safeguarding Standards.

<sup>194</sup> See the Annual Progress Report 2019 of the Catholic Church in Australia to the National Office for Child Safety: Australian Catholic Bishops Conference and Catholic Religious Australia, *Catholic Church Annual Progress Report 2019: The Catholic Church in Australia's implementation of the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse* (December 2019) (hereafter referred to as 'Catholic

Church in Australia, *Annual Progress Report 2019 to National Office for Child Safety*'), 16. An electronic copy of the report has been published by the National Office for Child Safety and is accessible at: <https://www.childabuseroyalcommissionresponse.gov.au/annual-progress-reporting/institution-reports>.

<sup>195</sup> Ibid.

<sup>196</sup> Ibid.

# 6.6 Safeguarding and responding to concerns and allegations of abuse

## 6.6.2 Identification and management of risk to children and other persons vulnerable to harm

The response of many churches and other institutions to child sexual abuse and other abusive behaviour showed a poor response to the identification and minimisation of risk to children and others harmed, including:

- a lack of understanding and/or acknowledgement of the impact of abuse of those harmed;
- completely inadequate responses such as moving perpetrators to other areas or institutions and allowing them to remain engaged in ministry; and
- a tendency to allow legal advice that focused on a strict interpretation of legal liability to overshadow moral considerations and the paramount consideration of the protection of children.

Recent Australian inquiries into both civil and church bodies, have identified that the voices of those harmed (whether children or adults) have been silenced or sidelined.<sup>197</sup> The abuse of power has included financial scams, negligent aged and disability care practices, and sexual abuse. Underpinning effective risk management in Catholic agencies should be an unending prioritisation of the needs of vulnerable people and those disadvantaged in the relevant power dynamic, whether it be a child, elderly person or vulnerable young adult. Church bodies, which place the dignity of the human person at the heart of their relationships have a strong foundation for establishing appropriate risk management frameworks. All church agencies should have a culture and practices in place to identify, assess and manage risk.

### Recommendation:

22. That the safety of children and other vulnerable persons assumes primacy in the responses to allegations of abuse or malpractice in diocese and parishes.

<sup>197</sup> Since the Royal Commission into Institutional Responses to Child Sexual Abuse concluded in 2017, there have been a number of high level government inquiries, including the Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry Report which

concluded in 2019, the Royal Commission into Aged Care, Quality and Safety and the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability. The latter two are ongoing at the time of this report.

# 6.6 Safeguarding and responding to concerns and allegations of abuse

## 6.6.3 Standards and audit for transparency and accountability

In May 2019, the National Catholic Safeguarding Standards were adopted by the ACBC and CRA. The standards constitute a framework that articulates the requirements for Catholic entities to promote the safety of children through the implementation of policies and activities to prevent, respond to and report concerns regarding child abuse.<sup>198</sup> One of the driving forces behind the creation of CPSL was the recognition that in the area of safeguarding there needed to be a mechanism to ensure that:

- guidelines and programmes were created but also implemented; and
- compliance with them and their continuing effectiveness would be monitored.

The mechanism adopted was a process of audit to be conducted under the auspices of CPSL in accordance with memoranda of understanding voluntarily entered into by dioceses and religious institutes with CPSL. This ensures public accountability. At the time of writing, very few dioceses and religious institutes have entered into arrangements with CPSL for the provision of an audit function.<sup>199</sup> While it is still early days and the precise means by which the audit facilities will be offered is still being worked through, the take up of audit is a matter of concern. In this particular area (safeguarding) this is a real opportunity to demonstrate a commitment to accountability and this should be remedied.

### Recommendations:

22. That dioceses, religious institutes and ministerial PJPs in Australia commit to implement the National Catholic Safeguarding Standards.
23. That dioceses and religious institutes examine the status of their safeguarding programmes and either:
  - 23.1 negotiate arrangements with CPSL for the provision of audit facilities for those programmes, or
  - 23.2 announce publicly why they have not done so and what alternative monitoring systems they have in place.

<sup>198</sup> The term 'abuse' incorporates the National Catholic Safeguarding Standards definition of 'child abuse' which includes: physical abuse; sexual abuse; neglect; psychological abuse; exposure to family violence; and grooming: National Catholic Safeguarding Standards.

<sup>199</sup> See 'Church Entity Engagement with Catholic Professional Standards,' Catholic Professional Standards (CPSL), accessed April 22, 2020, [https://www.cpsltd.org.au/media/1601/february-2020\\_church-entity-engagement-report.pdf](https://www.cpsltd.org.au/media/1601/february-2020_church-entity-engagement-report.pdf).

# 6.6 Safeguarding and responding to concerns and allegations of abuse

## 6.6.4 *Vos estis lux mundi*

In May 2019, Pope Francis published the Motu Proprio *Vos estis lux mundi*, which establishes new universal norms for accountability in reporting and investigating sexual abuse and concealment allegations against bishops, clerics and religious. Some discussion of *Vos estis lux mundi* is to be found in [section 6.2.1](#).

*Vos estis lux mundi* requires all dioceses and eparchies to establish 'public, stable, and easily accessible systems for submission of reports' about sexual abuse of children or vulnerable adults by clergy or religious, and about any cover-up of abuse.<sup>200</sup>

The public reporting system may be established by dioceses, individually or in groups, either 'through the institution of a specific ecclesiastical office' or some other reliable mechanism. It must be established before June 2020.<sup>201</sup>

*Vos estis lux mundi* requires the metropolitan to be responsible for reporting arrangements with respect to concerns or allegations about bishops and their equivalents. While the norms of *Vos estis lux mundi* allow for the metropolitan to avail himself of the help of 'qualified persons' (either 'lay faithful' or 'other equally qualified persons')<sup>202</sup> in conducting the investigation, the ultimate responsibility for investigations appears to remain with the metropolitan.<sup>203</sup>

It should be noted that current practice in relation to investigation of bishops in Australia goes beyond this edict as these matters are dealt with at a national level with professional management and oversight. However, given the Royal Commission's critique of the Church in Australia and the need to focus on community concerns and expectations, there would be real merit in strengthening arrangements for the independent investigations of bishops.

As noted above, *Vos estis lux mundi* allows a metropolitan to appoint suitably qualified lay persons to assist in the investigation, according to the needs of the individual case.<sup>204</sup> Some bishops have already committed to the concept of independent investigation. A requirement obliging all Catholic Church leaders in Australia to collectively establish a system that refers each allegation against a local ordinary to an independent expert for investigation and management will uphold the integrity of the investigative process and ought to be the norm.

The Canon Law Society of Australia and New Zealand has been asked to provide advice about the response to *Vos estis* and it may be that by the time this report has been completed this advice will be in the hands of the bishops. There is a clear need to consider requirements and practice in relation to the independent investigations of bishops.<sup>205</sup> Development of the National Response Protocol (outlined at [section 5.6.3](#)) should be informed by and reflect any such considerations.

The development and establishment of the required public reporting system pursuant to *Vos estis lux mundi* is directly relevant to the work of the current steering committee outlined above. It will assess whether there are any barriers to establishing an independent third-party reporting system, such as that established by the Province of Boston in the United States,<sup>206</sup> and joined by other dioceses<sup>207</sup> and whether such a system could be established by the Church authorities in Australia, covering a wider range of personnel than covered by the Boston model. It is noted that the USCCB, by a vote of 205 to 16 with 3 abstentions, has authorised the design of a third-party system for receiving confidentially, by phone or online, reports of possible violations by bishops of *Vos estis lux mundi*.<sup>208</sup>

<sup>200</sup> *Vos Estis Lux Mundi*, art 2 (Reception of reports and data protection).

<sup>201</sup> *Ibid*, art 3 (Reporting).

<sup>202</sup> *Ibid*, arts 13 §1 and §2.

<sup>203</sup> *Ibid*, arts 12 §4.

<sup>204</sup> *Ibid*, arts 13 §1 and §2.

<sup>205</sup> Responses to *Vos Estis Lux Mundi* are beginning to appear from other jurisdictions. See, for example, the Archdiocese of Boston: 'Bishop Reporting,' NAVEX Global, accessed April 22, 2020, <https://secure.ethicspoint.com/domain/media/en/gui/61695/index.html>.

<sup>206</sup> *Ibid*.

<sup>207</sup> Emily Sweeney, 'Six dioceses join Boston Archdiocese in implementing system to report bishop abuse,' *Boston Globe*, August 14, 2019,

<https://www.bostonglobe.com/metro/2019/08/14/dioceses-join-boston-archdiocese-implementing-system-report-bishop-abuse/ND06Fdagut0IGhvqdHujyH/story.html>.

<sup>208</sup> The United States Conference of Catholic Bishops has now launched the Catholic Bishop Abuse Reporting Service (CBAR) which is operated by a third-party entity: see 'U.S. bishops' vote in favour of moving forward on third-party system for reporting abuse allegations against bishops – News release, June 13, 2019,' United States Conference of Catholic Bishops, accessed April 22, 2020, <http://www.usccb.org/news/2019/19-114.cfm>; and 'Catholic Bishop – Abuse Reporting Service,' Catholic Bishop – Abuse Reporting Service, accessed April 22, 2020 <https://reportbishopabuse.org/>.

## 6.6 Safeguarding and responding to concerns and allegations of abuse

### 6.6.5 National Response Protocol

A new National Response Protocol (NRP) is currently being developed by the IAG. It will serve as a public commitment to integrity and accountability in responding to allegations of abuse, both contemporary and historical. It will also serve as the key document that instructs the canonical reporting requirements provided in article 3 of *Vos estis lux mundi*.

It will make clear the obligations of all Church authorities to respond with processes that are fair and effective, consistent across the country and compliant with all Australian laws. The need to prioritise the protection of children and vulnerable adults, and to assess and manage ongoing risks, is central to this approach. While the NRP will consider the previous protocols – *Towards Healing* and the *Melbourne Response*, which were primarily a pastoral response – there will be a significant change in focus, purpose and scope.

Both original protocols were established primarily to respond pastorally to claims for redress made by victims and survivors in the hope that it would provide healing to those who had been harmed. While it is recognised that the need for a compassionate and fair response to a victim or survivor with respect to their claim is vital, it is only one component of various and complex issues addressed by the Royal Commission that arise when responding to concerns and allegations of child sexual abuse.

While a concern or allegation of abusive behaviour can arise from a claim for redress, it can also result from:

- a report from the relevant child or adult, who at the time does not seek redress;
- a criminal process unrelated to redress; or
- the report of a third party.

The NRP will set out the overarching principles and approaches in alignment with the *National Catholic Safeguarding Standards*. Stakeholder engagement and consultation is important in the NRP's development. The IAG is engaged with survivors of abuse, understanding that their insights and perspectives are invaluable in developing the NRP. The IAG has established various working groups and worked with Church authorities in early 2020 to test preliminary drafts of the NRP.<sup>209</sup> This work is continuing but has been delayed as a result of restrictions brought about in response to the global pandemic COVID-19.

The NRP intends to provide mandatory direction for all personnel on the use of alternative reporting and escalation pathways which can be readily accessed where there are, or may be, real, perceived or potential barriers to reporting concerns or allegations. It is important that the development of the NRP is properly informed about the nature of current reporting arrangements, and any planned changes to those arrangements.

A recent innovative example of the effect of the establishment of particular law by dioceses is the document passed in New Zealand titled *Towards Healing*. It is similar to the document of the same name in Australia and sets out the response of Catholic Church authorities in New Zealand to concerns and allegations of abuse. At its establishment, each bishop in New Zealand made *Towards Healing* particular law within their dioceses, meaning the document is applicable nationally throughout New Zealand without the involvement of the Apostolic See.<sup>210</sup> It is noted that *Towards Healing* in Australia was never reviewed by the Apostolic See nor made particular law by relevant bishops in Australia.

<sup>209</sup> Catholic Church in Australia, *Annual Progress Report 2019 to National Office for Child Safety*, 15.

<sup>210</sup> CIC, c. 391 §2. This is similar to the practice of harmonising laws across the states and territories of Australia, when a national law is not feasible or possible.

# 6.6 Safeguarding and responding to concerns and allegations of abuse

## 6.6.5 National Response Protocol

### Recommendations:

25. That each diocesan bishop adopt the National Response Protocol once finalised, including procedures for dealing with complaints against bishops and other religious leaders, making it particular law for their diocese.
26. That independent bodies comprised of civil, canonical and relevant professional expertise be established to deal with allegations against Catholic Church personnel (including bishops, religious, priests, deacons, employees and volunteers).

## 6.6.6 Record keeping and information

The Royal Commission found that poor record keeping and the absence of systems for the exchange of information about clerics and persons seeking admission to seminaries and formation houses was a contributing factor to failures in responding to the child sexual abuse tragedy.

On occasions, people who were denied entry to seminaries or who were encouraged not to continue applied for admission at other venues and, whether because information about their past was not readily available or proper checks were not carried out, were nevertheless accepted. Similar problems were encountered when people in religious ministry against whom complaints of child sexual abuse were made, moved within and between religious institutions, and information about their alleged offending, although requested by the receiving institution, was not adequately communicated.

This led to many recommendations in the various parts of the final report and to one with particular relevance to safeguarding:

*Each religious organisation should consider establishing a national register which records limited but sufficient information to assist affiliated institutions identify and respond to any risks to children that may be posed by people in religious or pastoral ministry.*<sup>211</sup>

The crisis in the Church, as a result of the child sexual abuse tragedy and the failures of bishops and other Church Leaders to deal properly with it, will continue for many years. The recommendations for governance changes contained in this report are to be seen in the light of that reality and are designed to facilitate the restoration of trust in the Church and facilitating a recovery from the crisis.

Some years ago, the National Committee for Professional Standards (since disbanded) commenced work on the establishment of the Australian Catholic Ministry Register (ACMR) that, in part, identifies priests and male religious who are considered suitable to minister to children. The current status of this project is unclear.

Because proper personnel management is crucial to safeguarding, the ACBC should commit to the full implementation of the ACMR Card project.

For the same reason, broader issues concerning the sharing of information about individuals that is germane to decisions about their suitability for appointment in various ministries need also to be addressed. The Royal Commission recommendation about the establishment of a national register should be given serious consideration. However, it involves complex questions of privacy

<sup>211</sup> Royal Commission into Institutional Responses to Child Sexual Abuse, *Final Report - Volume 16 Religious Institutions, Book 1* (Commonwealth of Australia, 2017) (hereafter cited as 'Royal Commission Final Report Volume

16(1)'), 70 (see Recommendation 16.58). An electronic copy of the Royal Commission Final Report Volume 16(1) is accessible at: <https://www.childabuseroyalcommission.gov.au/religious-institutions>

## 6.6 Safeguarding and responding to concerns and allegations of abuse

### 6.6.6 Record keeping and information

in civil law and the right to protection of reputation and privacy in canon law. In relation to a register of the type contemplated it would be necessary to consider, among many other things:

- privacy restrictions in civil law;
- the responsibilities in canon law of the receiving institution to seek information and of the former institution, consistent with civil laws on privacy and canonical protection of privacy and reputation, to provide it;
- potential for the codification (perhaps by the development of templates) of obligations voluntarily accepted by individuals to obtain from former institutions relevant information for presentation to receiving institutions;
- issues concerning the inclusion on such a register of details about priests who have had faculties removed, as well as the names of applicants for a seminary who have been refused entry or have left or been asked to leave the seminary; and
- details of other types of information that would be recorded on a national register, the length of time the information would remain, capacity to update and correct entries on it and the logistical requirements of the establishment and maintenance of the material.

### Recommendation:

#### 27. That the ACBC:

- 27.1 commit to the full implementation of the ACMR Card project; and
- 27.2 investigate the canonical and civil law requirements for a national register of the type contemplated in Royal Commission Recommendation 16.58.



# 6.7 Training and selection of candidates for the priesthood

## 6.7.1 Selection and formation of candidates for the priesthood and ordination

Inadequacies in aspects of the selection, screening and training of candidates for the priesthood in seminaries and formation houses and of ongoing professional development of clergy and lay leaders in ministry were revealed in the work of the Royal Commission. These are governance issues because they reflect on the entry of people into the administration of Church ministries. Many issues arise and they will be examined in this and the next section. They tend to overlap and it is difficult to compartmentalise them. For this reason, there may be some duplication of thoughts and materials in the two sections. But the objective is the same: to suggest changes that will increase the accountability, by scrutiny and formation, of those who aspire to enter the clerical life and those who have been ordained and those who are part of the leadership of Church ministries.

The Royal Commission examined many facets of formation and training for priests and religious. This area encompassed not only the selection, screening and training in seminaries and houses of formation, but also the curricula and pastoral support for candidates. The Royal Commission concluded that the inadequacies of selection, screening and initial formation contributed to the incidence of child sexual abuse. Moreover, the Royal Commission was satisfied with the evidence that inadequate accountability and support of priests and religious in their working ministries contributed to the historical problem of child sexual abuse. This led to the following recommendations:

### Recommendation 16.21

*The Australian Catholic Bishops Conference and Catholic Religious Australia should establish a national protocol for screening candidates before and during seminary or religious formation, as well as before ordination or the profession of religious vows.*

### Recommendation 16.22

*The Australian Catholic Bishops Conference and Catholic Religious Australia should establish a mechanism to ensure that diocesan bishops and religious superiors draw upon broad-ranging professional advice in their decision-making, including staff from seminaries or houses of formation,*

*psychologists, senior clergy and religious, and lay people, in relation to the admission of individuals to:*

- a. seminaries and houses of religious formation; and
- b. ordination and (or) profession of vows.<sup>212</sup>

Seminary formation has changed significantly since the 1980s in Australia with the introduction of better screening and psychological testing procedures. Although human development programmes are now a compulsory feature of seminary training, there is a need for consistency and quality control of their applications. Standards of educational outcomes should be developed for all seminaries that operate in Australia. Standards need to be established that ensure a suitable level of on-going formation for clergy and religious is provided throughout the course of their active service life.

In relation to the Royal Commission's recommendation about development of a national protocol, the TJHC in its final report, said:

*As to the Commission's recommendation of a National Protocol, significant strategic policy work by ACBC and CRA is required. Specifically, the development of a national protocol will require:*

- *a clear set of policies, protocols, practices and procedures capable of being agreed to by the ACBC and CRA;*
- *that work should be undertaken by a multidisciplinary working group made up of members of the ACBC (or their nominees) and CRA (or their nominees), experts nominated by the ACBC and CRA, plus other independent persons with expertise in psychology, social work, counselling, theology and the law;*
- *the design of a strategic education and training programme which facilitates the implementation of the agreed policies, protocols, practices and procedures;*
- *the establishment of a monitoring and evaluation process which considers the implementation of the policies, protocols, practices and procedures, and the education and training process which sees the implementation of the policies, protocols, practices and procedures; and*

<sup>212</sup> Royal Commission Final Report Volume 16(1), 75-76 (see Recommendations 16.21 and 16.22).

# 6.7 Training and selection of candidates for the priesthood

## 6.7.1 Selection and formation of candidates for the priesthood and ordination

- the involvement of Catholic universities and other universities and tertiary institutes (eg Australian Catholic University (ACU), The University of Notre Dame Australia (UNDA), Catholic Institute of Sydney (CIS), Sydney College of Divinity (SCD), University of Divinity (UD)) with the development of the applied policies, protocols, practices and procedures 'for selecting, screening and training of candidates for the clergy and religious life' and the monitoring and evaluation of the standards and framework.<sup>213</sup>

The GRPT endorses the comments made by the TJHC. There is a further matter. In line with Royal Commission Recommendation 16.22, the National Protocol should provide that each diocese must have very clear and publicly available policy and criteria on three matters:

- the criteria for entry into the seminary;
- the criteria for ordination; and
- the policy on international priests and requirement for entry.

The protocol should also provide that before making a decision about an individual case in any of those categories the bishop must consult a vocations committee established with people with a wide range of experiences and expertise.

In **Section 6.5.3.1** there is discussion about the need for greater participation of women in the life of the Church so as to gain the full benefits of the feminine in dialogue, in celebration, and in decision-making. Nowhere is this more so than in the formation of candidates for the priesthood during their seminary years and there are recommendations to that effect (Recommendations 18 and 29).

This issue was addressed by Cardinal Marc Ouellet, Prefect of the Congregation for Bishops, in a recent interview during which he was asked about the role of women in seminaries and seminary formation. He is reported to have said that during formation it is important that there is contact, discussion, exchanges with women and that having women on seminary formation teams as professors and counsellors 'would help a candidate interact with women in a natural way'. He is also reported to have said:

*I think that for a priest, learning to relate to women in the environment of formation, is a humanising factor that promotes equilibrium in the man's personality and affectivity.*<sup>214</sup>

A reality of life in the Church in Australia is the continuing presence of priests from overseas countries who have been trained and ordained in foreign jurisdictions. The Sacred Congregation for the Clergy in 1980 issued directives concerning clergy going to work in other countries either permanently or on loan.<sup>215</sup> There is to be an agreement between the two diocesan bishops involved, or between the religious institute and the diocesan bishop receiving the clergy. The diocese receiving the clergy is required to provide proper formation, training and preparation for ministry in the new mission.

There needs to be greater consistency and rigour in the inquiries concerning the history and suitability of international priests for ministry in Australia and attention to their ongoing formation, both spiritually and culturally for service in this country.<sup>216</sup>

<sup>213</sup> Truth Justice and Healing Council Final Report Volume 2, 223-224.

<sup>214</sup> Cindy Wooden, 'Seminaries must hire, involve more women, Cardinal Ouellet says', *National Catholic Reporter*, April 24, 2020, <https://www.ncronline.org/news/quick-reads/seminaries-must-hire-involve-more-women-cardinal-ouellet-says>

<sup>215</sup> In 1980, the Sacred Congregation for the Clergy, *Directive Norms for Cooperation Among Local Churches and for better distribution of the Clergy*, March 25, 1980, [https://www.vatican.va/roman\\_curia/congregations/cclergy/documents/rc\\_con\\_cclergy\\_doc\\_25031980\\_post\\_en.html](https://www.vatican.va/roman_curia/congregations/cclergy/documents/rc_con_cclergy_doc_25031980_post_en.html).

<sup>216</sup> In 1980, the Sacred Congregation for the Clergy issued a Directive concerning clergy going to work in other countries either permanently or on loan. There is to be an agreement between the two diocesan bishops involved, or between the Religious Institute and the diocesan bishop receiving the clergy. The diocese receiving the clergy is required to provide proper formation, training and preparation for ministry in the new mission. The Congregation also points out that local church structures may need reorganisation and reminds everyone of the vocation of the laity and all the baptised: *ibid*.

# 6.7 Training and selection of candidates for the priesthood

## 6.7.1 Selection and formation of candidates for the priesthood and ordination

### Recommendations:

28. That a National Protocol on seminary selection, training and ongoing formation as envisaged by the Truth Justice and Healing Council be developed.
29. That the National Protocol include a provision that each bishop (or dioceses in combination if appropriate) establish a panel for the selection process for entry of candidates into the seminary and review of ongoing formation, including prior to ordination and that these panels:
  - 29.1 involve men and particularly women in the accompanying discernment that is required before a candidate is put forward for ordination;
  - 29.2 facilitate lay people taking a critical role in relation to the selection and formation of seminarians and evaluations of suitability for ordination; and
  - 29.3 include at least one nominee from each of the council of priests and the diocesan pastoral council.
30. That the bishop consult the panel before making a decision about whether to accept a candidate for admission to a seminary, whether to accept a candidate for ordination or whether to permit entry to an international priest.
31. That each diocese develop and make public clear policies in relation to the criteria for entry into the seminary, the criteria for ordination and the policy on international priests and requirement for entry.

## 6.7.2 Formation of candidates for the priesthood

Directly related to the organisation structures and ministry is the formation of priests. The formation of candidates for the priesthood is a crucial issue for the successful future mission and governance of parishes. This issue is not unique to Australia and is illustrated by the numerous iterations of the Ratio *Fundamentalis* that have followed the decree of Vatican II on priestly training, *Optatam Totius*. This decree outlined the general norms for formation that need to apply to each unique cultural situation. Bishops in Australia also continue to review their formation programmes to ensure that proper preparation is given to those presenting for public ministry in the Church.

Public ministry in the Church is always a two-way discernment. The ecclesial community calls forth the ministries and ministers that it requires for the life of the Church. At the same time

individual Christians discover their own charism and gifts. The gifts and charisms serve the ministries required for the mission and life of the Church. The Church has always been discerning about who is called into ministry. Simply presenting oneself on the basis of an individual charism has never been enough. The ecclesial demands of a priest in parish ministry today include formation in human, spiritual, academic and pastoral areas.<sup>217</sup> The priest also needs to be able to work in a collaborative way, to reflect the synodal church in pastoral practice as called for by Pope Francis. This includes taking up pastoral ministry in a way that respects the contribution of lay ecclesial ministry, that values and displays openness and transparency, that embraces accountability, and most of all, that is ready and willing to enter into the 'field hospital' and meet the People of God in their existential situations.

<sup>217</sup> Pope John Paul II, *Pastores Dabo Vobis: Post-Synodal Apostolic Exhortation to the Bishops, Clergy and Faithful on the Formation of Priests in the Circumstances of the Present Day* (hereafter cited as 'Pope John Paul II,

*Pastores Dabo Vobis*'), Apostolic exhortation, Vatican website, March 15, 1992, <http://www.vatican.va/content/john-paul-ii/en.html>.

# 6.7 Training and selection of candidates for the priesthood

## 6.7.2 Formation of candidates for the priesthood

It seems timely for the Australian (and universal) Church to re-articulate what it is that the Church is calling forth when it calls people to the public ministry of the priesthood. What are the Spirit-given gifts that are necessary to fulfil this vocation? Are they always and everywhere the same? What role does the lay faithful have in naming and identifying these God-given gifts in candidates for the priesthood? The Church must have the courage once more to re-discern what God might be looking for in ordained ministry. For this, both laity and clergy must work together in re-thinking the mission and then assisting the Catholic faithful to discern the various ways their gifts and charism might serve the Church. This is best facilitated when candidates for the priesthood study with candidates for other forms of ministry.

Generally speaking, in Australia candidates enter the seminary at an older age than has been the case in the past, when it was not uncommon for boys to start their training at a junior seminary while still in secondary school or enter straight from school. Many of today's candidates have tertiary qualifications and have spent time in secular professions or other employment and it can be assumed that they will have gained some experience of societal living outside the family home. It has been the practice since the 1970s for most seminarians to engage in studies at tertiary institutions outside the seminary<sup>218</sup>. This is to be encouraged as the contact with the wider student body will aid in human development. So, too, will greater opportunities for placements in parishes and ministries such as those engaged in the provision of welfare services. Consideration should also be given to providing opportunities for candidates whose experience of societal living other than in the family home is limited, to spend time in communal living, such as university residential colleges.

It is important that there be continuous attention during seminary training (and beyond) to the development of the whole person, so that candidates (and those who have been ordained) are as well prepared as possible for the life of ministry in which they will be engaged.

The GRPT understands that *Ratio Nationalis Institutionis Sacerdotalis*, Programme for Priestly Formation, Australia, revised edition December 2015 is currently under revision by the ACBC. Whether it be through that review or other work, the themes described above (external studies, placements and communal living) should receive deep consideration and become embedded in formation programmes. Canon law currently requires six years of formation to take place in a seminary.<sup>219</sup> By way of exception, reduction to four years is possible<sup>220</sup>. Accordingly, there is scope for more creative structures than are currently in place. It should therefore be possible for pastoral placement to be extended for a full year, instead of the recent practice (in some parts of Australia) of it often being only a single semester.

**Section 6.4** considered the culture of clericalism and the need for it to be addressed at all levels of Church life. This requires a change of heart that can be brought about by formal education programmes and also by a process of recognition of the indicia of clericalism and a resolve to change cultures that will inhibit its growth. Broader questions of ongoing professional development and leadership training are addressed in **section 6.8**.

<sup>218</sup> For example, at the Australian Catholic University, University of Notre Dame Australia and the Catholic Theological College, Yarra Theological Union or the Catholic Institute of Sydney.

<sup>219</sup> CIC, c. 250.

<sup>220</sup> CIC, c. 235 §1.

# 6.7 Training and selection of candidates for the priesthood

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## 6.7.2 Formation of candidates for the priesthood

### Recommendations:

32. That the formation and training of candidates for the priesthood and during their ministry have as a primary objective the development in individuals of an internal disposition that values a collaborative lay ecclesial ministry.
33. That in designing formation programmes and curricula, opportunities be provided for:
  - 33.1 increased levels of studies in tertiary institutions outside the seminary;
  - 33.2 extended placements in parishes and ministries; and
  - 33.3 spending time in communal living outside the seminary. in Royal Commission Recommendation 16.58.
34. That all Church leaders take steps, wherever the opportunity presents itself, to educate about the dangers of clericalism and to make changes to practices that foster an unhealthy culture. These opportunities include, but are not limited to, seminary curricula and ongoing professional development for clergy and lay people.

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## 6.7.3 Selection and formation of candidates for religious life

The selection and training of candidates for religious life are beyond the scope of the review and this report. Those who have roles and responsibilities in relation to the selection and formation of candidates for religious life should have regard to the principles outlined above.

# 6.8 Training, development and formation for leadership

## 6.8.1 Leadership training

As addressed at [section 6.2.7](#) the verb ‘to lead’ is a critical element of governance and raises directly to the question whether those in leadership historically were fully equipped to carry out the responsibilities and functions expected of leaders. In light of the failures in leadership that have damaged the Church and its mission in recent times, it is clear that leadership training and formation for all current and prospective church leaders, bishops, priests, deacons, religious and lay, is a necessary part of governance reform.

The norms of the Church recognise the right and duty of lay people to acquire knowledge appropriate to their capacity and condition so they may be capable of playing their part in the exercise of the apostolate.<sup>221</sup> Cultural change in a synodal church in which co-responsibility is the norm depends on the attitudes and practices of those within it. This is an important aspect of governance and administration and it applies to all, lay and ordained, who are involved in leadership. For clerics, it should start in the seminary and for all (lay and ordained) it should be regular and ongoing. Given that no priest knows if he will be invited to take on an episcopal role, there is value in the practice adopted in many Australian dioceses of the bishop (often with the advice of the dean of the seminary), providing additional opportunities for talented and committed priests to further their studies, and deepen their spirituality and capacity to be compassionate leaders. However, this should not be at the expense of opportunities being provided to all clergy to deepen their pastoral and intellectual knowledge and development.

In [section 4.4](#) the need for professional development programmes concerning governance and fiduciary principles is discussed. This is a wider issue and relates to the ongoing formation of people who are in, aspire to, or might be called on to assume leadership positions. In the Church context, formation programmes must address both the ecclesial and the civil obligations and responsibilities of leaders.

It is essential that initial and ongoing formation for ordained leaders whose formation has been primarily in the spiritual and

pastoral domain, also include administrative, management and leadership competencies. Conversely, for lay leaders assuming leadership for governance roles in the Church, especially for those whose expertise has been primarily in the commercial world, formation is needed to ensure a comprehensive understanding is acquired of the nature of the Church and the servant leadership required for service within the Church, either as an employee or as a member of a board.

Many Church authorities including ministerial PJPs and some dioceses (for example Diocese of Parramatta) have developed models for the content and delivery of such formation and training.<sup>222</sup> There needs to be a coordination of these efforts to ensure sharing of resources and good practice resulting in the avoidance of unnecessary duplication.

In the Diocese of Parramatta a large group of experienced educational leaders, drawn from a variety of backgrounds including Catholic education and ACU, have addressed the question: ‘Leadership Development Programme for Clergy and for Laity in Important Ministry Roles...What would it look like?’. The elements of their potential model include a mix of formal and systematic courses in leadership, drawing on a range of learning approaches, as well as performance review and appraisal, and mentoring and coaching in the preferred model of leadership for ministry for all ordained and non-ordained ministries. The model stresses ‘learning together’ in which ordained and unordained, men and women, experienced and less experienced, would engage in leadership formation together.

As noted in [section 3.4.2](#), civil society is replete with organisations that operate in this field. It is common for even the most senior leaders within civil organisations to engage in induction and formation on a routine basis. It would be of great benefit if there were to be some research done concerning available programmes of particular relevance to leadership in an ecclesial context and the measures that would be needed to coordinate their delivery to Church authorities and the wider public.

<sup>221</sup> CIC, c. 229.

<sup>222</sup> For example, the Australian Institute of Theological Education (The Broken Bay Institute) (BBI-TAITE) offers the BBI-TAITE Pathway to God Governance, which is delivered in partnership with the Australian Institute of Company Directors (AICD). The Australian Catholic University National (ACU) offers

a Graduate Certificate in Health Administration which examines organisational culture, management concepts, governance and quality improvement within the health care workplace, as well as a Graduate Certificate in Management of Not-for-Profit Organisations.



# 6.8 Training, development and formation for leadership

## 6.8.1 Leadership training

A national centre for Catholic leadership and governance is needed. Such a centre could:

- be situated within existing tertiary institutions;
- identify programmes currently available and gaps that need to be filled;
- support the delivery of existing programmes by the bodies that have developed them and wish to continue to do so;
- develop and deliver targeted courses where required; and
- collaborate with other bodies in Australia and elsewhere, for example Leadership Roundtable in the United States, on matters of mutual concern.

### Recommendations:

35. That leadership formation for all church leaders and prospective leaders be widely available at diocesan and province level in order to support best practice in governance.
36. That in developing and implementing governance and management systems, guidelines and processes, diocese and parishes have regard to relevant civil and ecclesial governance principles.
37. That professional development opportunities be provided in seminaries and theological schools, with the widespread involvement of the laity, for all in leadership, governance and management positions to ensure they understand basic fiduciary and governance principles relevant to their positions.
38. That programmes and opportunities be provided in spirituality and theological formation for clergy and all those in leadership, management and governance roles in the Church.
39. That a national centre for Catholic leadership and governance be established that will:
  - 39.1 identify the range of formation programmes that have already been developed and are fit for purpose in relation to ecclesial leadership;
  - 39.2 identify particular needs that are not currently being serviced and investigate possibilities for coordination; and
  - 39.3 examine how best to establish and resource the research and professional development opportunities necessary to achieve optimal training, development and formation for leadership.



# 6.8 Training, development and formation for leadership

## 6.8.2 Formation programmes for bishops

There is very little currently available by way of formation for episcopal leadership. This lacuna would be alleviated if there were in place ongoing leadership formation for all priests in the years preceding episcopal appointment. Even then, there will be issues that are of particular relevance to episcopal leadership for which formation programmes would be desirable.

New bishops are invited to Rome for an eight-day induction course. The curriculum is divided according to the responsibilities of the different dicasteries and particularly important topics of the day, such as abuse, finances, accountability and psychological issues in formation programmes. There are also successful

models of ongoing formation for bishops in the United States. Twice a year, Leadership Roundtable delivers training for bishops who gather with their senior leadership team (vicars general, chancellors, chief finance officers, communications officers, etc) for practical workshops to learn best practices in matters of pastoral planning, management, finances, human resources, communications, and other temporal topics.

It would be desirable for programmes tailored to the Australian cultural experience to be available. This could be pursued by the National Centre for Catholic Leadership and Governance recommended in [section 6.8.1](#).

## 6.8.3 Opportunities for ongoing leadership development

If true co-responsibility for leadership in the Church is to become a reality, proper formation and training for lay people in positions of responsibility will be essential. All leaders, be they lay or ordained, will need to take advantage of formation opportunities that will inform and guide them in carrying out the tasks that are assigned to them. This applies to leaders in diocesan and parish ministry and also to those who direct the pastoral ministries of the Church conducted by the PJsPs.

All those in leadership roles would benefit from the kind of professional development opportunities described above. The National Catholic Education Commission (NCEC) convenes two days annually for the training and peer exchange of diocesan Catholic education directors. These days are highly prized by the participants. Similarly, the peak bodies of Catholic agencies such as Catholic Health Australia, Catholic Social Services Australia and the NCEC run conferences on an annual basis. These conferences complement those offered by professional member bodies, and generally have a focus on the particular theological basis of their ministry. Comparable opportunities for church leaders such as bishops, vicars, and other senior leaders would provide for

capability building and ongoing development. In the same vein, there would be value in Church leaders seeking feedback on their performance as a means of improving in the role.<sup>223</sup> This would require clarity on expectations in the role and role descriptions. There are various ways this can be done from developmental 360 degree feedback programmes, to formal annual performance reviews. These exercises are confidential to the individual and focus on growth and improvement.<sup>224</sup>

In [section 6.8.1](#) the idea of establishing a national centre for Catholic leadership and governance was raised. If those recommendations are adopted, there could be a role for that body in coordinating formation programmes in this area.

It is noted that a motion was carried in the May 2019 plenary meeting of the ACBC that the conference accepted as normative in Indicator 5.5.3 of the *National Catholic Safeguarding Standards* the participation of all bishops, leaders of religious institutes, clergy and religious in active ministry in no less than six hours of professional pastoral supervision per year.

<sup>223</sup> See 'Co-Workers in the Vineyard of the Lord,' United States Conference of Catholic Bishops, accessed April 22, 2020, <http://www.usccb.org/upload/co-workers-vineyard-lay-ecclesial-ministry-2005.pdf>, which states 'In a comprehensive personnel system, this area [Evaluation and Feedback] addresses regular performance appraisals, as a part of ministerial workplace practice, that provide a formal opportunity for every individual minister to reflect on his or her own performance and get feedback from a supervisor and that may include the views of colleagues and those served. Appraisal and

feedback is most effective when conducted in the context of the mission of the parish or diocese. Documentation of honest and constructive feedback about deficiencies and subsequent steps for improvement is important, as is both formal and informal recognition of generous, Christ-centered, and effective service.'

<sup>224</sup> See 'Catholic Leadership 360,' Leadership Roundtable, accessed April 20, 2020, <https://leadershiproundtable.org/what-we-do/cl360/>.

## 6.8 Training, development and formation for leadership

### 6.8.3 Opportunities for ongoing leadership development

#### Recommendations:

40. That the ACBC explore opportunities for Australian initiatives to improve the induction and formation of bishops.
41. That opportunities be provided for the ongoing leadership development of every Catholic leader – cleric, religious and lay.

## 6.9 The Australian Catholic Bishops Conference (ACBC)

Decisions of national episcopal conferences such as the ACBC are not binding upon bishops as members of the conference unless made as 'particular law', which requires a vote of two-thirds majority of the conference and the review of the Apostolic See.<sup>225</sup> The ACBC has no legal authority to oversee the governance of his dioceses by an individual bishop and little practical capacity to do so: each diocese is structurally independent and the mechanisms and administration through which the bishop governs are also generally independent of other dioceses.<sup>226</sup> Further, the ACBC has no authority over seminaries or the selection process in relation to the admission and ordination of seminarians.

The impact of this autonomy is that in local practice in Australia, even where the ACBC has determined to pursue a national protocol or response to an issue of common concern among dioceses, there has been significant diversity of approach in implementation and insufficient oversight to ensure consistency. For example, in 1996 members of the ACBC, but for the Archdiocese of Melbourne, adopted the Towards Healing

protocol to respond to complaints of abuse against Catholic Church personnel.<sup>226</sup> The ACBC also subsequently adopted the Integrity in Ministry protocol on professional standards for clergy and religious. In 2017, however, the TJHC acknowledged that:

*[T]he Church's professional standards in relation to child protection and dealing with allegations of abuse have not been consistently and adequately applied by all Church authorities.*<sup>228</sup>

The ACBC, which is the permanent assembly of Australian bishops, does not directly impinge on individual diocesan governance, other than through offering informal advice and guidelines. However, there is nothing to prevent the bishops deciding to adopt common positions, or take collective actions, (including those of a binding nature) by consent. This form of collegiality is akin to the decisions and actions taken collectively by the Council for the Australian Federation, then enacted with the passage of legislation in each jurisdiction.<sup>229</sup>

<sup>225</sup> For a decree of an episcopal conference to be made 'particular law' for the territory of the church in Australia, it must be passed by a two-thirds majority of the episcopal conference and be reviewed by the Holy See: *CIC*, c. 455.

<sup>226</sup> Although some metropolitan archdioceses or larger dioceses provide assistance to smaller dioceses within their province in carrying out some aspects of their administration.

<sup>227</sup> It is also noted that the Society of Jesus, which is a religious institute, did not join the Towards Healing protocol until 2004.

<sup>228</sup> Royal Commission Final Report Volume 16(2), 660, quoting the Royal Commission's Exhibit 50-0004, 'Truth Justice and Healing Council, Submission in connection with Case Study 50: Final hearing into Catholic Church authorities in Australia – The Catholic Church: Then and Now, 2016', Case Study 50, SUBM.2463.001.0001\_R at 0091\_R (cited in this report as Truth Justice and Healing Council, Submission: Final hearing into Catholic Church authorities in Australia – The Catholic Church: Then and Now).

<sup>229</sup> The meeting of state and territory premiers and chief administrators.

## 6.9 The Australian Catholic Bishops Conference (ACBC)

The ACBC does act in its own right in matters of governance, and in association with CRA, such as in the formal response in August 2018 to the Royal Commission into Institutional Responses to Child Sexual Abuse. Together they have created bodies such as CPSL and the IAG. These collegial actions offer opportunity for consistency and clarity with the Catholic community. The ACBC underwent a significant restructure and consolidation in November 2019 in part due to growing financial pressures.<sup>230</sup>

The ACBC is a model of how church governance in Australia operates in practice. Its composition is restricted to bishops who are all male, with a single CRA observer who may at times be a female religious. Its general secretary is a cleric. Its agenda is confidential, even to the members of its commissions and councils, and its public communication about its business is limited. While acknowledging the need for confidentiality

on some matters, the ACBC as it currently operates is not accountable in its decisions to the general members of the Catholic Church in Australia who do not know what is being discussed or decided.

The staff of the ACBC includes clerics, religious and lay men and women. The appointed chairs of ACBC agencies are increasingly lay men and women and the executive leadership of these agencies is now overwhelmingly made up of lay women and men. By way of example, the chairs and CEOs of the TJHC, the IAG and the executive director of the NCEC have attended ACBC meetings without official membership to the conference. This inclusive practice is welcomed. In addition, in November 2019 there was a full joint sitting of the ACBC and CRA Council that was another example of inclusive, collaborative and transparent practice.

### Recommendations:

42. That the operations of the ACBC be made more accountable, inclusive and transparent through an expansion of its advisory membership, staffing and public communication of non-confidential agendas, internal reports and major decisions.
43. That the ACBC prepare a template for reports for dioceses so that there is comparable and consistent reporting both for ACBC purposes but also for members of the public.
44. That the ACBC regularly convene with a broad range of subject matter experts before considering and voting on a particular subject.

<sup>230</sup> 'Plenary Meeting: November 25-29, 2019,' Australian Catholic Bishops Conference, accessed February 13, 2020, <https://www.catholic.org>.

[au/acbc-media-downloads/plenary-meeting/2233-plenary-summary-november-2019/file](https://www.catholic.org/au/acbc-media-downloads/plenary-meeting/2233-plenary-summary-november-2019/file).

## 6.10 Roles and responsibilities of governance within dioceses

While a bishop is head of his diocese, as required by canon law, senior clergy of the diocese assist administration as part of the diocesan curia including coadjutor or auxiliary bishops, vicars general and episcopal vicars. Other than coadjutor or auxiliary bishops, these clergy are appointed to their positions by the bishop.<sup>231</sup> This is discussed in [section 6.3.4 and Appendix 1, Part 2, Section 2.6](#).

Outside of their functions expressly described in canon law, the roles that senior clergy carry out differ between dioceses according to the leadership style of the governing bishop, including the extent to which he delegates authority and the manner and scope of delegation. This results in different decision-making practices and procedures under different episcopal leadership, to the extent that procedures are actually documented.

In relation to the roles of senior clergy and the bishops' ability to delegate his executive power, under canon law discussed in [section 6.3.4 and Appendix 1, Part 2](#), the bishop is required to consult with two bodies comprised of clergy on specific, limited, matters of governance. The powers and functions of the council of priests and the college of consultors under canon law are addressed at [Appendix 1, Part 2, Sections 2.7 and 2.8](#) respectively. In particular, the college of consultors advises the bishop on the assignment of priests to parishes.

As mechanisms by which to maintain strong oversight and accountability of the bishop, and to influence his leadership and decision-making, these bodies operate within structural

constraints unless the bishop envisages and enables them to act as a strong check on his governance. A clear consultative process would contribute to good governance when, for example, a bishop proposes to make particular laws for his diocese. In this instance, the proposal should be the subject of consultation with the council of priests and also with the diocesan pastoral council (see [section 6.11.7](#)). The purpose of both is primarily advisory: while the bishop is required to consult the council of priests and the college of consultors, the determinations of either do not bind him, except in limited matters defined by canon law.<sup>232</sup>

As discussed at [Appendix 1, Part 2, Sections 2.7 and 2.8](#), respectively, the bishop appoints all members of the college of consultors and appoints almost half of the members of the council of priests, the rest being elected by other priests or *ex officio* appointments.<sup>233</sup> While canon law restricts the membership of both these bodies to ordained priests, there is nothing to prevent invitations to be extended to lay people and religious to participate fully in meetings, especially when they are involved in the appointments of clergy. The initiative taken by the Archbishop of Brisbane to extend invitations to two lay women is an example of what is possible.

To make both the council of priests and the college of consultors more effective contributors to good governance within dioceses, the below recommendations are made.

### Recommendations:

45. That the formation and training of candidates for the priesthood and during their ministry have as a primary objective the development in individuals of an internal disposition that values a collaborative lay ecclesial ministry.

*Canon 391 §1. The diocesan Bishop governs the particular Church entrusted to him with legislative, executive and judicial power, in accordance with the law. The diocesan bishop will consult with the diocesan pastoral council and the council of priests before he makes particular law.*

*§2. The Bishop exercises legislative power himself. He exercises executive power either personally or through vicars general or episcopal vicars, in accordance with the law. He exercises judicial power either personally or through a judicial vicar and judges, in accordance with the law.*

46. That lay advisors, female and male attend council of priests' and college of consultors' meeting with the right to participate fully in all discussions and not as mere auditors.

<sup>231</sup> CIC, cc. 391 §2.

<sup>232</sup> CIC, c. 495 §1. The 'council of priests' is described in the 1983 Code of Canon

Law as 'the presbyterium'.

<sup>233</sup> CIC, cc. 497 and 501 §1.

# 6.11 Structural governance reform of dioceses

## 6.11.1 Legal reform and reporting relationships

Australia's newest Catholic bishops at the time of writing were investigating their inherited formalised governance arrangements. The bishop of Sandhurst announced within a fortnight of his installation that he would instigate a review of governance with a view to moving from unincorporated structures to incorporated entities.<sup>234</sup> Similarly, the newly installed bishop of the Broken Bay Diocese, in the week of his installation, received a review report on education governance initiated by the diocesan administrator during the interregnum. Their actions are reflective of moves to formalise governance arrangements from advisory to determinative in the wake of the Royal Commission and the Victorian Parliamentary Inquiry,<sup>235</sup> with a growing preference

for lay people to give greater support to bishops in carrying out their administration and governance responsibilities for church agencies, thus allowing him to devote more time to his pastoral, teaching and spiritual roles.

The Archdiocese of Sydney is unincorporated, but has put considerable effort into clarifying its canonical and civil reporting and decision-making relationships in a graphic overview. This same model was adopted with minor modifications by the Diocese of Broken Bay. It places the bishop at the heart (rather than above) the enterprise, and includes communication flows. (See diagram below).

<sup>234</sup> Tara Cosoleto, 'Bishop Shane Mackinlay to review governance structure of schools in Catholic Diocese of Sandhurst,' *Bendigo Advertiser*, October 24, 2019, <https://www.bendigoadvertiser.com.au>.

<sup>234</sup> Family and Community Development Committee, *Betrayal of Trust: Inquiry into the Handling of Child Abuse by Religious and Other Organisations*

(Parliament of Victoria: Melbourne, 2013). An electronic copy of the report is accessible at: [https://www.parliament.vic.gov.au/images/stories/committees/fcdc/inquiries/57th/Child\\_Abuse\\_Inquiry/Report/Inquiry\\_into\\_Handling\\_of\\_Abuse\\_Volume\\_1\\_FINAL\\_web.pdf](https://www.parliament.vic.gov.au/images/stories/committees/fcdc/inquiries/57th/Child_Abuse_Inquiry/Report/Inquiry_into_Handling_of_Abuse_Volume_1_FINAL_web.pdf).

# CANONICAL & ORGANISATIONAL GOVERNANCE STRUCTURE

## Trustees of the Board of Management, Clergy Remuneration, Retirement & Sick Fund, Diocese of Broken Bay (CRRSF)

- in every diocese there is to be a special fund which collects offerings and temporal goods for the purpose of providing, in accordance with c. 281 for the support of the clergy who serve the diocese, unless they are otherwise catered for (c. 1274 § 1)
- where there is as yet no properly organised system of social provision for the clergy, the episcopal conference is to see that fund is established which will furnish adequate social security for them (c. 1274 § 2)

## Deans

- the diocesan bishop must consult the dean before appointing a parish priest when there is a vacancy in his region (c. 254)
- the diocesan bishop may consult the dean about the appointment of an assistant priest (c. 547)

## Diocesan Pastoral Council

- composed of laity, religious and clergy reflecting the entire People of God in the diocese, their regions, ethnic, gender and social groups
- consulted and meets especially for pastoral planning according to statutes approved by the diocesan bishop (c. 511-514)

\* The bishop and the college of consultors are the trustees of the diocesan property trust which:

- holds titles to properties; and
- is the registered proprietor of schools.
- the bishop must ensure canonical obligations are fulfilled before complying with civil law obligations.

## Diocesan priests and deacons

BISH

## Council of Priests

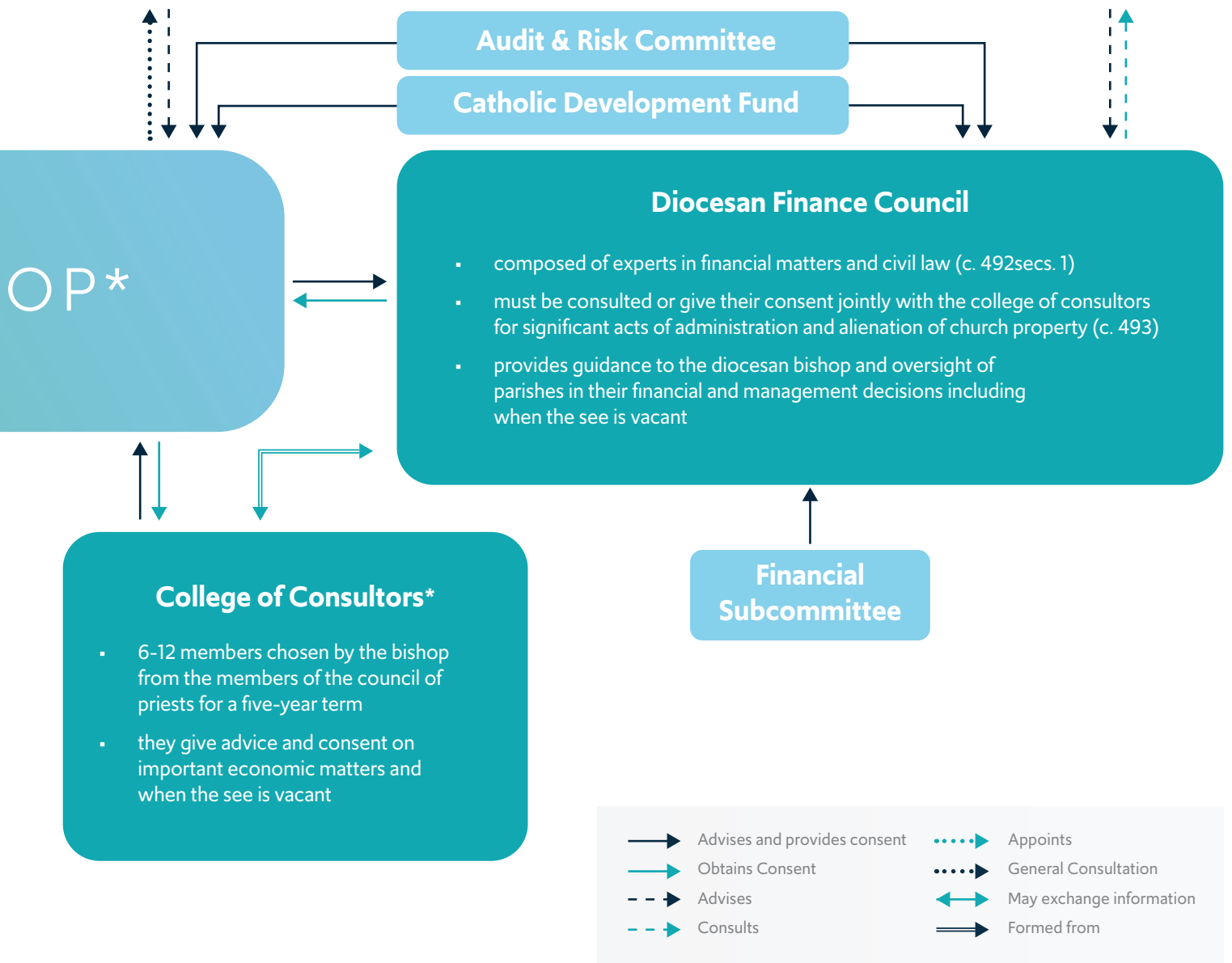
- assists the bishop in the governance of the diocese and making decisions
- the bishop should not act contrary to their unanimous opinion
- promotes the pastoral welfare of the People of God entrusted to the
- bishop (c. 495 § 1).

On appointment of clergy only

## Main Curial Officials

Vicar General	Chancellor	Safeguarding & Professional Standards	Evangelisation	Stewardship
Episcopal Vicar for Clergy	Financial Administrator		Communications	Catholic Schools
		Clergy Secretariat	Bishops Office	Bishops Office

NOTE: CHANCERY ALSO CONSISTS OF OTHER ENTITIES E.G. MARRIAGE TRIBUNAL





# 6.11 Structural governance reform of dioceses

## 6.11.1. Legal reform and reporting relationships

What is valuable in the work undertaken by these NSW dioceses, is the clarification of roles and responsibilities, the mapping of reporting and accountability relationships, the alignment of civil and canonical responsibilities, and the attendant delegations, role descriptions and reporting relationships. This level of clarity ensures all those working in the diocese (ordained and lay) understand where they sit within the whole suite of governance arrangements, their role and accountability, and the boundaries of their authority and responsibility. Effective discernment can occur within such a structure. The activation or reactivation of the diocesan pastoral council would strengthen such diocesan discernment by drawing in the gifts of lay people as well as the ordained and those employed by the diocese. The development, adaptation and implementation of these models must always be mindful of factors such as size, demography, geography, situational circumstances and cultural diversity specific to a particular diocese or parish. These factors when comparing dioceses such as the Archdiocese of Sydney and the Diocese of Port Pirie are quite different.

Related to the governance structure are formal delegations with the heads of Catholic education and welfare agencies that specify matters such as:

- employment responsibility and expenditure within identified thresholds;
  - stewardship agreements which clarify ownership and management of assets;
  - a risk management framework complemented by internal and external audit functions; and
  - consultative bodies such as parent bodies in education.
- These arrangements illustrate the capacity to establish good civil and canonical governance practice side by side.

The work done in Sydney and Broken Bay is not suggesting a 'one-size-fits-all' answer to the question: What is the most desirable model for diocesan governance? As addressed in [section 6.3.1.1](#), the approach will differ from diocese to diocese. Following their examination of the principles outlined in this report, each diocese will be best placed to implement the 'nuts and bolts' of an organisational and governance structure related to the circumstances of their particular location and circumstances.

## 6.11.2 The example of governance standards by Basic Religious Charities

The position was put and accepted at the time of the creation of the ACNC that the governance standards in the ACNC Act and those embedded into canon law are equivalent. In practice, this exempts entities such as parishes and unincorporated dioceses from reporting their financials annually to the ACNC and from the requirement to meet the governance standards.<sup>236</sup> (See [sections 5.3.3 and 5.4.1](#) for further discussion on the status and requirements of Basic Religious Charities). Parishes (and dioceses) are required canonically to have a parish finance council. However in civil law, dioceses and parishes that are basic religious charities do not have to report formally to their membership.

There would be considerable value in large religious bodies that are basic religious charities, especially dioceses, voluntarily adopting

the same standards of governance as other charities in Australia including financial reporting to the extent circumstances permit. It is acknowledged that many church entities do meet the same standards, but as a gesture of assurance to their congregations and the broader community, this would be welcome step.

These are minimal standards, and as such ought to be adopted by all enterprises, irrespective of sector or exemption, due to the inherent benefits of operating in accordance with good governance principles. Dioceses and larger parishes could earn new respect and plaudits from their congregations and the broader community for not only implementing safeguarding standards, but also good governance standards. Such standards, congruent with canon law and best practices, can be implemented consistently

<sup>236</sup> 'ACNC Governance Standards,' Australian Charities and Not-for-profits Commission (ACNC), accessed February 13, 2020, <https://www.acnc.gov.au/for-charities/manage-your-charity/governance-standards>.

# 6.11 Structural governance reform of dioceses

## 6.11.2 The example of governance standards by Basic Religious Charities

with guidance freely available from a range of regulatory and member bodies. In the absence of voluntary adoption, governments move to tighten arrangements, such as the post-inquiry requirement of the Victorian Government that all church bodies have a legal form.

A useful example of a tightening of requirements is the introduction of section 83C into the Education Act 1990 (NSW) following financial misconduct in a school in NSW of another religious denomination. Section 83C explicitly requires schools: to be not for profit; to adopt policies and keep business records which demonstrate appropriate financial controls and governance arrangements (including evidence that financial transactions are conducted at arms-length and of reasonable market value); and to ensure conflicts of interest and related party transactions are avoided or managed.<sup>237</sup>

The requirements listed in these section 83C regulations were identified by the Royal Commission and are exemplars for other

church bodies to examine. They identify core fiduciary, accounting, and governance precepts that agencies in receipt of government funding must adhere to, as emphasised by the minister in his introduction to the guidance provided by his department:

*[W]here the NSW Government provides financial support generated from tax-payer funding then, to facilitate open, transparent, accountable and responsible government, it must also provide clear and unambiguous guidance to the recipients of such financial support.*<sup>238</sup>

Australia is fortunate to have some of the best professional member bodies located here with a focus on good civil governance practice for commercial, government and not-for-profit (NFP) entities. The Australian Institute of Company Directors (AICD), the Governance Institute of Australia, Our Community, and a number of the legal and accounting bodies write educational materials for members and provide a variety of face-to-face and virtual professional development sessions.

## 6.11.3 Lay leadership

**Section 6.5** dealt with collaborative participation of the laity in the governance of the Church. In **section 6.4** the many resources available in the civil arena dealing with good civil governance practice for commercial, government and not-for-profit (NFP) entities are addressed. This issue is again addressed here in the context of leadership.

Senior roles in church education, health and welfare agencies are now generally held by lay people. There is a heavy reliance on government funding with less funding coming from fees, user-pays services and donations. The CEOs or board chairs often sign billion-dollar agreements that bind them to particular accountability and probity requirements and acquittal processes, as well as certain government policies. They are responsible and liable. There is generally a different arrangement in Catholic

education and welfare agencies to health. Education and welfare are more likely to be nested in diocesan structures with direct reporting to a bishop or episcopal vicar.

The leaders of these education, health, aged care and welfare agencies operate under clear standards and strict accreditation requirements. Breaches can result in censures, fines or closure. It is desirable that dioceses look to these bodies for enhanced governance practices that meet public regulatory requirements and community standards. For example, Catholic agencies running aged care services must comply with the recently enhanced Aged Care Quality Standards, which now include a standard dedicated to good governance.<sup>239</sup> Standard 8 of the Aged Care Quality Standards is one of many exemplars that could assist church leaders updating their governance practice.

<sup>237</sup> Education Act 1990 (NSW), s 83C.

<sup>238</sup> 'Not-for-profit Guidelines for Non-Government Schools,' Education NSW, accessed February 13, 2020, <https://www.education.nsw.gov.au/content/dam/main-education/about-us/our-people-and-structure/media/>

documents/Not-for-profit-Guidelines-for-on-Government-Schools.pdf.

<sup>239</sup> 'Quality Standards,' Aged Care Quality and Safety Commission, accessed February 13, 2020, <https://www.agedcarequality.gov.au/providers/standards>.

# 6.11 Structural governance reform of dioceses

## 6.11.4 Public juridic persons

Generally speaking, Catholic health agencies in Australia have distinctive twofold governance arrangements (similar to the German corporate model). Canonically they operate as ministerial public juridic persons (PJPs) and civilly as companies limited by guarantee. Trustees of ministerial PJPs have a particular oversight of the mission and stable patrimony of the enterprise, while the board's governance role is the setting of strategy, appointment of CEO, and oversight of the effective conduct of the operation.

As noted in [section 4.2](#), a juridic person is the Church's canonical equivalent of a corporation set up for one or more specific purposes, and operates through legitimately appointed persons. It represents the Church in the same way that religious institutes did in previous times. This implies trust and confidence in the potential for the laity to assume direct responsibility for such undertakings.

The PJP is proving to be an effective governance model, although a causal link to improved performance is yet to be established.<sup>240</sup> Included in the elements that are considered to make the PJPs that have become more common in Australia in recent decades an effective model of governance for the Church are that:

- they have comparable canonical form to existing PJPs such as congregations, parishes and dioceses;
- they have an expressed fidelity to mission and church teachings;
- trustees are generally practising Catholics or demonstrably sympathetic to Catholic teaching, as well as being highly expert in the professional field of the enterprise being governed (education, aged care, health and so on), or a generalist professional with expertise in areas such as law, finance, IT, regulation and compliance. It is a stretch to expect leaders trained for church ministry to have all this expertise in a single person;

- they are decision-making, not advisory, so the responsibility and liability rest with them;
- as their genesis is recent in Australia, they have had to consciously work through clarifying their purpose, authority, roles and accountabilities generally expressed in constitutions, charters, delegations, policies and governance matrices; and
- they are generally gender inclusive, though many could improve on other aspects of inclusion such as age, ethnicity and geography.

A number of congregations have created PJPs to continue their mission as their numbers decline, and they recognise the increasing complexity of governance and regulatory requirements.<sup>241</sup> The eleven PJPs established to date have formed themselves into the Association of Ministerial PJPs (AMPJP) which works to support members work through definitional, practical and relational elements of this relatively new way of being church.<sup>242</sup>

There is a significant focus on formation in recognition of the benefits of trustees and board members having the opportunity to deepen their own faith journey, widen their knowledge of the ministry and charism of the founders, and remain current in relation to church teaching. The work of the ministerial PJPs as a particular model of church governance in Australia is relatively new, has had a promising beginning, and is worthy of assessment and consideration in other church contexts. However, not all corporate entities are suited to be PJPs, particularly those nested within or aligned to dioceses, so careful consideration is needed when considering the applicability of the model.

<sup>240</sup> M Laverty, 'One board for mission, the other for margin: Exploring two-tiered boards and links to not-for-profit organisational performance' (Ph. D., University of New England, 2017).

<sup>241</sup> A list of the 11 PJPs in Australia is on the Association of Ministerial PJPs website: 'Association of Ministerial PJPs – About Us,' Association of Ministerial PJPs, accessed February 13, 2020, <https://www.ampjps.org.au/about-us/>.

<sup>242</sup> For more detail see: *ibid* and Appendix 4.

# 6.11 Structural governance reform of dioceses

## 6.11.5 Reforming education governance

During the writing of this report the Archdiocese of Melbourne announced it was establishing a not-for-profit education company with the archbishop as its sole shareholder and a board in charge of governance. This follows recent changes to the governance of Catholic education in the Archdiocese of Sydney (Catholic Schools Sydney) and the Diocese of Sale (Diocese of Sale Catholic Education Limited) as well as the combined dioceses in NSW (Catholic Schools NSW). They are all exemplars of moves to formally clarify relations between education authorities and parishes, and between dioceses in NSW where a new civil legal entity has been created. They have formalised employment arrangements, funding agreements, reporting to church and civil authorities, and clarity regarding the locus of responsibility and liability. They are a positive step forward in church governance practice in Australia.

Catholic school bodies in Vic provide a good example of the mosaic of accountabilities required simply to operate:

- to obtain a licence to operate they must be registered by the Victorian Registration and Qualifications Authority;
- teachers must be registered with the Victorian Institute of Teaching;
- schools must adhere to the Alice Springs Education Declaration which sets common and agreed goals for schooling in Australia and must adopt curriculum set or approved by the Victorian Curriculum and Assessment Authority (VCAA) and undertake its assessments;<sup>243</sup>
- students must sit externally determined tests set by the VCAA;

- schools and their education bureaucracies must report annually to Commonwealth and state education bureaucracies (as well as reporting to Church authorities); and
- like other organisations schools must comply with employment law, occupational health and safety requirements, privacy requirements, and a plethora of other regulatory requirements.

This web of standards and accountabilities is in place to ensure students receive a quality education, there is consistency in schools irrespective of location and type, and teachers and settings are of an appropriate standard. However, this case study also illustrates the challenges for any bishop having to maintain an effective oversight of multiple ministries, and hence the benefits of appointing lay people with expertise to conduct them.

Catholic agencies can find themselves with multiple accountabilities – to their bishop (through the diocesan finance council), to Commonwealth and state funding bodies (with specific and often exacting requirements), to congregations or PJs (if this is their auspicing body), to regulatory agencies and accreditation bodies, and to grant-makers (if in receipt of grants).

The exemplars above are worthy of consideration for other church agencies given the demands on bishops to exercise oversight of church agencies, the specific expertise required, and the opportunity cost when their time is directed to administrative oversight rather than pastoral matters. In addition, there are benefits of drawing in more lay women and men to assist on these temporal matters.

<sup>243</sup> 'The Alice Springs (Mpartnwe) Education Declaration,' Australian Government Department of Education, Skills and Employment, accessed

April 26, 2020, <https://docs.education.gov.au/documents/alice-springs-mpartnwe-education-declaration>.

# 6.11 Structural governance reform of dioceses

## 6.11.6 Bishops and parishes

Good governance practice of parishes is addressed in detail in [section 7](#). There is a direct relationship and resulting consequences between the governance decision of a bishop with respect to parishes and the capacity of those parishes to implement good governance structures and practices locally. Bishops have responsibility for the definition of parishes within the diocese, the creation of deaneries and other administrative units, and the appointment of priests, deacons and pastoral associates to those parishes. They must take advice from clerical advisors on these matters, but invariably less so from lay advisors.

Such matters are ones of considerable controversy and of great importance to the lay faithful as well as to the lives and careers of the priests and others involved. In the context of declining church/mass attendance, the amalgamation of parishes is common. There are numerous examples of dioceses in Europe and North America consolidating parishes to simultaneously rationalise shrinking numbers of parishioners and priests, generate income to discharge debt and compensate victims of abuse, as well as include greater involvement of the laity. Examples of dioceses merging include the Archdiocese of Vienna in Austria moving from 660 to 150 larger parishes, the Archdiocese of Luxemburg merging 274 parishes into 33, and the Clogher Diocese in Ireland moving from 37 parishes to 14 pastoral areas. One of the first to move in this direction was the Archdiocese of Berlin, which determined in 2012 to merge 105 parishes into 35 pastoral spaces, sell unused churches and cut 40 per cent of clergy and staff.<sup>244</sup>

In this context of declining priestly vocations in Australia, the ministry of overseas priests is also very common.

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***Co-responsibility and regular discussion of options in pastoral planning to address these issues with the lay faithful, through advisory bodies and lay parish leaders, as well as clerical advisors is essential. Such consultation can be regularised where pastoral councils exist at both diocesan and parish level.***

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In circumstances where priests make contentious decisions in relation to major issues at the parish level, individuals should have proper means to appeal to the responsible bishop to review the decision. Such processes should be transparent and accountable.

Issues of accountability also arise in situations in which decisions by bishops on material matters are open to challenge. At present, much recourse against administrative decrees of church superiors needs to be referred to various congregations of the Roman Curia for resolution. Privacy laws, laws concerning freedom of information and judicial reviews of decisions have been changing rapidly in Australia and around the world. Church administration and decision making has often been relatively secret and slow. People in Australia have shown a greater concern for the protection and upholding of their rights within the Church. The Catholic Church in Australia needs to address these issues as much as they can locally to facilitate more timely resolution.

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<sup>244</sup> See the summary in Jonathan Luxmore, 'One of Germany's oldest dioceses to reduce parishes by 80 per cent', *Catholic Herald*, March 1, 2018, <https://catholicherald.co.uk/one-of-germanys-oldest-dioceses-to-reduce-parishes-by-80-per-cent/>.

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## 6.11.6 Bishops and parishes

To that end, consideration should be given to the establishment of a single administrative tribunal for Australia to deal with challenges on material matters relating to decisions by bishops.<sup>245</sup> In this regard there are two matters that merit examination.

First, changes in culture would be greatly assisted by the establishment of an oversight body with responsibility for investigating complaints and making recommendations for the improvement of systems and processes and the appropriate use of power in the Church, equivalent to a church ombudsman.<sup>246</sup>

Secondly, the Royal Commission recommended (Recommendation 16.15) that the ACBC and CRA, in consultation with the Apostolic See, should consider establishing a national tribunal for Australia for hearing canonical criminal trials including the canonical crime of child sexual abuse.<sup>247</sup> In the response issued on 31 August 2018, the ACBC and CRA noted that a national tribunal for such matters could only be established by the Apostolic See and that they were seeking expert canonical advice and consulting with the Apostolic See on the question. One obvious issue is the availability and training of suitably qualified personnel for such a body.

### Recommendations:

47. That pastoral planning and provision of ministry are to involve as much effective consultation as is possible between the bishop and the relevant parish communities on major issues affecting the pastoral life of the parish.
48. That the ACBC investigate the canonical and civil requirements for an administrative tribunal to provide an effective means by which administrative decisions by priests, church agencies and bishops can be decided in Australia.
49. That appeal processes from the parish to the diocesan level be accountable and transparent.

<sup>245</sup> CIC, c. 149 §2. ('The provision of an ecclesiastical office to a person who lacks the requisite qualities is invalid only if the qualities are expressly required for validity by universal or particular law or by the law of the foundation; otherwise it is valid, but it can be rescinded by a decree of the

competent authority or by a judgement of an administrative tribunal.')

<sup>246</sup> Truth Justice and Healing Council Final Report Volume 1, 45.

<sup>247</sup> See the commentary on the Royal Commission's Recommendation 16.15: Truth Justice and Healing Council Final Report Volume 2, 215-216.



# 6.11 Structural governance reform of dioceses

## 6.11.7 Diocesan pastoral governance

As noted throughout this report, synodality draws on the gifts and charisms of the whole People of God rather than just an elite. To be a truly discerning church and to effectively implement synodality, structures and practice need to be embedded in co-responsibility.

Diocesan pastoral governance can involve synods, assemblies or councils according to the circumstances of each diocese. The 2018 International Theological Commission text on synodality regards the diocesan pastoral council as 'the most appropriate permanent structure for implementing synodality in the local Church'.<sup>248</sup>

Save for diocesan finance councils, where a bishop has not established pastoral councils, there are no direct mechanisms, for lay people in a diocese to participate in holding the bishop's governance responsible.<sup>249</sup> The diocesan pastoral council's function is underdeveloped in the Church in Australia. Despite being the preferred option provided by canon law, it has been rarely exercised. This is an example of an ineffective system based on centralised accountability for bishops, in monitoring and ensuring compliance with efforts by the Apostolic See to promote governance reforms in local churches.

Vatican II encouraged every diocese to establish diocesan and parish pastoral councils, to which lay people were appointed. A bishop may, after consultation with the council of priests, establish a pastoral council for each parish of the diocese. Vatican II, in the decree on the pastoral ministry of bishops, *Christus Dominus*, addresses both diocesan pastoral councils and parish pastoral councils.<sup>250</sup> Models of pastoral governance based on the meaningful existence and operation of pastoral councils drive cultural change with respect to decision-making.

Each diocesan pastoral council should develop and review (on a regular basis) a profile that identifies the needs of its diocese. Geographic region and demographics are key external factors to consider and strategy, leadership and organisational design are key internal factors.<sup>251</sup> This work should already be in existence for the purposes of the preparation of the *ad limina* report (see [section 6.2.1](#)). The profile will assist the diocesan pastoral council with various aspects of governance including the development of a strategic plan. As addressed at [section 6.3.1](#) this profile could

then be used to inform the process of reflection with respect to the appointment of a bishop. A set of key issues that identifies the needs of the diocese would be (but not limited to):

- the viability of the diocese including geographic and demographic facts such as numbers of Catholics, priests, religious, parishes, schools, major Catholic Institutions, and specific apostolic works such as universities and hospitals in the diocese;
- the financial situation of the diocese;
- the current situation of the diocese regarding safe-guarding initiatives and risk management;
- any specific concerns of abuse or other significant risks of harm to particular persons confronting the diocese; and
- identification of leadership and personal characteristics specific to the needs of the diocese.

Publication of the needs of the diocese and the listing of the relevant institutions consulted would make transparent the needs of the diocese during a given period of time.

There is a need to continue the trajectory of Vatican II in the reform of governance of the Catholic Church in Australia. While Vatican II provides for pastoral councils and synods, only a small minority have fully functioning councils.<sup>252</sup> The starting point for the Australian context is the Governance in Australia Survey 2019 that reveals in Section 6, Table 3, that only 10 of 30 dioceses in Australia have such councils. There is a considerable variety in their operation judged by the frequency of their meetings (Table 4). Some councils, meeting once or twice per year, may not be fulfilling a governance role. In light of demonstrated governance failures, the establishment and proper functioning of a diocesan pastoral council should be the rule and not the exception.

The recent history of the culture and practices of governance of the post-Vatican II church tells us that there have been significant steps back from the initial hopes of Vatican II to shape a more participatory way of governing within the Church. Some church leaders regard the history of diocesan pastoral councils to have been one of failure. These views should be examined to see what evidence exists for such a conclusion. This is a global problem,

<sup>248</sup> International Theological Commission, *Synodality in the Life and Mission of the Church*, [81].

<sup>249</sup> See section 6.11.9.

<sup>250</sup> *Christus Dominus*, [27]; see also *Ad Gentes*, [10].

<sup>251</sup> Boris Groysberg, et al., 'The Leader's Guide to Corporate Culture', *Harvard Business Review* (Jan-Feb, 2018).

<sup>252</sup> Governance in Australia Survey 2019 Report, 6.



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not separated from the crisis of our political cultures: the crisis of democracy makes fighting for social justice more difficult, but also for church reform. But in this sense, the Catholic Church can provide an example, and the Catholic Church in Australia can provide a unique and prophetic contribution.

Diocesan pastoral councils in Australian dioceses should also be compared with international experience. The USCCB Committee on the Laity conducted a survey in December 2003 about the establishment of diocesan/eparchial pastoral councils and parish pastoral councils in their area survey of diocesan and eparchial bishops.<sup>253</sup> Of the 195 surveys distributed, 112 were returned, for a response rate of 57 per cent.<sup>254</sup> Of the response, 107 were from Latin rite dioceses and five from eparchies of Eastern rites.<sup>255</sup>

The survey indicated that more than half of the dioceses and eparchies had established diocesan pastoral councils (60 per cent); several others were reported to be actively considering doing so.<sup>256</sup> These diocesan pastoral councils meet anywhere from 1 to 10 times per year. The mean number of annual meetings is four, as indicated by 40 per cent of respondents.<sup>257</sup> Virtually all bishops (99 per cent, or 66 of 67) report that they regularly attend diocesan pastoral council meetings, suggesting that they consider their participation in the process to be vital.<sup>258</sup> Seventy-six per cent of dioceses/eparchies (51 of 67) provide training to help diocesan pastoral council members in their role.<sup>259</sup>

In response to the survey, bishops stated that they found diocesan pastoral councils most helpful in their episcopal leadership in that:

- 100 per cent turn to diocesan pastoral councils as consultative bodies providing representative feedback;
- 69 per cent turn to diocesan pastoral councils for long-range planning and visioning for the diocese/eparchy; and
- 39 per cent turn to diocesan pastoral councils for short-term, task-oriented project implementation.<sup>260</sup>

Diocesan pastoral councils in the Australian context need to be further examined, beginning with their terms of reference, their

operation, the frequency of independent reviews and so on. The outcome of this project would inform diocesan decisions by establishing best practice but also by documenting and analysing examples of failure to meet expectations.

While not mandated in canon law like the finance council, it is recommended that the Catholic Church in Australia make local law that requires each diocese to have a pastoral council. The forthcoming PC2020 offers a timely opportunity for this matter to be addressed. Factors such as size of diocese, remoteness and availability of resources, might constrain the adoption of the traditional pastoral council model. Efforts should be made to avoid bureaucratising these structures. However, creative approaches, such as open meetings in smaller dioceses or virtual participation using technology, could be explored.

The composition of a diocesan pastoral council should be inclusive and representative of the diversity of the lay faithful within the diocese. This means being sensitive to a genuine spirit of engagement. Ideally there should be a strong link between pastoral councils at the parish (see [Section 6](#)) and diocesan levels. As the building block parish pastoral councils should be utilised to build the diocesan pastoral council membership. It is imperative that the membership includes a broad range of skill sets and experiences to enable a diocesan pastoral council to fulfil its mandated role.

One option, depending on the size of the diocese, would be for each parish pastoral council to send its chair or another lay nominee to the diocesan pastoral council. Larger dioceses could engage a proportion of their parish pastoral council chairs as members of the diocesan pastoral council. An equal number of clergy and religious could match the lay representatives, together with an ex officio representation of others on a 50:50 lay and clergy basis. Care would need to be taken to ensure that women are involved in equal numbers to men. The other clergy would include the ordinary, vicar general and non-diocesan clergy and the other lay members would include leaders of Catholic agencies and of lay Catholic organisations, including St Vincent de Paul and lay movements.

<sup>253</sup> United States Catholic Conference of Bishops Committee on the Laity, *Report on Diocesan and Parish Pastoral Councils* (USCCB: March 12, 2004), 1. An electronic copy is accessible at: <http://www.usccb.org/about/laity-marriage-family-life-and-youth/laity/upload/2004-Summary.pdf>.

<sup>254</sup> Ibid.

<sup>255</sup> Ibid.

<sup>256</sup> Ibid.

<sup>257</sup> Ibid.

<sup>258</sup> Ibid, 2.

<sup>259</sup> Ibid.

<sup>260</sup> Ibid.

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Diocesan assemblies are another model. Several dioceses have them in regular use. Some others have been utilised in the lead up to the PC2020. For instance, the Diocese of Sale held its first diocesan assembly for 17 years in 2019 for 300 attendees. Smaller dioceses like Port Pirie and Darwin also hold annual diocesan assemblies.

### Recommendations:

50. That either the Plenary Council 2020-21 or the ACBC legislate to make particular law requiring each diocese have a diocesan pastoral council or close equivalent, established and facilitated with reference to their local context and circumstances.
51. That either the Plenary Council 2020-21 or the ACBC legislate to make particular law that:
  - 51.1 if there is no diocesan pastoral council in existence, the diocesan administrator or apostolic administrator elects a representative group of lay advisors to advise him;
  - 51.2 where a see is vacant the diocesan pastoral council members continue to meet to advise the diocesan administrator on the ongoing pastoral needs of the diocese;
  - 51.3 the members of the diocesan pastoral council participate in the diocesan synod;
  - 51.4 the diocesan pastoral council must be consulted when parishes are erected, suppressed or notably altered;
  - 51.5 the diocesan pastoral council must receive the diocesan annual financial report and be consulted before approval of the diocesan budget and before the diocesan tax on parishes is altered;
  - 51.6 the diocesan pastoral council must be consulted when a new church is being built or a church is being reduced to profane use or to be sold or demolished;
  - 51.7 the diocesan pastoral council must be consulted on matters of importance in the diocese;
  - 51.8 the diocesan pastoral council develop and review (on a regular basis) a profile that identifies the needs of the diocese to support good governance including the development of a strategic plan; and
  - 51.9 the diocesan pastoral council's profile should be used to inform the process of reflection with respect to the appointment of a bishop.
52. That the composition of a diocesan pastoral council be representative of the diversity of lay faithful within the diocese and include a broad range of skill sets and experiences to enable it to fulfil its mandated role.
53. That the ACBC ask the Apostolic See to consider amending Canon 513 for the territory of Australia as follows:

*Canon. 513 §1 The pastoral council is appointed for a determinate period, in accordance with the provisions of the statutes drawn up by the bishop.*

*§2 When the see is vacant, the existing pastoral council continues to function.*
54. That dioceses address through a discernment process the model of diocesan pastoral councils best suited to their needs.
55. That the operations of existing diocesan pastoral councils be reviewed with a view to ensuring best practice.

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## 6.11.8 Diocesan synods

**Appendix 1, Part 2** looks at the canonical function of the diocesan synod which is an assembly of selected priests and other members of Christ's faithful of a particular church which operate, for the good of the whole diocesan community. Neither diocesan synods nor pastoral councils, as addressed in **section 6.9.5** above, have been fully taken up in the Church so their promise has not been achieved. There have been fewer than 10 diocesan synods in Australia in the last 50 years. The Directory on the Pastoral Ministry of Bishops strongly supports the diocesan synod:

*The highest of all diocesan structures of participation in the bishop's pastoral governance is the diocesan synod (495). A synod is both an act of episcopal governance and an event of communion, and thus it expresses the character of hierarchical communion that belongs to the nature of the Church (496).<sup>261</sup>*

Dioceses in Australia could utilise diocesan synods as a key area to develop meaningful collaboration and consultation between the bishop, other senior diocesan leadership and other members of the diocese. This would progress the intent of Pope Francis in 2013 when he exhorted bishops globally 'to encourage and develop the means of participation proposed in the Code of Canon Law, and other forms of pastoral dialogue, out of a desire to listen to everyone.'<sup>262</sup>

The Directory on the Pastoral Ministry of Bishops is also very clear on the nature of a diocesan synod:

*The diocesan synod is a consultative gathering or assembly, convoked and chaired by the bishop, to which priests and other faithful of the particular church are called, in accordance with canonical norms, so as to help the bishop in his task of leading the diocesan community. In and through a synod, the bishop solemnly exercises the office and ministry of shepherding his flock.<sup>263</sup>*

The Diocese of Maitland Newcastle in mid-2019 convoked a diocesan synod with its first celebration held on 23 November 2019, gathering 400 people to:

*examine, reflect on the state, the Church, the faith of Christ among us and to find ways to more faithfully fulfil our calling to be the body of Christ and the witness to his Gospel and his salvation in our community around us.<sup>264</sup>*

The plan is a good exemplar for other dioceses. This diocesan synod will run for several years. There are also many exemplars of diocesan synods in the United States indicating meaningful processes of synodality as true partnership in governance.<sup>265</sup>

As addressed in **Appendix 1, Part 2**, the legislative authority of a diocesan synod rests with the relevant diocesan bishop. When law is passed through a diocesan synod, it becomes law for that relevant diocese only. It is noted that any new local law must be compliant with universal law.

## Recommendations:

56. That within five years following the closing session of the Plenary Council 2020-21 each diocese conduct a diocesan synod and every ten years thereafter.
57. That the membership of each diocesan synod reflect the profile of the relevant diocese.

<sup>261</sup> Directory on the Pastoral Ministry of Bishops, [166].. The references in brackets are to the Code of Canon Law.

<sup>262</sup> Pope Francis, *Evangelii Gaudium*.

<sup>263</sup> Directory on the Pastoral Ministry of Bishops, [167].

<sup>264</sup> 'Diocesan Synod begins with a question,' *CathNews*, November 25, 2019, <https://cathnews.com/cathnews/36715-diocesan-synod-begins-with-a-question>.

<sup>265</sup> See, for example: 'Archdiocesan Synod,' Archdiocese of Saint Paul and Minneapolis, accessed April 26, 2020, <https://www.archspm.org/synod/>;

'Synod on the Family,' The Roman Catholic Diocese of San Diego, accessed April 26 2020, <https://www.sdcatholic.org/office-for/family-life-and-spirituality/synod-on-the-family/>; 'Young Adult Synod,' The Roman Catholic Diocese of San Diego, accessed April 26 2020, <https://www.sdcatholic.org/office-for/young-adult-ministry/young-adult-synod/>; 'Fourth Synod of the Diocese of Bridgeport: Building a bridge to the future,' Diocese of Bridgeport, accessed April 26, 2020, <https://www.2014synod.org/>.

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## 6.11.9 Diocesan financial governance

For a vibrant future, the Church needs to ensure that lay participation in diocesan and parish life is taken as standard *modus operandi*. In an era of global transitions, when established international rules-based orders are being eroded, there is a role for the Church to be explicit regarding human values, and ethical principles. To do this credibly, the Church needs to engage all of the lay faithful with the competence to assist it restore credibility undermined by the handling of sexual abuse cases, and to help it restore trust with its members. This will be aided by inclusive and exemplary governance and administrative practice.

Diocesan financial administration is a deeply embedded aspect of diocesan governance and financial administration. There are many long-serving, lay chief financial administrators within the Church in Australia. They are currently dealing with severe financial pressures. There appear to be three main areas of concern:

- limited integration of financial governance within the broader governance of dioceses and pastoral planning within dioceses;
- inadequate transparency, in particular regarding the failure of dioceses to publish accounts; and
- poor representation of women in decision-making roles that relate to finance including representation on diocesan financial councils.

The National Centre for Pastoral Research reported on governance in the 30 particular churches in Australia.<sup>266</sup> *The Governance in Australia Survey 2019* revealed that each of the 30 dioceses that completed the survey had a diocesan financial council as is required by canon law.<sup>267</sup>

The survey has raised several governance issues and demonstrated that in the 27 dioceses or archdioceses, the military vicariate and three eparchies:

- 8 diocesan bishops or eparchs chaired the diocesan finance council;
- 5 diocesan finance councils stated they did not report to anyone;
- 22 said they reported to the bishop;
- 1 said they reported to the consultors;
- 2 reported to the diocesan trustees;
- 1 reported to the diocesan finance officer; and
- 1 reported to the diocesan pastoral council.

The bishop cannot be the chair of a meeting of a council or group with which he is consulting, otherwise the bishop as chairperson would then be part of giving advice to himself. The diocesan bishop represents his diocese and acts for it in all legal matters.<sup>269</sup> He has full authority in leading the diocese and the diocesan finance council advise him.<sup>270</sup> The preferred model is that a bishop participates *ex-officio* in the diocesan finance council and that the chair of the diocesan finance council be an independent lay person.<sup>271</sup>

The diocesan finance council can and should, where possible, provide a report to the college of consultors. The diocesan finance officer or manager should not be a member of the diocesan finance council, except in an *ex officio* capacity, as much of the work of the council is reviewing material prepared by this officer. Instead, the diocesan finance council should be considering reports from the diocesan finance officer or manager who is accountable to the archbishop, diocesan bishop or eparch. The diocesan bishop must consult the diocesan finance council about the appointment or approval of the diocesan finance officer or manager.<sup>272</sup>

The average frequency of meetings of diocesan finance councils was quarterly or bi-monthly (every two months).<sup>273</sup> Twelve dioceses reported that their council met two to five times a year.

<sup>266</sup> Governance in Australia Survey 2019 Report.

<sup>267</sup> Ibid, 9.

<sup>268</sup> CIC, cc. 1277, 1292.

<sup>269</sup> CIC, cc. 393 ('In all juridical transactions of the diocese, the diocesan Bishop acts in the person of the diocese'), 1276 §1 ('Ordinaries must carefully supervise the administration of all the goods which belong to public juridical persons subject to them, without prejudice to lawful titles which may give the Ordinary greater rights') and 1279.

<sup>270</sup> *Lumen Gentium*, [27]; CIC, cc. 381 §1 ('In the diocese entrusted to his care, the diocesan Bishop has all the ordinary, proper and immediate power

required for the exercise of his pastoral office, except in those matters which the law or a decree of the Supreme Pontiff reserves to the supreme or to some other ecclesiastical authority.') and §2 ('Those who are at the head of the other communities of the faithful mentioned in Can. 368, are equivalent in law to the diocesan Bishop, unless the contrary is clear from the nature of things or from a provision of the law.').

<sup>271</sup> CIC, c. 492 §1.

<sup>272</sup> CIC, c. 494.

<sup>273</sup> Governance in Australia Survey 2019 Report, 9.

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Fourteen dioceses indicated that they met between six to ten times yearly. There were two dioceses that had 11 meetings per year, while one diocese reported that they had a monthly meeting.<sup>27</sup>

A total of 28 dioceses reported that minutes were taken at their finance council meeting. However, the survey also showed that the groups who had access to those minutes once approved by the diocesan financial council were very limited. All 28 dioceses provided the minutes to members of the finance council.<sup>275</sup> In addition, 14 dioceses shared the minutes with other diocesan staff, while none made the minutes available to the general public.<sup>276</sup> It is rare for corporations or not-for-profit organisations to provide the minutes of their finance and risk meetings to other than the board and senior management who then determine those staff who need access to those minutes. The same standard can be applied to diocesan agencies. As there are likely to be matters of confidentiality within the minutes, their redacted distribution to relevant agencies within the diocese is essential for effective administration. Further, there will be a need to provide financial reports to the diocesan pastoral council on particular matters from time to time.

While the Church in Australia has made great strides in the appointment of women to senior roles in church agencies, there is a lack of women in decision-making roles that relate to finance, including representation on diocesan financial councils.<sup>277</sup> Of the 30 dioceses, only one chair of a diocesan finance council was female, while the remaining 29 were male.<sup>278</sup> Of a total of 235 members, a little over three-quarter were males (77%), while the rest were female. There were 180 men and 55 women in the 30 finance councils.<sup>279</sup> Nearly 30 per cent had some religious status (69) while the remaining 166 members were lay persons.<sup>280</sup> There were another nine external lay consultants reported who were not members of councils, bringing the total numbers of lay persons involved in diocesan finance councils to 175 or 75 per cent.<sup>281</sup> This is a positive expression of co-responsibility.

A further question asked the respondents to indicate the religious status of their chair. Eight dioceses reported that their chairperson was a bishop and three dioceses had a priest as their chair.<sup>282</sup>

A majority however (63%) reported that the chair of their finance council was a lay person.<sup>283</sup>

Transparent and accountable financial stewardship is at the heart of good governance. It occurs at the crucial intersection of church finances and church mission. It is also close to the heart of the continued support of the Catholic community for the good works of the Church and ultimately for confidence in the leadership of the Church.

It is vital that church entities at the parish, diocesan and national levels report comprehensively and transparently concerning church finances. Such communications need to be clear, understandable, and available in multiple easy-to-read formats (parish bulletins, websites, annual reports, etc). Failure to report openly results in a failure to keep the Catholic community informed.

As a faithful steward of the resources of the People of God, church leaders – ordained and lay – are called to meet basic financial reporting requirements of both civic authorities and canon law and indeed to render a full accounting to the Catholic community, whose members provide their financial support. Without appropriate financial governance, the finances of the Church will not be put to best effect. Furthermore, at a time of financial vulnerability for the Catholic Church in Australia the continued support of the People of God, who make a life-time practice through personal financial sacrifice, of financial support of their parish and diocese, is best ensured if their trust is maintained by accountability and transparency.

As addressed above in [section 6.5.6](#), under canon law, the primary purpose of both diocese and parish finance councils is to facilitate the administration of funding and church resources. Without financial consideration in pastoral planning for the diocese or parish, finance councils limit their administrative effectiveness, their fiduciary oversight and collaborative governance capacity. Conversely those dioceses and parishes which cross-fertilise fiduciary and pastoral considerations, optimise their planning capacity.

<sup>274</sup> Ibid.

<sup>275</sup> Governance in Australia Survey 2019 Report, 10.

<sup>276</sup> Ibid.

<sup>277</sup> See, for example, the statement by the Archbishop of Canberra and Goulburn made for International Women's Day 2020: 'Bishops acknowledge inspirational work of Catholic women,' Catholic Voice, March 6, 2019, <https://www.catholicvoice.org.au/bishops-acknowledge-inspirational-work-of-catholic-women/>.

<sup>278</sup> Governance in Australia Survey 2019 Report, 10.

<sup>279</sup> Ibid.

<sup>280</sup> Ibid.

<sup>281</sup> Ibid.

<sup>282</sup> Governance in Australia Survey 2019 Report, 11.

<sup>283</sup> Ibid.

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## 6.11.9 Diocesan financial governance

### Recommendations:

58. That the bishop participates ex-officio in the diocesan finance council and the chair of the diocesan finance council be an independent lay person.
59. That a programme of induction and ongoing formation on the roles, responsibilities and purposes of diocesan and parish councils and boards be provided for new and ongoing members.
60. That each diocese provide publicly full annual financial reporting including an income statement, a summary statement of financial activities including investment strategy and a summary of financial position.

## 6.11.10 Public accountability and transparency

A central and oft-repeated feature of this report is the proposition that accountability is a critical element of good governance and accountability demands openness and transparency. In **Section 5.3.3 and 5.4.3** the point was made that good civil governance principles and good governance practice include notions of accountability and transparency. The articulation in **Section 5.4.3** of the historical development of the fiduciary concept indicates why its underlying rationale should be no stranger to church agencies. There have been developments that indicate a willingness by some dioceses and church agencies to implement practices that are in line with modern civil tenets. For example, by:

- developing strategic and pastoral plans for the diocese and publishing them online;
- publishing diocesan annual reports and financial accounts;
- documenting and making publicly available the remit of diocesan offices, terms of reference for diocesan councils and committees, as well as diocesan policies and procedures; and
- providing assurance that all relevant documents will not be destroyed and will be kept in archive.<sup>284</sup>

Such transparent practices are longstanding and common within the Catholic education and social services branches of diocesan governance. These developments are acknowledged and must be encouraged at all levels of church administration. Diocesan agencies, as well as diocese themselves and other church agencies, should aim for the installation and implementation of best practice in civic accountability.

The objective should be the creation of a culture of compliance that regards adherence to standards of good governance as 'second nature'. In other words, both the organisation and the individuals within it must develop an internal disposition to act in accord with principles of accountability and to be open in pursuit of that goal. To that end it is important for individuals to understand what underpins or underlies the legal, regulatory and other governance requirements that they have to apply. As these things are not necessarily innate. Education and professional development opportunities must be provided so individuals acquire this cultural attachment. In this way, best practice can be embedded in the organisation so that those who are its guiding hand can better develop a culture of compliance that favours substance over form.

<sup>284</sup> See, for example, the information about the Diocese provided at: Diocese of Parramatta 2020, *Diocese of Parramatta*, Parramatta, accessed April 26, 2020, <https://www.parracatholic.org/>.



# 6.11 Structural governance reform of dioceses

## 6.11.10 Public accountability and transparency

### Recommendations:

61. That as a statement of general principle, diocesan agencies and advisory bodies should maintain the highest standards of accountability through open procedures and regular and transparent public reporting
62. That fiduciary concepts and governance principles be included in professional development programmes for diocesan agencies and advisory bodies.

## 6.11.11 Church media and communications

Communication characterised by freedom of expression which respects truth and the dignity of each person is consistent with the Christian vision. The exchange of views and lay commentary on matters related to the Church and its leadership should be encouraged, unless this exchange becomes detrimental to a real sense of communion, trust, and solidarity in the Church. Protocols similar to those adopted on social media platforms could be used to ensure a balance between stifling legitimate criticism, and ensuring such platforms are not used to compromise privacy or propagate vilification. Good governance practice flourishes best in a climate of free and open dialogue within the Church. A critical Catholic media is central to such open discussion. The once-flourishing diocesan Catholic media is in decline, with only two Catholic weeklies, the Catholic Weekly and the Catholic Leader, still operating. A similar decline has also been seen in secular print media. Alternatives, including on-line options and the use of social media, have been widely introduced and were put to good use during the global pandemic.

Gaps in communication, or miscommunication can be hazardous. Most dioceses and many parishes now communicate online and via traditional and social media. It is not the availability of communication, but the scope and style of some that would benefit from analysis. Too often the message seems to be in an echo chamber accessible to insiders, and baffling to others. In addition basic information can be difficult to locate. For example, there is not a comprehensive list of the legal status of dioceses, parishes or church agencies in Australia. A search of the ACNC website provides insights into the legal structures and different civil reporting approaches of individual dioceses and the agencies administered by dioceses and archdioceses. However, it would be useful for the ACBC to produce a consolidated list for those working toward nationally consistent approaches to professional standards.

### Recommendation:

63. That Catholic media be maintained to enable clear communication in multi-media modes which encourage the exchange of diverse views conducive to dialogue and discernment amongst all the People of God.
64. That the ACBC produce a consolidated list of dioceses and their legal structure in Australia as a foundation for consistent approaches to professional standards and as an accurate reference for those liaising with agencies such as the National Redress Scheme.



# 6.11 Structural governance reform of dioceses

## 6.11.12 Limitations and costs

The undoubted benefits of governance reform must be balanced against its demands and costs, especially at a time of widespread lay alienation and financial pressures.

Effective wider participation in governance puts extra demands on the laity, in particular, but also on all the People of God. To be worth the effort co-responsibility must be real and not a chimera, and lay advice must be taken seriously. Those who have been alienated must be encouraged by obvious results to make that effort.

For consultation to be effective, advisory bodies such as diocesan pastoral councils should meet regularly and in a business-like fashion, be staffed effectively and have their costs met by the diocese. These costs will include that the travel and accommodation costs of participants be remunerated to ensure certain groups are not inadvertently excluded.

### Recommendation:

65. That governance reform be accompanied by suitable education programmes within dioceses. Advisory bodies, such as pastoral councils, be fully costed and financially supported..

# 6.12 Managing relationships

Reference has been made in this report to the many church authorities, agencies and other entities involved in non-sacramental ministries of the Church but whose existence is autonomous and independent from dioceses and parishes, even though they operate physically in the territory of the latter in [section 4.5 and Appendix 1, Part 4 and Appendix 2, Part 3](#). The general public, including some of the People of God, is not well aware of the legal and canonical structures of the Church (which recognises the independence of these entities) and there is a tendency to take a view of 'Church' that sees anything under 'the Catholic banner' as being part of the one organisation subject to the authority of the bishop. While this is an unrefined view, it can colour public perception in times of problems and raise expectations about who can (or should) intervene, and in what way, to address any perceived difficulty.

Independence is not just a matter of the legal status of bodies. In a church context it is often difficult, sometimes impossible, to ensure that bodies are structurally autonomous but it is desirable that they be functionally independent. Efficiency, utility and

the encouragement of a wide range of ideas and approaches are just some of the reasons why independence ought to be respected. But it is important that relationships are managed so that independence is preserved and that co-responsibility is seen as involving a mutuality of obligations and a preparedness to work together to pursue common goals. Put another way, Church authorities are both independent and inter-dependent.

In its final report, the TJHC commented on the 'one voice' approach that was a key objective of the Church's interaction with the Royal Commission and on the manner of its implementation by the Supervisory Group (a body consisting of representatives of the ACBC and CRA with an observer from the Ministerial PJPs) and said:

*While the Council Supervisory Group relationship worked well, particularly in relation to the reform agenda, in practice it was sometimes less than effective particularly in its capacity to require all Church authorities to implement reforms and recommendations.*

## 6.12 Managing relationships

*This was in no way the fault of the Supervisory Group rather a direct consequence of the flat structure of the Church in Australia and the fact most church entities are autonomous or only answerable to the Apostolic See.*

*In the event that a Church authority, a diocese or a congregation, decided not to act on an approved Council recommendation there was and continues to be, very little the broader Church can do to force the issue.*

*This is the nature of the Church in Australia. However, it reinforced the public perception that despite the rhetoric, very little was changing. This was reinforced by media coverage around these issues which largely focused on those Church authorities which were not following the reforms rather than reporting where diocese and congregations were making changes and adopting the Council's position.<sup>285</sup>*

This remains a governance and management issue because it involves risk management. It reinforces the need for all relevant bodies to work together for the common good. It is a stark reminder that the complex and interwoven nature of the Church's structures of governance makes urgent the need for good practices of governance and one of them is the development and maintenance of relationships.

In considering the mission of the Church in any given see, governance (and leadership) by the local bishop is central and essential, has been developed in detail in other sections of this report. On the face of it, the proposition appears self-evident. The reality is more difficult. In particular, the supervisory authority or responsibility of the bishop in relation to associations of Christ's faithful and religious institutes (as to which see [Appendix 1, Part 4](#)) raises practical issues.

The position of religious institutes and other bodies of consecrated life has been outlined elsewhere.<sup>286</sup> However, it is necessary to develop some of those thoughts in more detail in the particular context of risk management. As a generic term religious institutes have long been key providers in the delivery of mission. The diocesan bishop co-ordinates and directs pastoral care within a diocese.<sup>287</sup> Religious institutes must have the approval of the diocesan bishop to establish themselves within a diocese.<sup>288</sup> Individual clerics coming into a diocese receive faculties to function from the diocesan bishop. These bodies

operate in a diocese on the authority of the bishop.<sup>289</sup> In some cases once that permission is granted, the diocese is confronted with circumstances rarely foreseen in the process of negotiating the presence of the religious institute.

This arises from the separate ecclesiastical identity (that is, separate and distinct from the body corporate of the diocese or religious institutes), which are public juridic persons in some form with their own rights and responsibilities. Some institutes have, in the past, failed to manage risk effectively (as highlighted in case studies in the Royal Commission) but the responsibility to govern their own affairs (religious and civil) remains.

These services have also been (and continue to be) provided by diocesan agencies including the Catholic Education Office, Catholic Social Services and the Catholic Development Fund. These agencies are subject to state oversight, regulation and reporting obligations. Accordingly, the Church is one of Australia's largest employers. Its governance is therefore a matter of great public concern.

As mentioned earlier, in recent years, religious institutes have been instrumental in establishing 11 ministerial public juridic persons which conduct hospitals, schools, community programmes and retirement home facilities. Each has a recognised civil law existence (often as a company limited by guarantee) and is required to comply with the regulatory and governance requirements of corporations law. They also have a canonical identity. Seven of these ministerial public juridic persons have been established by authority of the Apostolic See and report to the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life. Four ministerial public juridic persons are of diocesan right, two by an individual bishop and two by a province of bishops. The ministerial public juridic persons have formed an Association of Ministerial Public Juridic Persons (AMPJP) to facilitate their apostolates. [Appendix 4](#) provides a table setting out each of the PJPs inclusive of instigating congregation, civil structure and ministries as at 1 July 2019.

Associations of the faithful composed of lay faithful also provide welfare and health services.<sup>290</sup> Church authorities must approve them acting in a particular area of the apostolate. Approval may come from a diocesan bishop for a diocesan association, a bishops' conference for a national association and the Apostolic See approves international associations.

<sup>285</sup> Truth Justice and Healing Council Final Report Volume 1, 31.

<sup>286</sup> Section 4.6, Appendix 1 Part 3, Appendix 2 Part 3.

<sup>287</sup> CIC, cc. 394, 392, 216 and 391.

<sup>288</sup> CIC, cc. 253, 678-679 and 682.

<sup>289</sup> CIC, cc. 970 ('The faculty to hear confessions is not to be given except to priests whose suitability has been established, either by examination or by some other means.')

<sup>290</sup> See section 4.6 and Appendix 1, Part 3.

## 6.12 Managing relationships

This demonstrates the complex and interwoven range of entities through which the mission of the Church in health, education and social services is carried out. There is potential for developing unrealistic expectations in terms of the governance of both dioceses and religious institutes if the ecclesiology, canon law and civil law as it pertains to both are not addressed directly. Failures of governance in one may well impact on the other, certainly in terms of reputation and sometimes in financial terms. These problems are highlighted when the organisations concerned receive public monies, as is the case in the provision of health, education and social services.

Some steps have already been taken to monitor and coordinate these activities, both to increase efficiency and to minimise risk.

As set out above in section 5.6.3 CPSL was formed in response to the findings of the Royal Commission. CPSL was established by the ACBC and CRA. It operates in a functionally independent way. There are no bishops, priests or religious brothers or sisters on the CPSL Board. CPSL board directors are lay people with professional expertise in the fields of law, education, human services, safeguarding and regulation.

The NCEC was established by the ACBC to maintain effective liaison with the Commonwealth Government and other key national education bodies. The NCEC complements and supports at the national level the work of the state and territory Catholic education commissions.

Catholic Social Services Australia (CSSA) is Australia's national network of community based Catholic organisations providing social services to and advocacy for people most in need and Catholic Health Australia (CHA) provides a similar role for hospitals, aged care providers and like health entities.

However, problems remain. Nowhere is this more evident than in an emerging crisis relating to safeguarding of children and vulnerable persons in relation to the lay movements, which are not under the direct control of diocesan bishops. In some

instances, a bishop may have no, or limited knowledge, of the existence or work of a body operating in his diocese under a 'Catholic banner'. However, no organisation can claim to be Catholic without the consent of the diocesan bishop, the ACBC or the Apostolic See.<sup>291</sup>

A recent example of a safeguarding crisis in a lay movement relates to L'Arche. The results of investigations into spiritual and sexual abuse by Jean Vanier (February 2020) are the most striking and shocking case in this new historical phase of the ecclesial crisis. The case of Jean Vanier brings new ecclesial communities and movements into the spotlight. It is not only about the L'Arche community, which in fact adds to the revelations of last year (June 2019) of cases of improper sexual conduct in the ecumenical community of Taizè. In recent years, some authoritative voices had already raised the delicate question of the relationship between particular cultures and spiritual environments with charismatic guidance on the one hand and the proclivity of these environments to tolerate if not encourage spiritual abuse that can lead to sexual violence.<sup>292</sup>

In an important lecture held at the University of Vienna on 11 November 2019, Cardinal Christoph Schönborn mentioned the phenomenon of sexual abuse and violence in new movements such as 'closed institutions' and the role of the founders and charismatic leaders in these communities.<sup>293</sup> This new phase in the crisis happens in a moment of particular vulnerability of ecclesial movements, which in many cases coincides with the passage of the baton from the phase of the foundation and life of the founder to the phase of the second generation of leaders of the movements. This is an important element in the whole picture of the abuse crisis: any reform of the governance of the Church at the local and national level will have to consider the possibility of a coming crisis from further revelations coming from the Catholic lay movements and communities.

In the light of the discussion in this section, these recommendations are made.

<sup>291</sup> CIC, c. 300.

<sup>292</sup> Hans Zollner SJ, 'The Spiritual Wounds of Sexual Abuse', *Civiltà Cattolica*, January 19, 2018, <https://www.laciviltacattolica.com/spiritual-wounds-sexual-abuse/>.

<sup>293</sup> See Christa Pongratz-Lippitt, 'Schonborn spells out the shocking reality of clerical sex abuse', *The Tablet*, November 29, 2019, <https://www.thetablet.co.uk/news/12246/sch-nborn-spells-out-shocking-reality-of-clerical-sex-abuse>.

## 6.12 Managing relationships

### Recommendations:

66. That the ACBC, CRA and AMPJP jointly commission a study to investigate means by which:
  - 66.1 their activities and responsibilities can be coordinated in the interests of efficiency, economy and the pursuit of principles of good governance, especially in the area of risk management; and
  - 66.2 while recognising the separate identities and independence of each, seeks to build on the 'one voice' approach utilised during the Royal Commission through the coordinating role of the TJHC.
67. That each diocese conduct an audit to identify all associations of Christ's faithful, be they public or private associations, operating in the diocese and take reasonable steps to ascertain whether those associations have adopted or are in the process of adopting the National Catholic Safeguarding Standards developed by CPSL.



**GOOD GOVERNANCE PRACTICES  
AND CULTURE OF PARISHES**

# 7.1 Overview

Many of the themes that have been addressed in **sections 5 and 6** of this report relate equally to the diocese and to the parish. Good governance principles apply to both. However, there are also specific missionary thrusts that are unique to parishes and this

section explores some of those areas. It will look at the biblical and theological foundations for parish life and co-responsibility and it will explore some of the dimensions of good governance as they relate to mission, ministry, strategy and finance.

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## 7.1.1 Articulating a vision for parish life

Given the changed cultural context in which parishes find themselves today, in particular the context of growing cultural pluralisation, and given the call of Pope Francis to become a more synodal church, it is important for each parish community to articulate a vision for parish life in its own context. Parishes today must develop a clear sense of the nature and purpose of their particular communities and how they will develop and live out that vision.

The parish continues to be the dominant way the Catholic community structures itself locally. This section explores some of the key biblical foundations in the Church and Christian community and some key theological foundations for good governance, particularly drawing on the Vatican II constitutions on *Revelation (Dei Verbum)* and *The Church (Lumen Gentium)*. It is clear that both biblical and theological reflection provide a strong basis for reviewing and strengthening governance in parishes. The theological notion of synodality is specifically discussed, expanding on **section 6.5** above but from a parish perspective.

This section also looks at some of the canonical frameworks for parish life. In particular, it takes up the emphasis on the parish as a community of the faithful. It looks at the major challenge of parish structures within a diocese together with the challenge of the formation of priests and lay ministers for parish ministry. It considers the role of the faithful on the occasion of their parish becoming vacant and a final section looks at some examples of good pastoral practice and governance whilst making recommendations throughout.

The issues relating to the role of the priest in parish governance mirrors, to an extent, those addressed in relation to bishops' leadership and accountability outlined in **section 4.3**. The personalisation of authority of a parish priest has often previously led to parish governance structures and practice that have lacked inclusion of and consultation with parish communities. On the other hand, some priests have instituted positive reforms in governance such as the publication of financial accounts and parish policies with respect to issues such as standards of behaviour and parish pastoral councils.

## 7.2 Biblical foundations

The case for good governance in parish communities has a strong foundation in the biblical tradition, starting with the Book of Genesis and moving through authors of the *New Testament* and beyond.

### 7.2.1 A biblical foundation for stewardship and parishes

In **section 3.1.1.5**, comment was made about the biblical foundations of the concept of stewardship, in particular the ideas of 'dominion' or 'mastery' and the shift in understanding of dominion of the human person (in an almost unbridled anthropocentrism) to a deeper respect and care for all creatures and the created world. This is a strong message from the 2015 encyclical of Pope Francis, *Laudato Si*. **Section 6.1.1.5** continued the analysis of the biblical foundation by reference to the *Acts of the Apostles and other New Testament* and later writings.

While this section is not about the created environment it is suggested here that the notion of stewardship of the creation, as developed over time, can also be applied analogously to the stewardship or governance of the parish environment. Similarly, with due respect to the roles and responsibilities of those entrusted with the formal care of the parish, a mutual respect and acknowledgement of the God-given gifts and baptismal dignity bestowed upon all the faithful could and should lead to a richer oversight and preservation of the parish community and its fruitfulness in coming generations.

### 7.2.2 Acts of the Apostles and early Christian communities

While Genesis has given us the biblical foundations for the notion of stewardship, the Acts of the Apostles has given us key foundations that mark the life of the Christian community. The following passage from Acts chapter 2, verses 42-47 gives us four of the authentic characteristics of Christian community life.

*They devoted themselves to the apostles' teaching and to fellowship, to the breaking of bread and to prayer. Everyone was filled with awe at the many wonders and signs performed by the apostles. All the believers were together and had everything in common. They sold property and possessions to give to anyone who had need. Every day they continued to meet together in the temple courts. They broke bread in their homes and ate together with glad and sincere hearts, praising God and enjoying the favour of all the people. And the Lord added to their number daily those who were being saved. (Acts 2:42-47)*

Each community of believers over the centuries, in one way or another, has built itself around these foundations: *Communion (Koinonia), Service (Diakonia), Liturgy (Liturgia), and Proclamation (Kerygma)*. These dimensions of Christian

community life have been lived out and shaped Christian communities in different ways from the early baptismal churches, to the flourishing monastic communities in the west, to the spread of parishes across the globe, and in the last century more and more in large urban cities. In recent years, the Church has seen the development of new ecclesial movements which strive to live out these dimensions of Christian community in a new way.<sup>294</sup>

Many diocesan and parish communities today continue to structure their mission and evangelising activities around these foundations. There are various iterations of these dimensions often referred to as *worship or liturgy, outreach or service, community or participation, proclamation, evangelisation or teaching and learning, including dialogue*. In addition, parish communities also include the dimension of *teaching (didache) and witness (martyrium)*. These dimensions or characteristics of the Christian community, finding their roots in the early Church communities of the *New Testament*, continue to form a basis from which parishes, and other forms of Christian community of today, build their futures while being rooted in the tradition. They offer benchmarks and theological criteria for parish vision and mission today.

<sup>294</sup> The discussion about new ecclesial movements in this section relates to their virtues as vehicles within which to live a Christian life. Problems within their governance is a separate issue: see section 6.12.



## 7.2 Biblical foundations

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### 7.2.3 St Paul and the Analogy of the Body

It is impossible to think about biblical foundations for good governance without reference to St Paul's letter to the Corinthians. In 1 Corinthians 12:12-27, Paul gives us the image of the many parts of the body each with its own function as an analogy for the many parts of the body of Christ, each with its own particular function united in the Spirit. Each part has a role to play in the animation of the body and in witnessing to

Christ. In summary, the Church is a *body, a corpus*, first and foremost *corporeal*. Here in St Paul is the basis for a theology of 'corporation'. This image can continue to stimulate further reflection in relation to the good governance of parish life (and indeed the whole Church) in an era of enhanced scrutiny of governance in the Church.

### 7.2.4 St Matthew and the Petrine Promise

Too often, the image of the body and its many parts has been overshadowed by the image of the Petrine promise in Matthew 16:18-19. Here, the responsibility received by Peter to be the rock on which the Church is built, receiving the keys of the kingdom of heaven, binding and loosening on earth and in heaven, has weighed so heavily (and sometimes literally) on bishops and

priests that they have neglected the legitimate and crucial contributions of the rest of the body. Good governance must be built not only on the legitimate authority (not power) of the priest or bishop in his diocese or parish but on the mutual respect for the rightful contribution of all members of the body of Christ, animated by the Spirit.

### 7.2.5 The Body formed by the Eucharist

The third eucharistic prayer of the Roman Missal includes the lines: 'grant that we, who are nourished by the Body and Blood of your Son and filled with his Holy Spirit, may become one body, one spirit in Christ'. The notion of the Church becoming, at the eucharistic table, the body of Christ is a powerful image. It is further impetus for the care, good governance and contribution of all the faithful to the health and strengthening of the very body of which they are apart. St Augustine explains it as follows:

*So now, if you want to understand the body of Christ, listen to the Apostle Paul speaking to the faithful: 'You are the body of Christ, member for member'. [1 Cor. 12.27] If you, therefore, are Christ's*

*body and members, it is your own mystery that is placed on the Lord's table! It is your own mystery that you are receiving! You are saying 'Amen' to what you are: your response is a personal signature, affirming your faith. When you hear 'The body of Christ', you reply 'Amen'. Be a member of Christ's body, then, so that your 'Amen' may ring true! (St Augustine Sermon 272).*

Augustine draws heavily on St Paul's image of the body in his teaching on the eucharist. Being a member of this body brings with it dignity, honour and responsibility of all the faithful.

## 7.3 Theological foundations

As addressed in [section 6.1.4](#), the Church believes that human beings are made in the image and likeness of God and accordingly, that human beings, particularly those who profess to be members of the Church, the body of Christ, are also called to relate to one another, including within the Church, in a way that is personal, dynamic, dialogical, communal and by way of friendship. It is this kind of experience that people often describe as their positive and desired form of participation in parish life. When this personal, communal and dialogical experience is replaced by monological, authoritarian approaches in parish life, the Church is not only betraying its own identity but alienating and harming the faithful.

The document on divine revelation makes clear that the Church constantly appropriates more fully the mystery of God's once-for-all revelation in Jesus Christ. *Dei verbum* states it clearly:

*This tradition which comes from the apostles develops in the Church with the help of the Holy Spirit. For there is a growth in the understanding of the realities and the words which have been handed down. This happens through the contemplation and study made by believers, who treasure these things in their hearts (see Luke, 2:19, 51) through a penetrating understanding of the spiritual realities which they experience, and through the preaching of those who have received through episcopal succession the sure gift of truth. For as the centuries succeed one another, the Church constantly moves forward toward the fullness of divine truth until the words of God reach their complete fulfilment in her.*<sup>295</sup>

Good governance of the Church, therefore, includes communal discernment in order for growth to occur in the understanding of realities and words that have been handed down. Each member of the body of Christ will have legitimate insights into the understanding of the self-revelation of God in the midst of the People of God. A church, a diocese, or indeed a parish that ignores the voice of the faithful in the discernment process does so at the expense of the very movement of God in their midst. What is being described here is the process by which the Church comes to understand the *sensus fidelium*, described in the *Catechism of the Catholic Church*, drawing from Vatican II's *Lumen Gentium*, as follows:

- *All the faithful share in understanding and handing on revealed truth. They have received the anointing of the Holy Spirit, who instructs them and guides them into all truth.*<sup>296</sup>

- *The whole body of the faithful... cannot err in matters of belief. This characteristic is shown in the supernatural appreciation of faith (*sensus fidei*) on the part of the whole people, when, from the bishops to the last of the faithful, they manifest a universal consent in matters of faith and morals.*<sup>297</sup>
- *By this appreciation of the faith, aroused and sustained by the spirit of truth, the People of God, guided by the sacred teaching authority (*Magisterium*),... receives... the faith, once for all delivered to the saints... The People unfaithfully adheres to this faith, penetrates it more deeply with right judgment, and applies it more fully in daily life.*<sup>298</sup>

This notion of the *sensus fidelium* flows directly from the understanding of the nature of the Church as spelled out at Vatican II, where the Church is described as the Pilgrim People of God and the Body of Christ, as Section 3 discussed. It aligns also with the Council's teaching in *Gaudium et Spes*, where the Church is seen to relate to the world by way of dialogue and sharing in the joys and hopes, griefs and anxieties of the people of our time while reading the signs of the times in the light of the Gospel.

In recent years, Pope Francis has taken these concepts further in developing what is becoming a substantial teaching on and call to a Church that is based on synodality, a theme that runs through this report (see, in particular, [sections 3.3, 5.2.3 and 6.5.2](#)). Synodality applies as much at parish level as it does in any other part of the Church and for that reason it is worthwhile reprising some of its central features.

This can be traced back to Pope Francis' speech commemorating the 50th anniversary of the institution of the Synod of Bishops, on 17 October 2015. Here Pope Francis states clearly:

*Synodality, as a constitutive element of the Church, offers us the most appropriate interpretive framework for understanding the hierarchical ministry itself. If we understand, as Saint John Chrysostom says, that 'Church and Synod are synonymous'; (19) inasmuch as the Church is nothing other than the 'journeying together' of God's flock along the paths of history towards the encounter with Christ the Lord, then we understand too that, within the Church, no one can be 'raised up' higher than others. On the contrary, in the Church, it is necessary that each person 'lower' himself or herself, so as to serve our brothers and sisters along the way.*<sup>299</sup>

<sup>295</sup> *Dei Verbum*, [8].

<sup>296</sup> *Catechism of the Catholic Church*, 91.

<sup>297</sup> *Ibid*, 92.

<sup>298</sup> *Ibid*, 93.

<sup>299</sup> Pope Francis, *Address of His Holiness Pope Francis: Ceremony Commemorating the 50th Anniversary of the Institution of the Synod of Bishops*.

## 7.3 Theological foundations

In a synodal church, the Synod of Bishops is only the most evident manifestation of a dynamism of communion which inspires all ecclesial decisions.

*The first level of the exercise of synodality is had in the particular Churches. After mentioning the noble institution of the Diocesan Synod, in which priests and laity are called to cooperate with the bishop for the good of the whole ecclesial community,(22) the Code of Canon Law devotes ample space to what are usually called 'organs of communion' in the local Church: the presbyteral council, the college of consultors, chapters of canons and the pastoral council.(23) Only to the extent that these organisations keep connected to the 'base' and start from people and their daily problems, can a synodal church begin to take shape: these means, even when they prove wearisome, must be valued as an opportunity for listening and sharing.<sup>300</sup>*

In 2018 the International Theological Commission reflected on synodality and produced the document *Synodality in the Life and Mission of the Church*. As outlined in this document, synodality has its roots in the early life of the Church:

*Cyprian of Carthage, who was the heir and interpreter of this tradition in the middle of the third century, formulates the episcopal and synodal principle that must rule its life and mission locally and at a universal level: while nothing should be done in the local Church without the bishop – nihil sine episcopo – it is equally true that nothing should be done without your council (the presbyters and deacons) – nihil sine consilio vestro – or without the consensus of the people – et sine consensu plebis – always holding firm to the rule according to which episcopatus unus est cuius a singulis in solidum pars tenetur (the episcopate is one, of which each member has an undivided share in it).<sup>301</sup>*

The parish is the place where the People of God first learn to live as disciples of the Lord and experience and witness to discipleship being lived out in variety of ways, vocations, charisms, and ministries:

*In the parish there are two structures which have a synodal character: the parish pastoral council and the financial council, with lay participation in consultation and pastoral planning. In this sense it seems necessary to review the canonical norm which at present only suggests that there should be a parish pastoral council and to make it obligatory, as the last Synod of the Diocese of Rome did. Bringing about an effective synodal dynamic in a local church also requires that the diocesan pastoral council and parish pastoral councils should work in a co-ordinated way and be appropriately upgraded.<sup>302</sup>*

These theological foundations make it clear that there is a role for all the faithful in the good governance of the Church at the local and parish level. The more recent emphasis on the synodal nature of the Church builds on the teaching of Vatican II that God makes himself known to all the faithful and that all share in understanding and handing on the revealed truth. These theological underpinnings now call for greater structures in the local Church for these responsibilities to be carried out. Recent research into the way in which parish communities understand themselves and the various models out of which parish communities operate can help in this process.<sup>303</sup>

<sup>300</sup> Pope Francis, *Address of His Holiness Pope Francis: Ceremony Commemorating the 50th Anniversary of the Institution of the Synod of Bishops*.

<sup>301</sup> International Theological Commission, *Synodality in the Life*

*and Mission of the Church*, [25].

<sup>302</sup> *Ibid*, [84].

<sup>303</sup> Brendan Reed, *Engaging with the Hopes of Parishes* (Hamburg, Germany: Lit Verlag, 2018).

## 7.4 Parishes: capable of renewal and adaptation

There is much written about the parish and canon law.<sup>304</sup> In this **section 7.4**, four areas will be discussed.<sup>305</sup> The first deals with the parish as a community of Christian faithful, the second deals with the pastoral care of the parish to a pastor, or a group of pastors or another person who is not a priest,<sup>306</sup> the third is the preparation of those who will be pastors<sup>307</sup> and the fourth is the area of the appointment of a pastor to a particular parish.<sup>308</sup>

A parish is defined in canon law as follows:

*Can. 515 §1. A parish is a certain community of Christ's faithful stably established within a particular Church, whose pastoral care, under the authority of the diocesan Bishop, is entrusted to a parish priest as its proper pastor.*

A parish is a dynamic, living organ that exists to serve the faithful and, as such and in fidelity to universal norms, it ought to reflect the needs of the particular peoples who affiliate with it. As Pope Francis said in an apostolic exhortation:

*The parish is not an outdated institution; precisely because it possesses great flexibility, it can assume quite different contours depending on the openness and missionary creativity of the pastor and the community. While certainly not the only institution which evangelises, if the parish proves capable of self-renewal and constant adaptivity, it continues to be 'the Church living in the midst of the homes of her sons and daughters'. This presumes that it really is in contact with the homes and the lives of its people, and does not become a useless structure out of touch with people or a self-absorbed group made up of a chosen few.<sup>309</sup>*

The first thing that stands out in the canonical framework of a parish is that it is defined as a community of the Christian faithful. The 1983 Code reflects the nature of the Church as the People of God or a community of the faithful, first and foremost, before it is an institution and a territory. The current code in this way reflects the theological meaning and definition of a parish. The parish is the primary place in which the community of the faithful gather to express and witness their faith in word and sacrament and action. In other words, the parish is a eucharistic community formed for mission by the eucharist. It is, here in the midst of this eucharistic community that catechesis occurs, that liturgical life is experienced and that the faithful organise themselves as a witnessing and evangelising community.

In each era, generation after generation, the parish community must reorient itself towards the circumstance of its time and discern what being a follower of Christ might be asking of it. Pope Francis has asserted that the parish is not an outdated institution because it possesses great flexibility and can assume different contours depending of the 'openness and missionary creativity of the pastor and the community'.<sup>310</sup> Pope Francis is assuming that the projection of the parish into the future will require an openness and missionary creativity that comes from a collaboration between pastor and the faithful. Together they will shape the contours of the parish of the future. In this way the parish, organised in a way that brings forth the voice of the faithful in its future planning, becomes an organ of synodality within the Church.

As well as 'openness and missionary creativity' the parish as a community of Christ's faithful needs structure and organisation within the diocese. The reality for Australian dioceses today is that more and more parishes are being asked to collaborate and partner together as both priest and parishioner numbers decline. Canon 517 talks about the pastoral care of one or more parishes.

*Can. 517 §1. Where circumstances so require, the pastoral care of a parish, or of a number of parishes together, can be entrusted to several priests jointly, but with the stipulation that one of the priests is to be the moderator of the pastoral care to be exercised. This moderator is to direct the joint action and to be responsible for it to the Bishop.*

*§2. If, because of a shortage of priests, the diocesan Bishop has judged that a deacon, or some other person who is not a priest, or a community of persons, should be entrusted with a share in the exercise of the pastoral care of a parish, he is to appoint some priest who, with the powers and faculties of a parish priest, will direct the pastoral care.*

The reality is that the parish structure is under pressure across Australia, and indeed there are examples from dioceses around the globe where the same can be said. **Section 6.6.4** addresses fundamental parish restructures occurring globally to reduce the number of parishes significantly within some dioceses to respond to growing parish pressures regarding low clergy and parishioner numbers and financial crisis. Australian dioceses and parishes are facing similar issues.

<sup>304</sup> See, for example, James A. Coriden, *The Parish in Catholic Tradition: History, Theology and Canon Law* (New York: Paulist Press, 1997).

<sup>305</sup> CIC, c. 515 §1.

<sup>306</sup> CIC, c. 517.

<sup>307</sup> CIC, c. 521.

<sup>308</sup> CIC, c. 524.

<sup>309</sup> Pope Francis, *Evangelii Gaudium*, [28] (internal citation omitted).

<sup>310</sup> Ibid.

## 7.4 Parishes: capable of renewal and adaptation

In many parts of the country, the infrastructure of parishes no longer aligns with the growth and demographics of the Catholic population. Disaffiliation and drop in regular mass attendance by Catholics also contribute to the changing shape of parishes as does the number of priests available for parish ministry. The few international examples mentioned in [section 6.11.6](#) (Bishops and Parishes) above illustrate the magnitude of the task. In France, for example, a new terminology has emerged as people look for different forms of territorial organisation. These expressions include 'parish groups', 'parish sectors', 'local communities', 'parish federations', 'missionary pole' 'radiating eucharistic poles', all of which are trying to find terms to express the changing face of parish structure and creative missionary openness.<sup>311</sup>

The reconfiguration of parishes can happen in various ways. As addressed in [section 6.11.7](#), the diocesan pastoral council must be consulted when parishes are erected, suppressed or notably altered. However, in addition to the involvement of the diocesan pastoral council it is important that the people in each parish or a group of parishes affected by a proposal are consulted and can meet to together to discuss options. In this way, so far as is possible, they can feel part of the forward planning processes. The purpose of any 'plan' is always the spiritual care and service of the people. Just as in other areas of life, parish configuration needs to take into account communities of interest, a phrase which (in a different context) had been defined as:

*[C]haracteristics that bind the community together and distinguish it from other communities. Community of interest can be seen as people's subjective identification with places or territory, that can be matched to objective geographic areas.*<sup>312</sup>

The restructuring of parish into larger entities is not universally accepted. The Archdiocese of Munich and Freising plans to allow laypeople to lead parishes in the diocese where there are no priests. The Archdiocese strongly rejects the option of combining of clustering parishes and believes great opportunities will be missed if the People of God withdraw from their territorial roots.<sup>313</sup> The theological principles outlined above and the call for a more synodal church means that the faithful must be active participants in the future restructuring of their communities. Processes for community consultation and discernment should be included as these new arrangements take shape.

Similar issues were raised at the recent Synod of Bishops for the Pan-Amazon region. This synod highlighted the need for dialogue between the parish, the local church, the episcopal conference and the global church. It must be acknowledged that Catholicism has undergone a process of "parishisation" especially since the Council of Trent, including at Vatican II: an emphasis on the territorial parish as *the model*, of life in the Catholic community.

This has created a more centralised model of governance of the local church and reinforced the axis between the bishop and the parish priests, at the expense of the religious institutes and associations and also of the organised Catholic laity. This system is part of the current crisis as the parishisation was one of the causes of the weakening of the theology of church structures. The reform of parish governance must take into account this phenomenon, as well as the crisis of the territorial structures of the parishes in the context of secularisation and of multi-culturalism – including multi-culturalism within our dioceses.

Notwithstanding past practices, there are formal collegial mechanisms provided for in canon law by which lay people, including women, can participate in and contribute their expertise to governance in dioceses and parishes: finance councils, pastoral councils and diocesan synods. The latter two structures reflect forms of local governance in the early Catholic Church, in which lay people more actively shared decision-making power. All of these mechanisms can also enhance the accountability of bishops and priests and increase transparency of their decisions. They can also encourage better understanding of the pastoral needs of lay people in diocesan and parish communities on the part of their clerical leadership.

The vision of the parish and its pastoral plan should be developed and executed in a way that is true to the nature of the People of God, which includes priests and people jointly sharing the responsibility as those who share in the common priesthood of Christ. This was a particular theme of Pope Benedict XVI as articulated in his message on the occasion of the Sixth Ordinary Assembly of the International Forum of Catholic Action (see the quote from Pope Benedict in [section 6.5.3.1](#)).<sup>314</sup>

<sup>311</sup> Gauthier Vaillant, 'Restructuring parishes - a move from necessity to audacity', *La Croix International*, August 9, 2018, <https://international.la-croix.com/news/restructuring-parishes-a-move-from-necessity-to-audacity/7682#>.

<sup>312</sup> Paul Thornton-Smith, '2013 Redivision of Victorian Electoral Boundaries', *Electoral Regulation Research Network/Democratic Audit Australia*, Joint Working Paper Series (November 2013), <https://law.unimelb.edu.au/>

[\\_data/assets/pdf\\_file/0008/1556018/WP\\_21\\_Thornton\\_Smith3.pdf](#).

<sup>313</sup> Christa Pongratz-Lippitt, 'Cardinal's plan for laypeople to lead parishes', *La Croix International*, December 29, 2017, <https://international.la-croix.com/news/cardinal-s-plan-for-laypeople-to-lead-parishes/4915>.

<sup>314</sup> Pope Benedict XVI, *Message on the sixth ordinary assembly of the international forum of Catholic Action*



## 7.4 Parishes: capable of renewal and adaptation

The future governance and organisational structures of parishes across Australia, notwithstanding the diverse needs that vary from multicultural urban centres to rural and remote settings, requires major attention by Catholic Church leaders and pastoral planners.

Change-management process will be essential as parishes and local churches develop more synodal and contemporary accountability practices. Diocese and parishes will need assistance in developing such practices and could draw on the experience of Catholic education and health sectors and higher education institutions for models and practice of institutional change.

### Recommendations:

68. That each parish articulate and enact clearly structured and transparent, prayerful, synodal processes in which the faithful of the parish have the opportunity to bring forth their ideas, and contributions towards the vision and activities of the parish. These may include, but are not be limited to, an annual parish meeting to which all parishioners are invited.
69. That where this is yet to occur, the diocesan bishop in consultation with the diocesan pastoral council analyse the multiple structures and needs of parishes to evaluate current practices and identify new and emerging forms of ecclesial life in the Catholic Church in Australia which are mission focused and centred on the eucharist.
70. That in developing proposals to reconfigure parishes, the people in each parish or a group of parishes affected by a proposal be consulted and provided with opportunities to meet together to discuss options.
71. That the proposed National Centre for Catholic Leadership and Governance promote shared best practice and resources.

## 7.5 Complementary and collaborative ministry

As new models and needs of parish communities emerge, the role of priest, deacon and lay ecclesial minister is also put under pressure. Priests who find themselves in the situation of caring for multiple or 'mega' parishes often experience themselves in an overseeing role that can remove them from being closely aligned to the daily pastoral demands of parish life. The question arises as to who fulfils the immediate pastoral role in these situations. New (and older) forms of collaborative ministry, calling forth the gifts and charisms of the baptised, are urgently needed to meet these new situations.

Priests themselves need new skills to minister in these new environments which often involve competing pastoral priorities, property management across multiple locations, reporting and accountability obligations not to mention the missionary and evangelising demands of a new era. Pastoral collaborators by way of deacons, professional pastoral associates and other lay ecclesial ministers (catechists, liturgy coordinators, youth workers, outreach coordinators to name a few), both professional and volunteer, are needed more than ever in these new and emerging ecclesial environs. These ministers will all require ongoing formation, training and support.

## 7.5 Complementary and collaborative ministry

Collaboration between parishes, ecclesial movements, and church agencies will also be called for as new models and structures of parish continue to evolve.

As addressed at [section 6.5.2](#) canon law, properly interpreted and understood, encourages a true participative partnership. Unfortunately, a two-tiered hierarchical understanding of power has existed in some parts of the Church in which clergy have considered themselves only accountable to other clergy.

This has also contributed to misuses of power in practice and a governance culture of clericalism, in which some clergy behaved monarchically in exercising their jurisdiction and without considering their responsibilities to lay faithful in decision-making. Some investigations found these attitudes also contributed to clergy in leadership not acting with understanding and empathy towards laypeople under their pastoral care, in particular victims of sexual abuse and their families.

### Recommendations:

72. That the diocesan bishop in consultation with the diocesan pastoral council and relevant adult education providers establish formation programmes, pathways and ministry opportunities specifically for those who work in parishes and local communities. This includes pastoral associates, youth ministers, catechists and other lay ecclesial ministers both professionals and volunteers.
73. That the proposed National Centre for Catholic Leadership and governance coordinate and contribute to the above programmes and pathways.

## 7.6 Structural reform of parish governance and ministries

### 7.6.1 The parish pastoral council – skill, criteria, commitment, collaboration

Vatican II encouraged the use of pastoral councils and synods in all dioceses as means by which the lay faithful can be co-responsible for the mission of the Church. But Vatican II approved this without a comprehensive discussion: in this sense it is time to update this aspect of the work of Vatican II. As addressed at [section 6.10.7](#), in light of the demonstrated failures in governance in many areas, the establishment and proper functioning of a diocesan pastoral council should be the rule and not the exception. For similar reasons, parish pastoral councils should be the rule, not the exception.

The recent history of the culture and practices of parish governance of the post-Vatican II Church tells us that there have been significant steps back from the initial hopes of Vatican II to shape a more participatory way of governing the Church. Within Australia, the governance data survey showed that as at 2019, only 16 of the 29 dioceses, who answered the relevant question, indicated that parishes within their dioceses were obligated to establish parish pastoral councils.



## 7.6 Structural reform of parish governance and ministries

### 7.6.1 The parish pastoral council – skill, criteria, commitment, collaboration

There is also limited information available on how the lay membership of pastoral councils and synods, where they are established or held, has been selected. It is not possible, then, to assess whether the means chosen aimed at ensuring that councils were representative of diverse views among parish communities. In addition, anecdotally, the extent to which pastoral councils function as inclusive bodies that truly oversee and share responsibility in governance depends greatly upon the leadership style of the priest presiding over them.

As noted in [section 6.11.10](#), a central and oft-repeated feature of this report is the proposition that accountability is a critical element of good governance and accountability demands openness and transparency. That statement was made in the context of dioceses but it applies equally to the governance and management of parishes. Without repeating it in full, the discussion in [section 6.11.10](#) and the recommendations made at the end of that section apply equally to the parish context.

This is a global problem, not separated from the crisis of our political cultures: the crisis of democracy and the lack of trust in authority (be it secular or ecclesial) makes more difficult the fight for social justice, but also for church reform. But in this sense, the Catholic Church can provide an example, and the Catholic Church in Australia can provide a unique and prophetic contribution.

Given the theological reflections above on synodality and the nature of the Church, it seems no longer possible that the existence of a parish council remains optional. There are good examples across the country where parish councils are operating at a high level and these could be shared and developed further. The best of parish councils operate according to the best of governance principles including: developing a skills matrix for the skills and talents needed to fulfil the mission of the parish; accountability of the council members to each other and to the agenda of the council; collaborative and inclusive decision making; accountability of the council to the wider parish community; annual reporting to the community and to the bishop of the diocese.

In Australia, many parishes (especially in rural and regional areas) cover vast territories and have few parishioners. It may be difficult in those circumstances for each parish to establish a parish council following conventional models with which others may be familiar. In those circumstances, other means can be adopted that give expression to the principle of synodality and lay participation at parish level. For example, a pastoral council could be established with a neighbouring parish or parishes. Where even that is difficult, it might be possible to establish a permanent commission composed of at least three of the faithful is to be consulted in more serious matters.<sup>315</sup> Consultation and meetings can be assisted through the use of modern technology.

#### Recommendations:

74. That each diocesan bishop mandate parish pastoral councils in the parishes of his diocese.
75. That where it may be difficult for a particular parish alone to establish a parish pastoral council (eg due to size or location) alternative means, appropriate for the circumstances of the parish, be adopted to ensure that the voice of the faithful sits alongside the voice of the ordained minister in pastoral planning and decision making.
76. That each parish pastoral council annually self-review and evaluate its effectiveness and operation of parish pastoral councils.
77. That the ACBC commission a study to collate information about experiences of parish councils in Australia with a view to developing models that can be adapted to local circumstances for matters normally found in constitutions or rules for like bodies, including (but not limited to), objects, purposes, powers, procedures, skills matrices and accountability systems.

<sup>315</sup> Canon 495 §2 of the 1983 Code of Canon Law provides that in vicariates and prefectures apostolic, the vicar or prefect is to appoint a council composed of at least three missionary priests, whose opinion, even by letter, he is to hear in the more serious affairs.

# 7.6 Structural reform of parish governance and ministries

## 7.6.2 Parish finance council

Similarly, the parish finance committee should not sit as an isolated body but should contribute to the vision and strategic direction of the parish council. There are examples of good practice in parishes where the parish finance committee and parish council are working in unison for the life of the parish. Revision of canon law in this regard may be required so that the financial operation of the parish is not isolated from its strategic role.

There should be audits by diocesan management of parish accounts and parish finance councils every three years at the time of each parish visitation. Parishes in Australia should model their parish finances with the particular law approved by the New Zealand Catholic Bishops Conference in 2018 for Acts of Extraordinary Administration in accord with Canon 1277. The law approved that:

1. If a parish priest (or administrator or trustees of church funds) wishes to make an expenditure he may spend up to \$5,000.
2. If a parish priest wishes to make an expenditure over \$5,000 but not more than \$15,000 he requires the advice of the parish financial council.
3. If a parish priest wishes to make an extraordinary expenditure over \$15,000 he requires
  - a. the advice of the parish finance council and
  - b. the permission of the bishop.
4. The bishop may authorise such extraordinary expenditure alone up to \$50,000.

### Recommendations:

78. That the parish priest participates ex-officio in the parish financial committee and that the chair of the parish financial committee be an independent lay person.
79. That a programme of induction and ongoing formation about the roles and responsibilities of each member and especially new members of parish pastoral committee in the parishes be implemented.
80. That the parish finance committee must meet at least four times each year.
81. That each parish annually provide full financial reporting which includes an income statement, a summary statement of financial activities including investment strategy and a summary of financial position. These annual financial reports are to be completed within four months of the end of the financial year and:
  - 81.1 provided publicly on the parish website, and
  - 81.2 a copy delivered to the person responsible for diocesan financial administration.
82. That each parish that is a Basic Religious Charity have regard to the ACNC governance standards and annual financial reporting requirements as exemplars of good practice.

## 7.6 Structural reform of parish governance and ministries

### 7.6.3 The pastoral ministry of the priest

As has been mentioned throughout this report, the pastoral ministry of priests is undergoing transformation. This requires both an evaluation of current practice and accompaniment along the way. In the context of parishes, this is especially so because, with the dwindling numbers of diocesan and religious institute clergy, clerics are likely to be given the responsibility of administering a parish (or parishes) at an earlier stage in their priestly life than has been the case in the past. Continuing professional development and accompaniment is therefore of increasing importance.

**Sections 6.7 and 6.8** address some of the myriad issues that confront the People of God in relation to the selection, training and formation of candidates for the priesthood, for those already in priestly ministry and also with training and formation for leadership. **Sections 6.7 and 6.8** also contain recommendations about those matters. Once again, these issues are of direct relevance to the parish context because most people entering the priestly life will serve in parishes and as parish priests. Without repeating them, the discussion and recommendations set out in **sections 6.7 and 6.8** apply equally to the examination in this section of the structural reform of parish governance.

If this reform is to happen it is clear that the approach to initial training for the priesthood and ongoing formation for those

in ministry are urgent matters to be addressed. St John Paul II called for such ongoing formation over 25 years ago in *Pastores Dabo Vobis* (1992):

*Thus permanent formation is a requirement of the priest's own faithfulness to his ministry, to his very being. It is love for Jesus Christ and fidelity to oneself. But it is also an act of love for the People of God, at whose service the priest is placed. Indeed, an act of true and proper justice: The priest owes it to God's people, whose fundamental 'right' to receive the word of God, the sacraments and the service of charity, the original and irreplaceable content of the priest's own pastoral ministry, he is called to acknowledge and foster. Ongoing formation is necessary to ensure that the priest can properly respond to this right of the People of God.<sup>316</sup>*

In relation to initial formation, first, it is becoming more apparent that there must be a wider and more diverse group of people, including women, involved in shaping seminary formation programmes. Second, there must be more time spent in the field where on the ground experience and training can be gained by seminarians in a moderated way.

<sup>316</sup> Pope John Paul II, *Pastores Dabo Vobis*, [70].

## 7.6 Structural reform of parish governance and ministries

### 7.6.4 The appointment and reappointment of clergy

It seems that there is already provision in canon law for the consultation of members of the Christian faithful in the process of appointing a priest (or appropriate person) to a vacant parish. For example:

*Can. 524 The diocesan Bishop is to confer a vacant parish on the one whom, after consideration of all the circumstances, he judges suitable for the parochial care of that parish, without any preference of persons. In order to assess suitability, he is to consult the Vicar forane, conduct suitable enquiries and, if it is appropriate, seek the view of some priests and lay members of Christ's faithful.<sup>317</sup>*

Most diocesan bishops rely on a vicar general and/or some kind of personnel advisory committee, generally made up only of priests, in order to review the needs of parishes and make suitable appointment. The Royal Commission heard many instances where

the voice of the faithful in parishes was either ignored or unable to reach to those who were making or had made appointments to their parishes. In some instances, this had dire consequences. It would seem timely that a diocese together with their parish communities develop ways of having a voice in the future of their parish on the occasion of it becoming vacant.

**Section 6.5.3** contains a recommendation that lay persons with appropriate expertise be involved in decisions regarding the placement of priests in parishes. A way of doing this is to require bishops to consult with the consultors or a clergy appointments board when making clerical changes and that the consultation meetings are to include lay people, especially women.

### Recommendation:

**83.** That bishops are to consult with the college of consultors or a clergy appointments panel when making changes with regard to clergy. These meetings are to include lay women and men.

### 7.6.5 The pastoral ministry of the diaconate

Vatican II restored the order of deacon, drawing on the tradition of the early Church and biblical witness to such a ministry among the faithful. *The Directory for the Ministry and Life of Permanent Deacons* has been the guiding document for this ministry since 1998. The ministry of deacon is a further example of co-responsibility in the Church. The deacon shares in the ministry of Christ, as an ordained minister. The ministry of deacon is a demonstration of the diversity of the ministerial priesthood (bishop, priest and deacon). Deacons participate in the life of the

diocese in a variety of ways, from roles in diocesan offices and ministries to pastoral roles in parishes, hospitals and schools. The question remains as to whether there is still the opportunity and the desire to revisit the restoration of a permanent diaconate in the Church and exactly how that ministry would take shape.

The question of women deacons continues to be discussed. In relation to this question, Pope Francis established in 2016 a commission studying the history of women serving as deacons.

<sup>317</sup> CIC, c. 524.

## 7.6 Structural reform of parish governance and ministries

### 7.6.5 The pastoral ministry of the diaconate

He reported in 2019 that the 12-member commission was unable to come to agreement on this issue and asked each of the members to continue their own study on the matter. In his final address at the conclusion of the Special Synod of Bishops on the Pan-Amazon Region, Pope Francis indicated that he welcomed 'the request to reconvene the Commission and perhaps expand it with new members in order to continue to study the permanent diaconate that existed in the early Church'. On 8 April 2020, the

Pope announced the institution of a new commission to study the possibility of women deacons.<sup>318</sup>

The Church continues to await the outcome of such studies. However, in the meantime the permanent diaconate holds ministerial potential that could be further explored by each diocese in Australia.

### 7.6.6 Lay pastoral ministry and the ministry of pastoral associates

In 2015 the Australian Catholic Council for Lay Ministry commissioned the Christian Research Association to carry out a research project on lay pastoral ministry in the Catholic Church in Australia. The final report, *Exploring Lay Pastoral Ministry in the Catholic Church*,<sup>319</sup> makes a number of recommendations for the improvement in training, role clarity, remuneration and conditions of lay pastoral ministers. The basis for lay pastoral ministry is the common priesthood of the faithful and the call of all the baptised to discipleship in a variety of ways. As dioceses and parishes continue along the path of synodality and co-responsibility it will be important to acknowledge and differentiate the various ministries undertaken by members of the faithful, both volunteer and professional.

A key lay ministry is the ministry of pastoral associate which exists as a baptismal calling to collaborate closely in public ministry with the bishop or parish priest who exercise ministerial priesthood. The ministry of pastoral associate is not that of the ordained ministry. It flows directly from the common priesthood of

the baptised. In practice the ministry of pastoral associate allows for the diversity of the leadership gifts of the Spirit to flourish. The majority of these roles have been held by religious and other lay women in parishes across Australia. These pastoral associates frequently animate and coordinate much of parish life. In addition, they minister in their own right to people who are bereaved, vulnerable and needy. They bring a rich diversity to ministry and unlock further opportunities for the community to hear the Gospel and open their hearts to its mission.

The ministry of lay pastoral associate has been on the decline in Australia for some years. There is a need to try to understand the reasons for the decline and the challenges facing this ministry.<sup>320</sup> Often there has been little promotion of this ministry, poor workplace arrangements, limited funding for training and few pathways for ongoing ministry. And yet this ministry would appear to have much to offer a Church that is discerning a renewed mission and structure across the land.

### Recommendations:

84. That the diocesan bishop in consultation with the diocesan pastoral council and relevant adult education providers establish formation programmes, pathways and ministry opportunities specifically for pastoral associates.
85. That each diocese is to have a programme of ongoing formation and training for pastoral associates and lay leaders in parishes.

<sup>318</sup> Bernadette Mary Reis, fsp, 'Pope institutes new commission to study women deacons', *Vatican News*, April 8, 2020, <https://www.vaticannews.va/en/pope/news/2020-04/pope-commission-women-deacons.html>.

<sup>319</sup> Aoife McGrath, Philip Hughes, Stephen Reid, *Exploring Lay Ministry in the Catholic Church* (Nunawading, Victoria: Christian Research Association, January 2016), <https://www.catholic.org.au/images/lpm/pdf/Lay%20>

[Pastoral%20Ministry%20Research%20Report%20-with%20preamble.pdf](#).

<sup>320</sup> Tricia Norman, 'Personal – Pastoral Associates embark on review', Lay Pastoral Ministry: Australian Catholic Bishops Conference, accessed April 26, 2020, <https://www.catholic.org.au/news/personal-pastoral-associates-embark-on-review>.

## 7.6 Structural reform of parish governance and ministries

### 7.6.7 Parish ministries, groups and activities – role descriptions and accountabilities

It is good practice that those involved in parish ministry as either paid or as a volunteer should have a clear role description and be accountable for the role. This does not have to be an arduous task

or an imposition on either limited parish resources or volunteer ministers' time. Templates should be created to assist in this area.

### 7.6.8 Good administration is good pastoral practice

In some circles within the Catholic Church, there is a tendency to set pastoral practice and administration over and against each other. This section suggests that good administration is good pastoral practice. For example, keeping records on who is involved in ministry is a way of ensuring that communication and acknowledgement of those very ministers is not overlooked or

exclusive. In the same vein keeping records on those who have requested pastoral care or pastoral services of any kind provides a good check that pastoral response is not overlooked, forgotten, or followed up. There should be no dichotomy in being a good pastoral person and good administrator.<sup>321</sup>

### 7.6.9 The parish school

Many dioceses across Australia have now moved or are moving towards an incorporated body to govern and manage Catholic education as addressed in [section 6.11.5](#) above. The challenge for Catholic parishes and clergy is to develop clear and coherent pastoral leadership roles within Catholic education institutes. For many dioceses and parishes, this may mean giving assistance to re-articulate a theological and pedagogical rationale for the nature and purpose of the Catholic school today. At the same time Catholic schools need to be encouraged to see themselves

as part of the wider community of the faithful, particularly where their origins were in parishes or groups of parishes, in the case of parish primary schools and Catholic regional colleges respectively. The Congregation for Catholic Education continues to renew and reflect on the nature and purpose of Catholic schools and provides advice. Likewise, the Enhancing Catholic School Identity project being undertaken in many dioceses throughout Australia is able to assist in re-profiling the Catholic school and its relationships to parish and church mission today.<sup>322</sup>

<sup>321</sup> Resource materials to which regard can be had on these matters include: Donald Senior CP, *The Gift of Administration: New Testament Foundations for the Vocation of Administrative Service* (Collegeville, Minnesota: Liturgical Press, 2016); Ann M. Garrido, *Redeeming Administration: 12 Spiritual Habits for Catholic Leaders* (Notre Dame, Indiana: Ave Maria Press, 2013); Paul A. Holmes, ed., *A Pastor's Toolbox: Management Skills for Parish Leadership* (Collegeville, Minnesota: Liturgical Press, 2014).

<sup>322</sup> The Enhancing Catholic School Identity Project (ECSIP) was initiated by the Catholic Education Commission of Victoria (CECV) in collaboration with the Faculty of Theology and Religious Studies at the Catholic University of Leuven (KULeuven) Belgium. See: 'Enhancing Catholic School Identity Project', Enhancing Catholic School Identity, accessed April 26, 2020, <https://www.schoolidentity.net/introduction>.

## 7.7 Safeguarding

As addressed above in **section 6.6** safeguarding, particularly for children and vulnerable adults, and the commitment to and acceptance of the safeguarding standards are part of the landscape of parish life across Australia. The full implementation of these standards still meets with resistance in some parish communities. Parishes large and small need assistance in the ongoing implementation of these procedures and processes. Many dioceses now have programmes of induction, support

and ongoing training. Likewise, there are parishes with good embedded practice and procedures that should be highlighted and shared as best practice. The creation of CPSL to develop and audit on safeguarding standards within the Catholic community is commended here. Parishes' (and dioceses') inclusion of these standards in day-to-day parish life is essential if safeguarding practices are to be embedded into the culture and future of parish life.

### Recommendation:

86. That all parish communities annually self-audit against the National Catholic Safeguarding Standards on their implementation of safeguarding practices.

## 7.8 Resources and training needed for good governance at the parish level

In many jurisdictions across Australia it is mandatory for pastoral associates to have regular and ongoing supervision as a prerequisite for employment. This requirement should extend to priests, and deacons in ministry not to burden them but to support them and assist them in gaining 'supervision' over the ministry in which they are involved.

**Section 6.8.1** contains recommendations that:

- a. professional development opportunities be provided in seminaries and theological schools, with the widespread involvement of the laity, for all in leadership, governance and management positions to ensure they understand basic fiduciary and governance principles relevant to their positions; and

- b. programmes and opportunities be provided in spirituality and theological formation for clergy and all those in leadership, management and governance roles in the Church.

These recommendations are directly relevant to the goal of best practice in the governance of parishes. The programmes need to be adequately resourced but the social dividend will far outweigh the cost.



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**CONCLUSION**

# 8.0 Conclusion

Those involved in the analysis and writing of this review report regard it as a privilege to be reflecting on governance practice in parishes and dioceses with a view to strengthening safeguarding measures and to improving governance standards and practices where there is a deficit. Scripture and theology support the case for a synodal church where all the People of God have a role to play in co-responsible relationships between laypeople and those ordained or consecrated to religious life, all working together to bring alive the Spirit in the world today.

The light from the Southern Cross can be seen shining here in Australia. The Church is at a tipping point. There are seeds of hope. Here a church in need of reform has created an independent body to oversee the implementation of *National Catholic Safeguarding Standards*, has created civil and canonical inter- and intra-diocesan entities to better govern areas such as Catholic education, and has initiated a Plenary Council for the Church in Australia. These positive moves augur well for improved practice.

The IAG and GRPT urge all those exercising leadership within the Church to adopt the principles of good governance elucidated within the report, which in turn will ensure strong ethical and pastoral cultures. Priorities such as a more central role for women in church decision-making and leadership are ripe for implementation. PC2020 offers a ready platform for decision-making. The recommendations in this report should not be considered just as a response to external circumstances, including the advice of the Royal Commission, but as inherently worthy at this time in the history of the Catholic Church in Australia. They are the right thing to do and the evidence of the submissions to PC2020 suggests their implementation will be welcomed by the Catholic community.

The recommendations within the report are attempts to address good governance principles in specific circumstances and for particular church institutions. As such, the detailed application may vary according to circumstances, but the spirit of each recommendation remains clear. Individual dioceses and parishes could take the initiative in implementing many of the recommendations; there is no need to wait for any collective decision from a higher authority, such as the PC2020, ACBC or CRA. These recommendations deserve immediate attention. The consequences of the governance reform indicated in this report will be a better Church, truer to its mission, more just to all, and embodying the gifts and contribution of all the People of God.

## 1. Principles

The principles contained in this report are no longer negotiable within the Church. Not only are they drawn from established civic principles, but they also derive from the Gospel principles upon which the Catholic Church has been built.

## 2. Priorities

The principles indicate certain priorities. A more central role for women in church leadership, and for lay Catholics generally, is a high priority.

## 3. Application

The specific recommendations are attempts to address these principles in specific circumstances and for particular church institutions. As such the detailed application may vary according to circumstances, while the spirit of each recommendation remains clear.

## 4. Local Churches

Many of the recommendations are applicable directly for individual dioceses and parishes without waiting for any collective decision from a higher authority, such as the PC2020, ACBC or CRA.

## 5. Urgency and Timing

The recommendations deserve immediate attention as a matter of urgency. The Church is at a tipping point according to many internal and external measures so far as improved governance is concerned.

## 6. The Right Thing to Do

There are external pressures, but these recommendations should not be considered just as a response to external circumstances, including the advice of the Royal Commission, but as inherently worthy at this time in the history of the Catholic Church in Australia. They are the right thing to do and the evidence of the submissions to PC2020 suggests their implementation will be welcomed by the Catholic community.

## 7. A Better Church

The consequences of the governance reform indicated in this report will be a better Church, truer to its mission, fairer to all, and recognising the gifts and contribution of all the People of God. That is the key test against which recommendations should be judged.

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# **GLOSSARY**

# Glossary<sup>323</sup>

- **Apostolic nuncio**  
The Apostolic See's diplomatic representative in a foreign country such as Australia. The apostolic nuncio is also the Pope's personal representative to the local church of that country. Usually a bishop or an archbishop.
- **Apostolic See**  
The central government of the Catholic Church, consisting of the Pope and the various bodies that make up the Roman Curia. It is a non-territorial institution, but also a sovereign entity recognised under international law. It operates from the Vatican City State, which is an independent sovereign territory. Also referred to as the Holy See. The Apostolic See is often informally referred to as 'the Vatican'. This report uses the term 'Apostolic See' when referring to occasions when the papacy is acting as a sovereign juridical entity (for example in relation to diplomatic or international law issues) or in reference to communications between the Apostolic See and an external party.
- **Archdiocese**  
The major diocese of a large or older city, whose pastoral care is entrusted to an archbishop.
- **Australian Catholic Bishops Conference (ACBC)**  
The assembly of the Catholic bishops of Australia, established to provide a structure in which the bishops jointly exercise certain pastoral functions.
- **Auxiliary bishop**  
An assistant bishop to the diocesan bishop. Auxiliary bishops are usually only appointed in larger dioceses.
- **Bishop (diocesan)**  
A cleric appointed to lead a diocese.
- **Canon law**  
The internal law governing the structure and discipline of the Catholic Church.
- **Bishops' synod or Synod of Bishops**  
A gathering of bishops (partly elected, partly appointed by the Pope) and of other members (clergy or religious) appointed by the Pope and called to gather in order to address one particular issue (eg The synod on family and marriage, 2014 and 2015) or the life of the Church in one particular area of the world (eg the Synod for the Amazon Region, 2019). The Bishops' Synod has consultative authority for the Pope but approves a final report that can be approved by the Pope and thus become Church's magisterium.
- **Cardinal**  
A senior cleric appointed by the Pope to advise him. A cardinal is a member of the College of Cardinals, which elects the Pope.
- **Catechism**  
A published compendium of the beliefs and teachings of the Catholic Church.
- **Catholic Church authority or Church authority**  
An archdiocese, diocese, religious institute, public juridic person, lay association or personal prelature. The term also refers to diocesan bishops, leaders of religious institutes and the administrative authorities of Catholic lay organisations.
- **Catholic Church personnel**  
Any current or former cleric or member of a religious institute, or any other person employed or appointed to a voluntary position by a Catholic Church authority.
- **Catholic Education Office (CEO)**  
A body that provides administrative support to Catholic schools, operating under the auspices of a particular diocese or dioceses in Australia.
- **Catholic Religious Australia (CRA)**  
The public name for the peak body of religious institutes in Australia (it was formerly known only as the Australian Conference of Leaders of Religious Institutes (ACLRI) and this remains its official name).
- **Celebret**  
A document issued by a bishop or major superior that a priest may celebrate the eucharist in a place where he is unknown. It testifies that he is free from canonical censures.
- **The Church or the Catholic Church**  
The institution comprising all Christ's faithful organised as a society in this world and governed by the Pope, the successor of Saint Peter, and the bishops in communion with him.
- **Cleric**  
A person who is ordained for religious ministry.
- **Clergy**  
The group or body of people who are ordained for religious ministry.
- **Coadjutor bishop**  
A bishop who has immediate right of succession on the death, resignation or transfer of the incumbent bishop of a diocese.

<sup>321</sup> Some entries in this Glossary have been taken from the Royal Commission Final Report. Others have been prepared by authors of this report.

# Glossary

- **College of consultors**  
A committee of priests, chosen from among the members of the council of priests, whose purpose is to advise the bishop in the governance of the diocese.
- **Conference of Bishops**  
the permanent institution that gathers together all the bishops in a particular episcopacy to collaborate on national pastoral activities. In Australia it is called the Australian Catholic Bishops Conference.
- **Congregation for Bishops**  
The department of the Roman Curia responsible for the appointment and supervision of bishops. It also reviews proposed legislation of episcopal conferences like Australia.
- **Congregation for the Clergy**  
The department of the Roman Curia responsible for issues related to parishes as well as the life and ministry of the clergy.
- **Congregation for the Doctrine of the Faith (CDF)**  
The department of the Roman Curia responsible for promoting and safeguarding official Catholic Church teaching. Formerly known as the Holy Office. It currently has jurisdiction over cases of child sexual abuse by clergy and other grave crimes.
- **Congregation for the Evangelisation of Peoples**  
The department of the Roman Curia responsible for administering the mission territories of the Catholic Church, mostly in developing countries. Formerly known as the Congregation of Propaganda Fidei. The Catholic Church in Australia fell within the competency of Propaganda Fidei until 1976.
- **Consultor**  
A priest who is a member of the college of consultors of a diocese.
- **Council of priests**  
The body of priests is like a senate of the bishop, which assists the bishop in the governance of the diocese. It has a consultative role.
- **Curia (diocesan)**  
The administration which assists a bishop to govern his diocese. It consists of individuals and bodies including the vicar general, episcopal vicars, the chancellor, the judicial vicar, the business manager, and the financial council.
- **Curia (Roman)**  
The central administration that assists the Pope in governing the worldwide Catholic Church. It consists of dicasteries (similar to government departments) including congregations, pontifical councils, pontifical commissions, tribunals and administrative offices.
- **Deacon**  
A minister of the Catholic Church, lower in rank than a priest, who exercises a ministry of service. Deacons may baptise, officiate at funerals, assist at mass, preach, or exercise a ministry of charity to the poor, the sick and the elderly. Deacons had considerable influence in the early church. The office of deacon is only open to men.
- **Dicastery**  
A department of the Roman Curia.
- **Diocesan Administrator**  
A cleric elected by the diocesan consultors to administer the diocese until a new bishop is appointed or ordained for the diocese.
- **Diocesan finance council**  
a group of the faithful skilled in finances and law to assist the bishop with the financial management of the diocese.
- **Diocesan pastoral council**  
The representative group of Christian faithful, priests, religious and especially laity who assist the bishop in governing the diocese by their advice and assistance concerning pastoral planning and decisions about the pastoral care of the diocese.
- **Diocesan synod**  
A special assembly called by the diocesan bishop in order to address one particular issue or set of issues in the life of that particular dioceses. The synod has consultative authority for the bishop.
- **Diocese**  
A defined faith community, determined on the basis of territory, whose pastoral care is entrusted to a bishop. In canon law, each diocese or eparchy is also referred to as a local or particular church.
- **Dispensation**  
A relaxation of a law in an individual case for the good of a person or community. It can neither be granted for laws that are rooted in natural or divine law nor in penal matters or procedures.
- **Dispensation from vows**  
When a member of a religious institute voluntarily applies for and is granted release from their vows by the Congregation for Institutes of Consecrated life and Societies of Apostolic Life.
- **Ecclesiastical**  
Pertaining to a church.
- **Eparchy**  
A diocese of one of the Eastern Catholic Churches. In canon law, each diocese or eparchy is also referred to as a local or particular church.

# Glossary

- **Episcopal**  
Pertaining to a bishop.
- **Episcopal Vicar**  
A priest appointed by the diocesan bishop to assist him in the governance of the diocese and to act vicariously on his behalf in administrative matters in a particular area.
- **Faculties**  
The authorisation by a diocesan bishop or local ordinary to a priest enabling him to publicly preach and celebrate sacraments.
- **Laity or lay**  
Members of the Catholic Church who are baptized, but not ordained.
- **Lay or ecclesial movement**  
a group of Catholics gathered around a charismatic founder, with forms of ecclesial expression (recognized in formal or informal ways by the institutional Church), a majority or a significant minority component of lay membership compared to the clerical component.
- **Lectio Divina**  
The meditative and prayerful reflection on the word of God pondering what God has to say to the faithful, and their prayerful response.
- **Local Ordinary**  
All Ordinaries except Superiors of religious institutes and of societies of apostolic life.
- **Mass**  
The central act of worship in the life of the Catholic Church, also referred to as the eucharist
- **Metropolitan**  
An archbishop who presides over an ecclesiastical province. A metropolitan is also archbishop in his own diocese. The subordinate dioceses of a province are known as suffragan dioceses, and their bishops as suffragan bishops. For example, the Archbishop of Brisbane is also the Metropolitan of Qld. The Qld dioceses of Townsville, Cairns, Rockhampton and Toowoomba are suffragan dioceses. Metropolitans have certain limited powers in relation to the affairs of suffragan dioceses, which are set out in canon law.
- **Novice**  
A trainee member of a religious institute who has not yet taken vows. Before being admitted as a novice, someone is a postulant. It is the first formal step in becoming a member of a religious institute.
- **Ordinary**  
the Roman Pontiff, diocesan Bishops and all who, even for a time only, are set over a particular Church or a community equivalent to it, as well as those who in these have general ordinary executive power, that is, vicars general and episcopal vicars; likewise, for their own members, it means the major Superiors of clerical religious institutes of pontifical right and of clerical societies of apostolic life of pontifical right, who have at least ordinary executive power.
- **Ordination**  
The sacramental rite by which a person becomes a deacon, priest or bishop. Only a bishop may ordain a priest or deacon. A new bishop is consecrated by at least three other bishops, and only with a papal mandate. In the Catholic tradition, only males may be ordained.
- **Parish**  
A local community of the Catholic faithful, usually determined on the basis of territory, whose pastoral care is entrusted to a parish priest.
- **Parish finance council**  
a group of parishioners skilled in finances and law to assist the Parish priest with the financial management of the parish.
- **Parish pastoral council**  
a group of parishioners who advise the parish priest on pastoral matters.
- **Parish priest**  
The priest in charge of a parish.
- **Particular Law**  
Particular laws are laws made for a particular group in the Church. Bishops can legislate for their diocese; the bishops' conference within Australia; and each religious institute has its own particular law. Particular laws must be in accord with universal law. Universal laws are issued by the Pope and bind those for whom they are issued. Mostly all the faithful around the world.
- **Pastoral ministry**  
Any form of religious ministry of care or service to a religious community and/or the broader community. This might include administration of the sacraments, hospital or prison chaplaincy, counselling, or outreach to marginalised individuals and communities. In the Catholic Church, care and service of the community is one of the functions of priests and deacons, but pastoral ministry is increasingly undertaken by lay people.
- **People of God**  
All the baptised including the ordained.



# Glossary

- **Plenary council**  
A Plenary Council is the highest formal gathering of all local churches in a country, like the 'Plenary Council' that is being prepared and will be celebrated in Australia between 2020 and 2021 or later depending on the global pandemic, COVID-19.
- **Pope**  
The bishop of Rome and leader of the worldwide Catholic Church. The Pope is elected by the College of Cardinals.
- **Prefect**  
The head of a Vatican congregation of the Roman Curia. Prefects are usually cardinals.
- **Presbyter**  
A priest, for example a parish priest.
- **Presbytery**  
The house where the parish priest or priests reside.
- **Priest**  
An ordained priest (a diocesan or secular priest) or of a religious institute (a religious priest).
- **Profession of vows**  
The admission of men or women as members of a religious institute by means of formal public vows. Members of religious institutes take vows of poverty, chastity and obedience.
- **Province**  
A grouping of neighbouring dioceses gathered around an archdiocese. Catholic religious institutes are often divided into provinces, which may cover one or more countries or a part or parts of a single country.
- **Provincial**  
The leader of a Catholic religious institute within a given province. For the purposes of this report, a provincial is a Catholic Church authority.
- **Quinquennial or ad limina report**  
A report on all aspects of the diocese submitted by the diocesan bishop to the Apostolic See.
- **Recognitio**  
Formal review by the Apostolic See of a particular law or policy issued by a conference of bishops, therefor allowing it to form part of canon law applicable to that jurisdiction.
- **Religious**  
A member or members of a religious institute who has professed vows and been admitted into a religious institute (a religious priest, religious brother or religious sister). A member or members of a religious institute of the Catholic Church (a brother, sister or religious order priest).
- **Religious brother**  
A male member of a religious institute who has professed vows but who is not ordained.
- **Religious institute**  
An entity within the Catholic Church whose members commit themselves through religious vows to lead a life of poverty, chastity and obedience. Societies of apostolic life resemble religious institutes in that their members also live a life in common. They do not take religious vows but live out the apostolic purpose of the group. Many religious institutes and societies of apostolic life are commonly referred to as orders or congregations. This report uses the term 'religious institutes' to include orders, congregations, secular institutes, and societies of apostolic life.
- **Religious institution**  
An entity which operates or previously operated under the auspices of a particular religious denomination or faith and provides, or has at any time provided, activities, facilities, programmes or services of any kind that provide the means through which adults have contact with children. This includes, for example, dioceses, religious institutes, parishes, schools and residential facilities.
- **Religious priest**  
A male member of a religious institute who has professed vows and is ordained to the priesthood.
- **Religious sister**  
A female member of a religious institute who has professed vows but who is not ordained.
- **Removal of faculties, withdrawal of faculties**  
A measure prohibiting a cleric from exercising some or all public ministry, such as the removal of the faculties to hear confessions
- **Sacrament**  
A sacred rite which, in Catholic teaching, is both a sign and an instrument of God's grace. The Catholic Church recognises seven sacraments: baptism, eucharist (holy communion), penance (or reconciliation), confirmation, marriage, holy orders (ordination) and anointing of the sick (last rites).
- **Sacristy (or vestry)**  
A room within a church, usually near the altar, where the clergy dress and prepare for church services, and where sacred vessels and implements are stored.
- **See**  
Is the equivalent of the office of the diocesan bishop.
- **Seminarian**  
A man studying for the priesthood.



# Glossary

- **Seminary**  
An institution for the formation of seminarians in preparation for ordination into the priesthood.
- **Vatican**  
A term often informally used to refer to the Apostolic See (see definition for Apostolic See above).
- **Vatican II or Second Vatican Council**  
The most recent “general council” of the Catholic Church, after the (First) Vatican Council of 1869-1870, with all the Catholic bishops and other members, observers, and auditors gathered in Rome for four sessions between 1962 and 1965, which made decisions that had effects on all areas of the life of the Church.
- **Vicar (also called “delegate” or “episcopal deputy”)**  
A lay person appointed by the diocesan bishop with delegated authority to assist him in his governance of the diocese in a particular area, such as schools, religious institutes or for a particular ministry such as social outreach.
- **Vicar general**  
A priest appointed by the diocesan bishop to assist him in the governance of the diocese and to act vicariously on his behalf in administrative matters.



**APPENDIX 1**  
**NATIONAL, DIOCESAN**  
**AND PARISH STRUCTURES**

# Appendix 1 | Part 1 | National structures

## 1.1 The Australian Catholic Bishops Conference

The ACBC consists of all bishops and heads of particular churches in Australia. As discussed at [section 6.2.2](#), it has the legislative power of governance to promulgate laws applying to the Church in Australia, called ‘general decrees [or particular laws], only in cases where the universal law has so prescribed, or by special mandate of the Apostolic See, either on its own initiative or at the request of the conference itself’. The ACBC however has no formal authority to oversee an individual bishop’s governance. The ACBC is financed by diocesan levies. Each diocese is structurally independent and the mechanisms and administration through which the individual bishop governs are also generally independent of other dioceses.<sup>324</sup>

The ACBC maintains its own secretariat, headed by a general secretary, in Canberra and meets for a week twice yearly. It elects a president for a 2-year period and an executive committee known as the Permanent Committee. It has a range of commissions, councils and agency boards, to some of which it contributes financial support, to which bishops are elected as delegates for three year-terms.

At times, this structural independence has hampered attempts to achieve a unified national and consistent response to important issues in the Catholic Church in Australia. For example, in 1996 members of the ACBC, except for the Archdiocese of Melbourne, adopted the *Towards Healing* protocol to respond to allegations of abuse against Catholic Church personnel.<sup>325</sup> Notwithstanding that *Towards Healing* was adopted by almost all dioceses, its implementation between different dioceses has not been consistent.

Over the past couple of years there have been reviews of various aspects of the structure and operation of the ACBC. There is a need for the ACBC in collaboration with CRA and other entities to be at the heart and forefront of moves for the Church to follow the ‘one voice’ approach typified by its experience in the Royal Commission.<sup>326</sup>

## 1.2 The Plenary Council 2020

A plenary council is held ‘for all the particular churches of the same episcopal conference as often as the bishops’ conference, with the approval of the Apostolic See, considers it necessary or advantageous’.<sup>327</sup> A plenary council has legislative power to make particular laws.<sup>328</sup> As discussed at [section 6.2.2](#), any laws drawn up by a plenary council are only promulgated after they have been approved by the Apostolic See.<sup>329</sup>

The Australian bishops have called a Plenary Council to be held in two sessions: the first in October 2020 and the second in June and July 2021 or later depending on the global pandemic,

COVID-19. This is the first such gathering on the People of God in Australia since 1937. At time of writing it was not certain whether the statutes necessary for the holding of the Council had been finalised and only limited public information about the constitution (in terms of participatory membership) of those who will attend the deliberations.

<sup>324</sup> Although some metropolitan archdioceses or larger dioceses provide assistance to smaller dioceses within their province in carrying out some aspects of their administration.

<sup>325</sup> It is also noted that the Society of Jesus, a religious institute, did not join the *Towards Healing* protocol until 2004.

<sup>326</sup> Truth Justice and Healing Council Final Report Volume 1, 130 - 32.

<sup>327</sup> CIC, c. 439 § 1.

<sup>328</sup> CIC, c. 445.

<sup>329</sup> CIC, c. 446.

# Appendix 1 | Part 1 | National structures

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## 1.3 The Provincial Council

Australia is divided into five ecclesiastical provinces headed by metropolitan archbishops. The archdiocese with their neighbouring dioceses (suffragans) constitutes a province as determined by the Pope. The bishops of a province may meet in a provincial council. Historically and as provided for under canon law, the metropolitan archbishop leading the province has also had a limited supervisory role over bishops of its suffragan dioceses. However, the May 2019 Motu Proprio issued by Pope Francis, *Vos estis lux mundi*, alters this historic position in cases of abuse against children and vulnerable adults where the individual subject to the allegation of abuse is a bishop. If the accused individual is a bishop, the metropolitan archbishop receives a mandate from the Apostolic See to investigate.

In all but three instances, the provinces reflect state boundaries. The two exceptions are the Archdiocese of Adelaide which is the Metropolitan of the Diocese of Darwin in the NT and also the Archdiocese of Canberra-Goulburn which covers parts of both NSW and the Australian Capital Territory. This is important because of the extent to which Church authorities are required to act in accordance with state laws. A description of the Australian dioceses and provinces (as at 31 December 2019) is set out in [Appendix 2 Part 1](#).

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## 1.4 Eparchies

The Catholic Church is composed of the Latin Church and 23 Eastern Catholic churches. The latter refers to dioceses with the term 'eparchy'. In Australia, there are eparchies of the Chaldean, Maronite, Melkite, Syro-Malabar and Ukrainian (Greek) Catholic Church. Each eparchy has its own eparch, or bishop. Each eparchy covers the whole of Australia. Each eparchy is a member of the

ACBC however, they do not vote on matters relating to Latin liturgy or finance. Within Australia, there are also clergy and lay of other Eastern Catholic churches under the authority of bishops and eparchies elsewhere in the world, such as the Armenian, Coptic, Romanian, Russian, Syrian and Syro-Malankara Catholic Church.

# Appendix 1 | Part 1 | National structures

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## 1.5 Ordinariates and prelatures

Generally speaking, a particular or local church is defined by territorial boundaries and will include all of Christ's faithful who are within that territory. However, there are some particular churches where membership is determined by personal characteristics rather than by geographical location and are established because of a demonstrated pastoral need. These are called ordinariates. The head of an ordinariate may be a bishop but that is not necessarily the case. The head of an ordinariate, even if not a bishop, is a member of the episcopal conference.<sup>330</sup>

In Australia there are two ordinariates:

- the Military Ordinariate of Australia, the members of which are Catholics associated with the military; and
- the Personal Ordinariate of Our Lady of the Southern Cross, the members of which are groups of former Anglicans who have entered into full communion with the Catholic Church in Australasia.

A personal prelate is another type of canonical structure. A personal prelate is a church structure established by the Apostolic See, consisting of a prelate who leads, and its members both clerical and lay people who undertake a specific work or mission. A personal prelate is made up of a particular group of faithful and is structured in a hierarchical manner. Its specific function is to foster Christian life and the Church's evangelising mission in a way that complements the dioceses, to which the faithful who form part of a personal prelate continue to belong. In Australia there is one personal prelate; namely, Opus Dei.<sup>331</sup>

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<sup>330</sup> See generally Lucas et. al., *Church Administration Handbook*, 141-145.

<sup>331</sup> The full name of the prelate is Prelature of the Holy Cross and Opus Dei. For further information, see: 'What is a personal prelate?,' Opus Dei, accessed April 26, 2020, <https://opusdei.org/en-au/article/what-is-a-personal-prelate/>.

# Appendix 1 | Part 2 | Diocesan structures

## 2.1. Dioceses and eparchies

Currently there are 33 Catholic dioceses in Australia, consisting of five metropolitan archdioceses, 21 suffragan dioceses, two non-metropolitan archdioceses, and five eparchies of the Eastern Catholic Churches. The Archdioceses of Hobart and Canberra Goulburn as well as four of the five eparchies are immediately subject to the Apostolic See and are not members of a province although they attend meetings and co-operate.<sup>332</sup> The 1983 *Code of Canon Law* governs the Latin Rite Church, a relatively

new way (the first Code only first promulgated only in 1917) for the Catholic Church to organise its legal tradition. The Eastern Catholic Churches are bound by the *Code of Canons of the Eastern Churches* promulgated in 1990, as well as their own internal laws. The Eastern churches have a somewhat different structure due to their particular heritage. The duties and responsibilities of a diocesan bishop under canon law are outlined in [section 2.2. of this Appendix 1](#).

## 2.2 Diocesan bishop

Canon law states that a diocese 'is a portion of the People of God entrusted to a bishop to be shepherded by him with the cooperation of the priests'<sup>333</sup> and states in relation to a diocesan bishop that they:

- should lead the diocese with the collaboration of the clergy, religious and laity;<sup>334</sup>
- are not the delegate of the Pope but govern the particular church as 'the vicar and ambassador of Christ';<sup>335</sup>
- are immediately subject to the authority of the Pope and are accountable to him for the pastoral governance of the diocese;<sup>336</sup>
- are required to minister until they attain the age of 75 years of age when they are required to submit their resignation;<sup>337</sup>
- govern by their 'counsel, exhortations and example, but also by his authority and sacred power' that he exercises 'personally in the name of Christ';<sup>338</sup>
- have all the powers of governance – legislative, executive and judicial – required for the exercise of his pastoral office, 'except in those matters which the law [universal of the Church or promulgated by the bishops' conference,

plenary or provincial councils] or a decree of the supreme pontiff reserves to the supreme pontiff or to some other ecclesiastical authority',<sup>339</sup>

- can exercise legislative powers<sup>340</sup> of governance either personally or in a diocesan synod (discussed at section 6.5.1);
- make financial and management decisions with the advice and consent of the diocesan finance council and the college of consultants;<sup>341</sup>
- make important decisions for the diocese with the assistance of the council of priests;<sup>342</sup>
- plan the pastoral activity in the diocese with the assistance of the diocesan pastoral council composed of a representative group of laity, religious and clergy, where they exist;<sup>343</sup> and
- are required to make five-yearly visitations to the Pope to formally report on the condition of their diocese and to discuss issues of concern to their local church (known as quinquennial or ad limina reports).<sup>344</sup> These visits occur now less regularly, every 7 or 8 years.

<sup>332</sup> *Annuario Pontificio* (Citta del Vaticano: Libreria Editrice Vaticana, 2019) (hereafter cited as '*Annuario Pontificio 2019*'), 1122.

<sup>333</sup> *Christus Dominus*, [11]; CIC, c. 369.

<sup>334</sup> CIC, cc. 384 and 394.

<sup>335</sup> *Lumen Gentium*, [27].

<sup>336</sup> CIC, c. 333 §1

<sup>337</sup> CIC, c. 401 §1.

<sup>338</sup> *Catechism of the Catholic Church*, 894.

<sup>339</sup> CIC, cc. 381 §1 and 391.

<sup>340</sup> CIC, cc. 391 §1 ('The diocesan bishop governs the particular Church entrusted to him with legislative, executive and judicial power, in accordance with the law.') and §2 ('The Bishop exercises legislative power himself. He exercises executive power either personally or through vicars general or episcopal vicars, in accordance with the law. He exercises judicial power either personally or through a judicial Vicar and judges, in accordance with the law.')

<sup>341</sup> CIC, cc. 1292 and 1277.

<sup>342</sup> CIC, cc. 515, 461, 1215 and 1742.

<sup>343</sup> CIC, cc. 511-514.

# Appendix 1 | Part 2 | Diocesan structures

## 2.3 Election of diocesan administrators or appointment of apostolic administrators

Vacancies occur in dioceses from time to time. There are four possible causes of the vacancy of the see:

1. the death of the diocesan bishop;
2. his resignation accepted by the Pope;
3. his transfer to another diocese; and
4. a bishop is deprived of, or removed from office.<sup>345</sup>

Normally, when the see becomes vacant, the consultors must convene within 8 days to elect the diocesan administrator. Once elected, 'a diocesan administrator is bound by the obligations and possesses the power of a diocesan bishop, excluding those matters which are accepted by their nature or by the law itself'.<sup>346</sup> In exceptional circumstances, the Apostolic See can appoint an apostolic administrator without an election process.<sup>347</sup>

A diocesan administrator has all the power of a diocesan bishop, the apostolic administrator has the power granted by the Apostolic See. These can be very extensive and include extra

powers needed to help a diocese in trouble. However, canon 428 §1 states clearly the general principle that when the diocese is vacant, nothing is to be altered and there is to be no innovation. Since both administrators are holding power temporarily, they are to maintain the status quo of the diocese until a new diocesan bishop is appointed and takes possession of the diocese. This means that the diocese is to function as much as possible as it has been functioning under the previous diocesan bishop.

The principle of *sede vacante nihil innovetur* (when a see is vacant, there can be no new decisions) encourages both a diocesan or apostolic administrator to refrain from making major decisions and to avoid starting new programmes or initiatives.<sup>348</sup> Once the vacancy of the see occurs, the diocesan pastoral council and the priests' council cease to exist, with the priests' council functions being assumed by the college of consultors. All the vicars general and episcopal vicars lose their offices.

## 2.4 The diocesan synod

The diocesan synod is an assembly of selected priests and other members of Christ's faithful of a local church for the good of the whole diocesan community.<sup>349</sup> The purpose of the diocesan synod is to assist the bishop in the exercise of the office proper to him, namely that of governing the Christian community.<sup>350</sup> The synod provides an opportunity to build up the Body of Christ<sup>351</sup> to strengthen ecclesial communion,<sup>352</sup> to evangelise,<sup>353</sup> to promote the growth and holiness of the Church,<sup>354</sup> to provide an opportunity for the faithful to express their needs and desires,<sup>355</sup> to provide an opportunity for the faithful to express their opinions on matters pertaining to the good of the Church,<sup>356</sup> and to provide an opportunity for the faithful to use their expertise for the good of the Church.<sup>357</sup> In this manner the diocesan synod provides an opportunity for synodality, co-responsibility and transparency in the Church.

A diocesan synod is quite distinct from a plenary council such as the PC2020 currently operating in Australia. The results of a plenary council must be formally provided to the Apostolic See for review and relate to the development and implementation of particular law at a national level.<sup>358</sup> However the legislative authority of a diocesan synod rests with the relevant diocesan bishop. When law is passed through a diocesan synod, it becomes law for that diocese only.

The diocesan bishop is free to convene a diocesan synod. Participants are determined by the diocesan bishop and can be any auxiliary or coadjutor bishops, the vicars general and episcopal vicars, the members of the council of priests and the college of consultors, the rector of the seminary, and religious and lay people.<sup>359</sup>

<sup>345</sup> Brendan Daly, 'The powers of the diocesan administrator', *The Australasian Catholic Record*, 29(2) (2019): 211.

<sup>346</sup> CIC, c. 427 §1

<sup>347</sup> CIC, c. 409 §2.

<sup>348</sup> As to the principle *sede vacante* generally, see: Directory on the Pastoral Ministry of Bishops, Appendix, [232]-[244].

<sup>349</sup> CIC, c. 460.

<sup>350</sup> The Directory for the Pastoral Ministry of Bishops, [166]-[167].

<sup>351</sup> CIC, c. 208.

<sup>352</sup> CIC, c. 209.

<sup>353</sup> CIC, c. 211.

<sup>354</sup> CIC, c. 210.

<sup>355</sup> CIC, c. 212 §2.

<sup>356</sup> CIC, c. 212 §1.

<sup>357</sup> CIC, c. 218.

<sup>358</sup> CIC, c. 466.

<sup>359</sup> CIC, c. 463.



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## 2.5 The diocesan pastoral council<sup>360</sup>

Canon law provides that every diocese convene a pastoral council, to the extent pastoral circumstances allow.<sup>361</sup> A diocesan pastoral council under the authority of the bishop investigates, considers, and proposes practical conclusions about those things which pertain to pastoral works in the diocese.<sup>362</sup> Vatican II's *Decree on the Life and Ministry of Bishops* stated:

*It is highly desirable that in each diocese a pastoral council be established over which the diocesan bishop himself will preside and in which specially chosen clergy, religious and lay people will participate. The function of this council will be to investigate and to weigh matters which bear on pastoral activity, and to formulate practical conclusions regarding them.*<sup>363</sup>

Similarly, the Sacred Congregation for the Clergy suggested in 1973 a range of ways in which a diocesan pastoral council could contribute to the local church:

The pastoral council, therefore, can give the bishop great help by presenting him with proposals and suggestions: regarding missionary, catechetical and apostolic undertakings within the diocese; concerning the promotion of doctrinal formation and the sacramental life of the faithful; concerning pastoral activities to help the priests in the various social and territorial areas of the diocese; concerning public opinion on matters pertaining to the Church as it is more likely to be fostered in the present time etc. The pastoral council can also be extremely useful for mutual communication of experiences and for proposed undertakings of various types by which the concrete needs of the people of the diocese may become clearer to the bishop and a more opportune means of pastoral action may be suggested to him.<sup>364</sup>

As addressed in [section 6.11.7](#) the diocesan pastoral council function is underdeveloped in the Church in Australia.

## 2.6 Senior diocesan clergy

Senior clergy assist the diocesan bishop in administration of the diocese as part of the diocesan curia. Those senior clergy include:

- **Coadjutor and auxiliary bishops** There are 3 categories of titular bishops who are appointed to assist or partially replace diocesan bishops:
  - **Coadjutor bishops** (from adjutor, a helper or deputy) are bishops whose appointment also gives them the right to succeed the diocesan bishop when he dies, retires or becomes incapacitated.<sup>365</sup> The coadjutor becomes the diocesan bishop immediately upon vacancy of the see.<sup>366</sup>
  - **Auxiliary bishops with special faculties** are imposed on a diocesan bishop in response to some difficulty or deficiency in the diocese or the diocesan bishop himself. For example, a financial crisis, ill health, abuses of ecclesiastical discipline etc.<sup>367</sup>
- **Auxiliary bishops** (from auxiliaris, giving help, assisting) are appointed, upon the request of the diocesan bishop, to help him, when the pastoral needs of the diocese call for it (canon 403,1). Auxiliary bishops do not have automatic right of succession. However, they do retain many of their faculties during the vacancy of the see.<sup>368</sup> Auxiliary bishops must be appointed as a vicar general or episcopal vicar.<sup>369</sup>
- **Vicars general** Under canon law, a bishop must appoint one or more vicars general to assist him in administration.<sup>370</sup> The vicar general has 'the same executive power throughout the whole diocese as that which belongs by law to the diocesan bishop: that is, he can perform all administrative acts, with the exception however of those which the bishop has reserved to himself, or which by law requires special mandate of the bishop.'<sup>371</sup> The vicar general is a priest who has to be over 30

<sup>361</sup> CIC, cc.511-514.

<sup>361</sup> CIC, c. 512 §1.

<sup>362</sup> CIC, c. 511.

<sup>363</sup> *Christus Dominus*, [27].

<sup>364</sup> Sacred Congregation for the Clergy, *Omnes Christifideles: Circular letter on 'Pastoral Councils', published as 'Local Pastoral Councils', January 25, 1973, published in James I. O'Connor, The Canon Law Digest, Vol VII: Officially Published Documents Affecting the Code of Canon Law 1968-1972* (Chicago:

Chicago Province of the Society of Jesus, 1975), 280-288 at 286.

<sup>365</sup> CIC, c. 403 §3.

<sup>366</sup> CIC, c. 409 §1.

<sup>367</sup> CIC, c. 403 §2.

<sup>368</sup> CIC, cc. 403-411.

<sup>369</sup> CIC, c. 406 §2.

<sup>370</sup> CIC, c. 475.

<sup>371</sup> CIC, c. 479.

# Appendix 1 | Part 2 | Diocesan structures

## 2.6 Senior diocesan clergy

years of age and requires a doctorate or licentiate in canon law or theology, or is well versed in these disciplines.<sup>372</sup>

- **Episcopal vicars** The bishop can also appoint one or more episcopal vicars, who have the same power as a vicar general but only in relation to a specific aspect of diocesan affairs (for example, episcopal vicars for clergy or education).<sup>373</sup> The episcopal vicar is not an auxiliary bishop and is appointed for a determined period of time.

The vicar general can undertake administrative acts as the bishop, unless the law itself requires a special mandate of the bishop<sup>374</sup> or the bishop has reserved certain acts for himself. In the Code of Canon Law, the vicar general and episcopal vicar are also referred to as ordinary or local ordinary.<sup>375</sup>

In addition, both the vicar general and episcopal vicar have the same habitual faculties which the Apostolic See has granted to the diocesan bishop.<sup>376</sup>

Both the vicar general and episcopal vicar have considerable authority which can be exercised at the same time as the diocesan bishop, as long as it is in concert with the diocesan bishop.<sup>377</sup>

While the role is not provided for in canon law, bishops can also delegate his executive powers.<sup>378</sup> For example, a senior priest within the diocese may act as bishop's secretary and be delegated executive tasks by him.

In practice, the roles these senior clergy carry out may differ between dioceses and according to the leadership style of the governing bishop, including the extent to which he delegates authority. This is still the case. This results in different decision-making practices and under different episcopal leadership, to the extent that procedures are not documented.

## 2.7 The council of priests

The council of priests expresses the communion between the priests and their bishop. The council of priests:

*is a group of priests who represent the presbyterium and who are to be, as it were, the bishop's senate. The council's role is to assist the bishop, in accordance with the law, in the governance of the diocese, so that the pastoral welfare of that portion of the People of God entrusted to the bishop may be most effectively promoted.*<sup>379</sup>

The council of priests assists the bishop in the governance of the diocese and is very important in making decisions in accordance with the statutes drawn up in consultation with the priests. The bishop should not act contrary to their unanimous opinion.<sup>380</sup>

<sup>372</sup> CIC, c. 482 §1

<sup>373</sup> CIC, c. 476.

<sup>374</sup> CIC, C. 479 §1.

<sup>375</sup> CIC, c. 134.

<sup>376</sup> Lucas et. al., *Church Administration Handbook*, 162; CIC, c. 479 §3.

<sup>377</sup> Lucas et. al., *Church Administration Handbook*, 163; CIC, c. 480.

<sup>378</sup> CIC, cc. 475 and 377.

<sup>379</sup> CIC, c. 495 §1.

<sup>380</sup> Directory on the Pastoral Ministry of Bishops, 182.

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## 2.8 The college of consultors

The members of the college of consultors are chosen by the bishop from the members of the council of priests for a five-year term. There are to be between 6 and twelve consultors and they give advice and consent on important economic matters and when the see is vacant ensure continuity of pastoral governance.<sup>381</sup> The Royal Commissioners were critical of the college of consultors' governance structure. In its final report the Royal Commission stated:

*The bishop was autonomous and he alone was the decision-maker about his priests. However, we found that the structure was hierarchical and did not encourage priests to challenge or otherwise influence the actions taken by the bishop. Even if the structure had done so, other priests in the parish, including consultors and vicars general, were part of the same culture as the bishop.*<sup>382</sup>

## 2.9 Other senior leadership roles

Within the diocesan curia there are other roles that assist the bishop in discharging his duties under canon law. The diocesan curia is administration which assists a bishop to govern his diocese. It consists of individuals and bodies including the vicar general, episcopal vicars, the chancellor, the judicial vicar, the business manager, and the financial council. These assist in three areas especially – though there may be more. These areas are in general terms: pastoral action, the administration of the diocese, and the exercise of judicial power.<sup>383</sup>

### Chancellor

The Church Administration Handbook describes the task of chancellor as “to ensure that the acts of the curia are drawn up and dispatched, and that they are kept safe in the archive of the curia”.<sup>384</sup> It states that “both the chancellor and the vice-chancellor are notaries and secretaries of the curia.”<sup>385</sup>

The Church Administration Handbook clearly describes the tasks of the chancellor, but goes on to state that:

*In many countries including Australia, the terms ‘chancellor’ and ‘vice-chancellor’ have been applied to offices that do not possess functions described in the law. A diocese might have a chancellor for administration, pastoral work and so on. These offices might involve tasks that are secretarial. More often than not the person is more involved in these areas as a delegate of the bishop.*<sup>386</sup>

It finishes with:

*While the Code does not exclude this practice, once could ask the question whether such a practice obscures the immediate sense of the term ‘chancellor’ or ‘vice-chancellor’. This can lead to confusion. Perhaps other names should be given to such positions.*<sup>387</sup>

### Diocesan financial administrator

This role can have a variety of terms including business manager or bursar.

The appointment of a financial administrator is obligatory and this person can be a priest or a member of the laity.<sup>388</sup>

This appointment occurs through the bishop consulting with the diocesan finance council and the college of consultors and this appointment is for 5 years.<sup>389</sup>

### Vicars

A vicar is a representative (delegate) of a bishop clothed with ordinary ecclesiastical jurisdiction in a particular area, for example responsibility for religious men and women in a diocese or particular ministries such as social outreach.

<sup>381</sup> Ibid, 183.

<sup>382</sup> Royal Commission Final Report Volume 16(2), 137.

<sup>383</sup> Lucas et. al., *Church Administration Handbook*, 158 - 170.

<sup>384</sup> CIC, c. 482 §3.

<sup>385</sup> Ibid.

<sup>386</sup> Lucas et. al., *Church Administration Handbook*, 164 - 166.

<sup>387</sup> Ibid.

<sup>388</sup> CIC, c. 423 §2.

<sup>389</sup> CIC, c. 494 §2.

# Appendix 1 | Part 2 | Diocesan structures

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## 2.9 Other senior leadership roles

Historically, vicars were appointed from among the clergy but lay persons are eligible for appointment to those roles and that is now common. The power of appointment and the levels of authority lie with the bishop.

The *Directory on the Pastoral Ministry of Bishops* has the principle of the right person being appointed for the right post:

*In conferring offices within the diocese, the bishop ought to be guided solely by supernatural criteria and the pastoral good of his*

*particular church. Therefore, he should look first of all to the good of souls, respecting the dignity of persons and making use of their talents in the most appropriate and beneficial way, in the service of the community, always assigning the right person to the right post.*

This requires a bishop to consult widely with laity and clergy as he appoints vicars, episcopal vicars and vicars general.<sup>390</sup>

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## 2.10 The diocesan finance council

Every diocese must have a diocesan finance council composed of experts in financial matters and civil law according to the statutes drawn up in consultation with the members and the consultors.<sup>391</sup> This council must be consulted or give their consent jointly with the college of consultors for significant acts of administration and alienation of church property.<sup>392</sup>

The diocesan bishop with the assistance of personnel such as the diocesan finance manager provides guidance and oversight to the parishes in their financial and management decisions.

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<sup>390</sup> Directory on the Pastoral Ministry of Bishops, [61].

<sup>391</sup> CIC, c. 492 §1 ('In each diocese a finance committee is to be established, presided over by the diocesan Bishop or his delegate. It is to be composed of at least three of Christ's faithful, expert in financial affairs and civil law, of outstanding integrity, and appointed by the Bishop.') §2 ('The members of the finance committee are appointed for five years, but when this period has expired they may be appointed for further terms of five years:') and 3 ('Persons related to the Bishop up to the fourth degree of consanguinity or affinity are excluded from the finance committee.').

<sup>392</sup> CIC, c. 493 ('Besides the functions entrusted to it in Book V on 'The Temporal Goods of the Church', it is the responsibility of the finance committee to prepare each year a budget of income and expenditure over the coming year for the governance of the whole diocese, in accordance with the direction of the diocesan Bishop. It is also the responsibility of the committee to account at the end of the year for income and expenditure.').

# Appendix 1 | Part 3 | Parish structures

While the diocese is known as the local church, it is in the parish that communities of the faithful come together, forming a eucharistic community: a community of prayer, of mutual service and apostolic works. The parish is a liturgical community, caring for one another and missionary in outlook. It is here that the local church is actualised as priest and people together form a community of the faithful united around the local bishop. It is for this reason that the diocese is divided into parishes. The primary mission of a parish is to provide worship, teaching and pastoral care for the People of God within it. At the heart of the parish is the idea of community. Its structures and personnel serve that community which, in turn, serves and evangelises the broader society.<sup>393</sup>

The clergy, called forth from the People of God and formed for mission, are ordained and appointed to parishes by the bishop who grants them faculties to function as a priest in his diocese.

Canon law supports this theology of the parish and describes the parish as 'a certain community of Christ's faithful stably established within a particular church, whose pastoral care, under the authority of the diocesan bishop, is entrusted to a parish priest as its proper pastor'.<sup>394</sup> The pastor has legal authority over the parish and its temporal goods.<sup>395</sup> The parish priest, however, is to:

*[R]ecognise and promote the specific role which the lay members of Christ's faithful have in the mission of the Church, fostering their associations which have religious purposes. He is to cooperate with his proper Bishop and with the presbyterium of the diocese. Moreover, he is to endeavour to ensure that the faithful are concerned for the community of the parish, that they feel themselves to be members both of the diocese and of the universal Church, and that they take part in and sustain works which promote this community.*<sup>396</sup>

Therefore, the parish priest should be assisted by a parish pastoral council to foster pastoral activity in the parish:

*Canon 536 §1If, after consulting the council of priests, the diocesan Bishop considers it opportune, a pastoral council is to be established in each parish. In this council, which is presided*

*over by the parish priest, Christ's faithful, together with those who by virtue of their office are engaged in pastoral care in the parish, give their help in fostering pastoral action.*

In carrying out his role the parish priest must have a parish finance committee:

In each parish there is to be a finance committee to help the parish priest in the administration of the goods of the parish, without prejudice to Can. 532. It is ruled by the universal law and by the norms laid down by the diocesan Bishop, and it is comprised of members of Christ's faithful selected according to these norms.<sup>397</sup>

The law thus acknowledges that priests need the assistance of competent lay people to assist them in administrative and financial matters. Each parish pastoral council and parish finance committee has statutes and membership according to norms approved by the diocesan bishop.

It should be noted that today in every diocese within Australia there are a growing number of situations where more than one parish is entrusted to the care of a single parish priest. The Governance in Australia Survey 2019, which is at [Appendix 3](#), indicates at Table 2 that the number of priests per parish in the geographical dioceses within Australia ranges from 4.4 priests to 0.9 priests per parish.<sup>398</sup> Canon 526 §1 provides:

*A parish priest is to have the parochial care of one parish only. However, because of a shortage of priests or other circumstances, the care of a number of neighbouring parishes can be entrusted to the one parish priest.*<sup>399</sup>

There are other cases, in line with canon 517 §2 where the pastoral care of a parish is entrusted to a deacon or to another suitable person and they do not need to be ordained.<sup>400</sup> The process of partnering, or clustering parishes or of the canonical amalgamation of parishes is being undertaken in every diocese in Australia with varying degrees of preparation, evaluation and resourcing. The traditional structure of one parish to one parish priest is under increasing pressure across Australian dioceses.

<sup>393</sup> Lucas et. al., *Church Administration Handbook*, 179-180.

<sup>394</sup> CIC, c. 515 §1.

<sup>395</sup> CIC, c. 532 ('In all juridical matters, the parish priest acts in the person of the parish, in accordance with the law. He is to ensure that the parish goods are administered in accordance with Cann. 1281 1288.')

<sup>396</sup> CIC, c. 529 §2.

<sup>397</sup> CIC, c. 537.

<sup>398</sup> Governance Survey in Australia 2019 Report, 4.

<sup>399</sup> CIC, c. 526 §1.

<sup>400</sup> CIC, c. 517 §2 states that 'If, because of a shortage of priests, the diocesan Bishop has judged that a deacon, or some other person who is not a priest, or a community of persons, should be entrusted with a share in the exercise of the pastoral care of a parish, he is to appoint some priest who, with the powers and faculties of a parish priest, will direct the pastoral care.'

# Appendix 1 | Part 4 | Church authorities, entities and agencies not centred in a parish or diocese

Many of the non-sacramental ministries of the Church are carried out by organisations that have an existence separate from dioceses and parishes.<sup>401</sup> One group is known as associations of Christ's faithful. What are commonly called 'lay movements' fit into this category. Membership is voluntary and they can be international, national or local. They can exist independently or be associated or affiliated with religious communities. Some are recognised by Church authorities while others have no official recognition but exist de facto or non-canonical groups within the Church.

These organisations include public associations, generally established under canon law as public juridic persons. They are established by a Church authority and formally act in the name of the Church. The statutes of a public association require approval by the appropriate Church authority, generally the Apostolic See (associations of pontifical right) or a diocesan bishop (associations of diocesan right).

Some of these groups are informal and, while sometimes highly organised, are not recognised as canonical bodies. Nonetheless, individual members have rights and obligations as members of the Church. Some are private associations that may or may not be private juridic persons.

Church authorities have some supervisory powers in relation to associations. This includes specific rights in regard to the appointment of a moderator, vigilance of administration and suppression of the association.<sup>402</sup> Canon 223 is relevant here:

*Can. 223 §1. In exercising their rights, Christ's faithful, both individually and in associations, must take account of the common good of the Church, as well as the rights of others and their own duties to others.*

*§2. Ecclesiastical authority is entitled to regulate, in view of the common good, the exercise of rights which are proper to Christ's faithful.*

Religious institutes and societies of consecrated and apostolic life have, in past times, generally been referred to as 'orders' or 'congregations' of sisters, brothers and priests and have long been part of the life of the Church. Members live in community and take vows of poverty chastity and obedience. In church law they are regulated in a general way in the Code of Canon Law and in a particular way by the constitutions, directories, books of practice and other documents relevant to the religious family.

Religious institutes can be established, in the legal sense, by a diocesan bishop, after consultation with the Apostolic See, (diocesan right) or the Apostolic See (pontifical right). They are juridic persons, as are their provinces and, in some cases individual houses.

Secular institutes - which are of recent origin - are institutes of consecrated life whose members may be either lay or clerical. The *Code of Canon Law* does not refer explicitly to the juridic personality of secular institutes.

Societies of apostolic life are similar to institutes of consecrated life in that members live communally. While they do not take vows there is a bond to undertake living the evangelical counsels.

Religious institutes have autonomy in their internal governance but are subject to the authority of the bishop (to be exercised by means of consultation with the appropriate religious superior in these a number of designated areas, including, relevantly:

- the care of souls (canon 678 §1);
- the works of the apostolate (canon 678 §1);
- offices and tasks to which they are appointed by the diocesan bishop (canon 681);
- the religious and moral education of children and young people (canons 794 and 801); and
- matters relating to the dignity of the clerical state (canon 392)

<sup>401</sup> The information in this Appendix 1, Part 3 is taken almost entirely from Lucas et. al., *Church Administration Handbook*, Chapter 6, and that authorship is acknowledged. In some instances, the text is a direct quote from the book.

Reference to relevant canons from the Code of Canon Law can be found in footnotes to that Chapter 6 and not all have been recorded here.  
<sup>402</sup> *CIC*, cc. 317, 318, 319 and 320.





**APPENDIX 2**

**STATISTICAL AND DESCRIPTIVE  
SUMMARY OF DIOCESES,  
PARISHES, CHURCH AUTHORITIES  
AND PASTORAL MINISTRIES**



# Appendix 2 | Part 1 | Dioceses and parishes

The Latin Church in Australia is divided into seven geographical archdioceses which embrace 21 smaller dioceses grouped in five provinces (detailed below). Each archdiocese and its smaller dioceses are grouped into provinces. Each archdiocese responded to the *Governance in Australia Survey 2019* (the data survey).<sup>403</sup> Table 1 below provides data in relation to the number of parishes and clergy as at 31 July 2019. Table 1 also provides figures for the number of priests per parish and the number of Catholics per priests in each diocese. Catholic population figures were sourced from the 2016 Australian Census.

Unless otherwise specified, all archdioceses are city based and all dioceses are in rural or regional areas, some covering huge geographical areas. In each province the first mentioned archdiocese is the metropolitan and the remainder are suffragan dioceses. The Archdioceses of Hobart and Canberra-Goulburn are immediately subject to the Apostolic See and are not members of a province although they attend meetings and co-operate.<sup>404</sup>

## 1. Province of Adelaide

- Archdiocese of Adelaide
- Two dioceses: Darwin (city and regional) and Port Pirie

## 2. Province of Brisbane

- Archdiocese of Brisbane
- Four dioceses: Cairns, Rockhampton, Toowoomba and Townsville

## 3. Province of Melbourne

- Archdiocese of Melbourne
- Archdiocese of Hobart
- Three dioceses: Ballarat, Sale and Sandhurst

## 4. Province of Perth

- Archdiocese of Perth
- Three dioceses: Broome, Bunbury and Geraldton

## 5. Province of Sydney

- Archdiocese of Sydney
- Archdiocese of Canberra Goulburn
- Nine dioceses: Armidale, Bathurst, Broken Bay (city), Lismore, Maitland-Newcastle, Parramatta (city), Wagga Wagga, Wilcannia-Forbes and Wollongong

As described in [Appendix 1 Part 1 Section 1.4](#), in addition to the dioceses there are five eastern Catholic eparchies or dioceses (Ukrainian, Maronite, Melkite, Chaldean and Syro-Malabar), two ordinariates (Military Ordinariate and Personal Ordinariate of Our Lady of the Southern Cross) and one personal prelature (Opus Dei). Four of the five eparchies (Maronite, Melkite, Chaldean and Syro-Malabar) are immediately subject to the Apostolic See and are not members of a province although they attend meetings and co-operate.<sup>405</sup> Ukrainians are a suffragan of the Archdiocese of Melbourne.

Some statistical information about the Catholic Church in Australia is available from the *Catholic Directory 2019-2020*<sup>406</sup> and the 2016 Census<sup>407</sup> and is summarised in table 1 below. Population figures are as at August 2016 (extracted from the 2016 Census) and details of diocese, parishes and personnel are as at 31 December 2017.

Respondents to the data survey were asked to provide the number of parishes and clergy in their diocese as at 31 July 2019. The number of parishes in the archdioceses ranged from 27 in the Archdiocese of Hobart to 208 parishes in the Archdiocese of Melbourne. Other geographical parishes including the Military had between 15 to 47 parishes each. The smallest number of parishes among the Eastern diocesan respondents was the Chaldean Diocese with seven parishes and the largest was the Syro-Malabar Eparchy with 42 parishes (mass centres).

The number of clergy provided by respondents included retired priests. Clergy numbers for the archdioceses ranged between 49 in the Archdiocese of Hobart to 517 in the Archdiocese of Sydney. The least number of clergy among the other dioceses was the Military Ordinariate with 10 priests, while the greatest was the Diocese of Rockhampton with 137 priests. Eastern dioceses that responded to the survey had between 13 to 65 priests.

<sup>403</sup> Governance Survey in Australia 2019 Report.

<sup>404</sup> *Annuario Pontificio 2019*, 1122.

<sup>405</sup> Ibid,

<sup>406</sup> *The Official Directory of the Catholic Church in Australia July 2019-June 2020* (Sydney: EJ Dwyer and The National Council of Priests of Australia,

2019) (hereafter cited as 'The Official Directory of the Catholic Church in Australia 2019').

<sup>407</sup> '2016 Census,' Australian Bureau of Statistics (ABS), accessed April 22, 2020, [www.abs.gov.au/websitedbs/censushome.nsf/home/2016](http://www.abs.gov.au/websitedbs/censushome.nsf/home/2016).

## Appendix 2 | Part 1 | Dioceses and parishes

The archdioceses had an overall number of 2.4 priests for every parish. The highest among these was the Archdiocese of Sydney with 3.8 priests per parish. Dioceses were much lower in comparison, with an overall figure of 1.6 priests per parish. However, there was great variation among these. The Diocese of Broken Bay, for example, had the highest figure overall of 4.4 priests per parish while the lowest was the Military Ordinariate with 0.3 priests. Among the Eastern dioceses and eparchies, the Maronites had 4.3 priests per parish while the Syro-Malabar Eparchy had only 0.7 priests for every parish.

The number of Catholics per priest varied significantly across all the responding dioceses. About 70 percent of all the responding dioceses had between 1,000 to 2,500 Catholics per priest. This included several archdioceses such as Perth, Sydney, Adelaide, Hobart, Canberra-Goulburn and Brisbane, but also other dioceses

such as Toowoomba, Wagga Wagga, Lismore, Parramatta and Darwin. There were much greater numbers from Melbourne (4,136), Rockhampton (3,877) and Townsville (3,039). The Diocese of Wollongong had the highest proportion with one priest for 4,868 Catholics, while the Diocese of Armidale had the smallest figures with less than a thousand Catholics per priest. Although the Eastern dioceses showed similar trends, their population figures are indicative only and hence cannot be reported accurately.

Understanding such trends in dioceses can assist in identifying the resources which may or may not be available for managing dioceses. Further investigations, such as examining the average parish population size in each diocese or the number of mass-going Catholics per priest, may help provide further insights.

# Appendix 2 | Part 1 | Dioceses and parishes

Table 1 – Parishes, clergy and population per responding diocese

Responding dioceses	Parishes	Clergy	Priests per parish	Catholic population*	Catholics per priest
Archdiocese of Adelaide	56	120	2.1	274,135	2,284
Archdiocese of Brisbane	98	275	2.8	708,701	2,577
Archdiocese of Canberra & Goulburn	55	73	1.3	155,088	2,124
Archdiocese of Hobart	27	49	1.8	79,454	1,622
Archdiocese of Melbourne	208	258	1.2	1,067,030	4,136
Archdiocese of Perth	102	353	3.5	429,715	1,217
Archdiocese of Sydney	135	517	3.8	594,145	1,149
Diocese of Armidale	25	43	1.7	42,490	988
Diocese of Ballarat	42	48	1.1	95,696	1,994
Diocese of Bathurst	17	39	2.3	65,677	1,684
Diocese of Broken Bay	26	114	4.4	215,449	1,890
Diocese of Bunbury	27	37	1.4	64,296	1,738
Diocese of Cairns	23	34	1.5	60,977	1,793
Diocese of Darwin	15	23	1.5	45,151	1,963
Diocese of Geraldton	12	17	1.4	27,596	1,623
Diocese of Lismore	22	54	2.5	104,580	1,937
Diocese of Maitland-Newcastle	38	66	1.7	154,475	2,341
Diocese of Parramatta	47	137	2.9	322,677	2,355
Diocese of Rockhampton	31	28	0.9	108,566	3,877
Diocese of Sale	27	50	1.9	123,594	2,472
Diocese of Sandhurst	40	48	1.2	90,189	1,879
Diocese of Toowoomba	37	37	1.0	65,212	1,762
Diocese of Townsville	27	26	1.0	79,008	3,039
Diocese of Wagga Wagga	32	51	1.6	60,674	1,190
Diocese of Wilcannia-Forbes	20	27	1.4	29,264	1,084
Diocese of Wollongong	32	39	1.2	189,834	4,868
Military Ordinariate of Australia	29	10	0.3	10,011	1,001
Chaldean Diocese of St Thomas**	7	13	1.9	[10,029]	771
Maronite Diocese of St Maroun of Sydney**	15	65	4.3	[36,434]	561
Syro-Malabar Eparchy of St Thomas the Apostle**	42	31	0.7	[8,353]	269

\* Catholic population figures are based on the 2016 Australian Census.

\*\* The Chaldean, Maronite and Syro-Malabar Catholic population figures are included within individual diocesan Catholic population totals, but are only shown here for indicative purposes.

# Appendix 2 | Part 1 | Dioceses and parishes

Table 2 – Provinces, parishes, clergy and population

Ecclesiastical Divisions	Total Population	Catholic Population	Parishes	Diocesan Priests	Religious Priests	Permanent Deacons
Province of Adelaide	1,903,047	346,355	88	100	85	16
Province of Brisbane	4,702,949	1,002,464	216	257	119	25
Province of Melbourne	6,438,120	1,456,365	341	455	213	29
Province of Perth	2,473,422	530,087	162	239	99	25
Province of Sydney	7,874,338	1,934,353	445	632	444	57
Eastern Churches	N/a	60,301	85	100	35	18
Ordinariates & Prelature	10,006	2,193	43	48	2	8
<b>Total</b>	<b>23,410,882</b>	<b>5,352,118</b>	<b>1,380</b>	<b>1,831</b>	<b>997</b>	<b>179</b>

On these figures, 22.9 per cent of the Australian population identify as Catholic.

# Appendix 2 | Part 2 | Religious institutes and Societies of apostolic life

In **sections 4.6 and 6.12 and Appendix 2 Part 4** there is a general description of institutes and societies of religious, apostolic and consecrated life that have historically been associated with the welfare, health and education ministries of the Church and, in the case of priests, with parish life.

According to the *Catholic Directory*, there are, operating in Australia:

- 42 institutes of clerical religious,

- 5 institutes of religious brothers,
- 92 institutes of religious women,
- 6 institutes of consecrated life, and
- 7 societies of apostolic life.<sup>408</sup>

In terms of numbers, most of the institutes of clerical religious and some of the societies of apostolic life would be included in the column 'religious priests' in the table set out above.

# Appendix 2 | Part 3 | Other Church authorities and pastoral ministries

In **sections 4.6 and 6.12 and Appendix 1 Part 4** comment is made that there are many authorities and organisations that carry out non-sacramental ministries of the Church or exist for spiritual cultural fellowship, spiritual and intellectual development, the sharing and development of particular interests and the carrying out of good works.

## Associations of Christian faithful

The *Catholic Directory* lists 49 associations of Christ's Faithful. They are general lay associations operating nationally or within a particular diocese. Simply by way of example, this includes groups such as:

- Aid to the Church in Need
- Apostolic Movement of Schoenstatt
- Australian Catholic Historical Society
- Canon Law Society of Australia and New Zealand

- Emmanuel community
- Legion Of Mary
- National Association of Deacons
- National Council of Priests
- Neocatechumenal Way
- St Vincent de Paul Society

## Ministerial public juridic persons (PJPs)

Again in **section 6.9** there is reference to the ministerial public juridic persons that have been formed to carry out welfare, health and education activities. Recently, these bodies have formed a corporation called Association of Ministerial PJPs Ltd to foster the ministry of canonical governance, to support its individual members and to facilitate members' collaboration on common issues and communion with the wider Church.

<sup>408</sup> *The Official Directory of the Catholic Church in Australia 2019.*

# Appendix 2 | Part 3 | Other Church authorities and pastoral ministries

The ministerial PJPs include:

- Calvary Ministries Ltd
- Dominican Education Australia Limited
- Good Samaritan Education
- Mary Aikenhead Ministries
- MercyCare
- Mercy Partners
- Sophia Education Ministries
- St John of God Australia Limited
- Trustees of Catholic Healthcare

- Trustees of Edmund Rice Education Australia
- Trustees of Kildare Ministries.

The work of many of these ministerial PJPs is reflected in the tables concerning health and aged care and education set out below.

In addition to these bodies, there are other significant PJPs, not regarded as 'ministerial' in the relevant sense, such as the Trustees of the University of Notre Dame Australia.

## Health and aged care

Church authorities are heavily invested in the health and aged care sector. The *Catholic Directory* contains information from which the following table has been constructed.

Ecclesiastical Divisions	Number of Hospitals	Nursing and Convalescent Homes	Children's Welfare
Province of Adelaide	4	10	8
Province of Brisbane	18	110	131
Province of Melbourne	44	93	50
Province of Perth	7	43	1
Province of Sydney	15	69	44
Eastern Churches	0	2	4
<b>Total</b>	<b>88</b>	<b>327</b>	<b>238</b>

# Appendix 2 | Part 3 | Other Church authorities and pastoral ministries

## Education

The Catholic sector makes a significant contribution to education in Australia. The following table has been created from information in the Catholic Directory (with enrolment figures and schools date taken from the August 2018 census).

### Schools

Ecclesiastical Division	Primary Schools	Secondary Schools	Combined Schools	Special Schools	Total
Province of Adelaide	75	15	28	2	120
Province of Brisbane	196	75	33	0	304
Province of Melbourne	415	94	21	2	532
Province of Perth	112	26	24	0	162
Province of Sydney	447	141	28	7	623
Eastern Churches	7	6	4	0	17
<b>Total</b>	<b>1,252</b>	<b>357</b>	<b>138</b>	<b>11</b>	<b>1,758</b>



# Appendix 2 | Part 3 | Other Church authorities and pastoral ministries

## Students

Ecclesiastical Divisions	Primary	Secondary	Total
Province of Adelaide	27,888	22,354	50,242
Province of Brisbane	78,994	67,929	146,923
Province of Melbourne	79,549	76,354	155,903
Province of Perth	36,609	34,679	71,288
Province of Sydney	177,644	158,293	335,938
Eastern Churches	2,168	2,056	4,224
<b>Total</b>	<b>402,852</b>	<b>361,665</b>	<b>764,517</b>

In addition, Catholic tertiary institutions contribute to the higher education sector and (or) to adult education. They include:

- Australian Catholic University,
- Broken Bay Institute,
- Champion College,
- Catholic Institute of Sydney,
- Catholic Institute of Western Australia,
- Catholic Theological College, and
- University of Notre Dame Australia.

## Welfare services

Catholic welfare services are essential to the mission of the Catholic Church in Australia and is the results of decades of Catholic social service and social policy development in Australia. The welfare services focuses on the advocacy of those who are most disadvantaged through the provision of social services to support those most in need by living out the core values of justice and compassion.

A national network of social services providers exists within Australia to help inform public opinion and encourage the national parliament to develop just and compassionate social and economic policies that will improve the lives of the poor and vulnerable in Australia.

# Appendix 2 | Part 3 | Other Church authorities and pastoral ministries

Catholic Social Services Australia (CSSA) is the peak body of catholic welfare services in Australia and in their Statement of Strategic Intent sets out the following core principles of priority of Catholic Social Teaching:

- **Dignity of the person**  
Our vision for society springs from our understanding of the fundamental dignity, sanctity and worth of every human life.
- **Common good and community**  
People are fundamentally social beings, and how we organise socially, politically and economically has implications for our capacity to grow in community
- **Preferential option for the poor**  
The most important measure of the success of our

community is the manner in which we direct our resources to assist those most in need.

- **Rights and responsibilities**  
Our participation in community brings with it both a range of rights and protections and a range of duties and obligations.<sup>409</sup>

CSSA has 63 member organisations that provide social services to over a million Australians a year, delivering services in local communities in metropolitan, regional and remote Australia.<sup>410</sup> Examples of some of the member organisations and the breath of their services<sup>411</sup> are provided in the following table:

MEMBER	SERVICE PROVISION
<b>Centacare Kimberley</b> <sup>412</sup>	<p><b>Emergency Relief</b> for people facing financial hardship access to food and clothing vouchers.</p> <p><b>Breakfast Programme</b> offers a free nutritional meals</p> <p><b>Homeless Outreach Service</b> works with people sleeping rough in the Broome region to support them to secure and maintain long term accommodation.</p> <p><b>Housing Support, Transitional and Short Term Stay Accommodation Programmes</b> offers assistance and accommodation to Aboriginal Communities, homeless people and other members of the community to develop the skills, confidence and financial capacity to move into affordable home ownership and private rental.</p> <p><b>Mental Health Support Service</b> works with people living with a mental illness with a primary focus on helping them to secure stable accommodation.</p> <p><b>Reintegration Support Programme</b> provides support to assist those who have been incarcerated into a West or East Kimberley correction facility. The programme aims to better prepare them for release back into the Community/society.</p>

<sup>409</sup> See 'Statement of Strategic Intent: 2018 – 2021,' Catholic Social Services Australia, accessed April 22, 2020, [www.cssa.org.au/wp-content/uploads/2019/04/1-statement-of-strategic-intent-2018-2021.pdf](http://www.cssa.org.au/wp-content/uploads/2019/04/1-statement-of-strategic-intent-2018-2021.pdf).

<sup>410</sup> See 'Health & welfare,' Australian Catholics, accessed April 22, 2020, <https://www.australiancatholics.com.au/article/health---welfare>.

<sup>411</sup> The services listed are only examples as they were too extensive to comprehensively outline in this report.

<sup>412</sup> See: 'Centacare Kimberley - Home,' Centacare Kimberley, accessed April 22, 2020, <http://centacarekimberley.org.au/>.

# Appendix 2 | Part 3 | Other Church authorities and pastoral ministries

MEMBER	SERVICE PROVISION
<b>Family Spirit</b> <sup>413</sup>	<b>Family support, foster care and adoption agency</b> formed from a partnership between two leading providers Marist180 and CatholicCare Sydney, who believe that by working together, we can all foster better outcomes for vulnerable children, young people and families.
<b>Jesuit Social Services</b> <sup>414</sup>	<p>Provides programmes and advocacy in the following areas:</p> <p><b>Justice and crime prevention</b> for people involved with the criminal justice system</p> <p><b>Mental health and wellbeing</b> for people with multiple and complex needs and those affected by trauma, suicide, and complex bereavement</p> <p><b>Settlement and community building</b> for recently arrived immigrants, refugees, displaced people and disadvantaged communities</p> <p><b>Education, training and employment</b> for people with barriers to sustainable employment.</p> <p><b>Gender and culture</b> providing leadership on the reduction of violence and other harmful behaviours prevalent among boys and men, and building new approaches to improve their wellbeing and keep families and communities safe.</p>
<b>MacKillop Family Services</b> <sup>415</sup>	Provides services across New South Wales, Victoria and Western Australia. Programmes include <b>out of home care (including foster, kinship and residential care), disability services, youth support services, education services, family services; and support and heritage and information service.</b>

<sup>413</sup> See: 'Family Spirit – Home,' Family Spirit, accessed April 22, 2020, <https://www.familyspirit.org/>.

<sup>414</sup> See: 'Jesuit Social Services - What we do,' Jesuit Social Services,

accessed April 22, 2020, <https://jss.org.au/what-we-do/>.

<sup>415v</sup> See: 'MacKillop Family Services - Our Services,' MacKillop Family Services, accessed April 22, 2020, <https://www.mackillop.org.au/our-services>.

# Appendix 2 | Part 3 | Other Church authorities and pastoral ministries

## MEMBER

## SERVICE PROVISION

### Marist 180<sup>416</sup>

**Out of home care** services to help young people recover from trauma and develop the confidence to live on their own.

**Education** providing a variety of education programmes to ensure all individuals have the opportunity to learn and grow. We can also help educators and communities learn how to create an encouraging, supportive learning environment.

**Accommodation** providing foster care, accommodation, and a sense of security and stability to individuals that will help them achieve their personal goals. A range of services are provided to help individuals stay at home as well as access short- to long-term accommodation.

**Employment** partners with a range of organisations to provide job seekers with the opportunity to develop their skills and find long-term, sustainable employment. These programmes can help young job seekers, people who identify as Aboriginal or Torres Strait Islander, women and other individuals find a path to employment.

**Engagement** helps individuals connect to their families and provide a safe home environment so they can continue their journey towards independence.

**Aboriginal & Torres Strait Islander** provision of education pathways, apprenticeships and accommodation to assist each individual to develop the skills and confidence they need to build a fulfilling life.

### MercyCare<sup>417</sup>

Provides an array of services for people living in Western Australia in relation to **child care, aged care, disability services, health care and community services.**

These are organisations working with governments, other churches and all people of good will, to develop social welfare policies, programmes and other strategic responses that work

towards the economic, social and spiritual well-being of the Australian community. CSSA is a commission of the ACBC.

<sup>416</sup> See: 'Marist 180 - About 180,' Marist 180, accessed April 22, 2020, <https://marist180.org.au/about-180/>.

<sup>417</sup> See: 'MercyCare - About Us,' MercyCare, accessed April 22, 2020, <https://www.mercycare.com.au/about-us>.



**APPENDIX 3**  
**GOVERNANCE SURVEY**  
**IN AUSTRALIA 2019**

# Chapter 1: Introduction

This report is the result of a May 2019 invitation from the Implementation Advisory Group (IAG) to the National Centre for Pastoral Research (NCPR) to conduct a governance survey of dioceses in Australia.

The Implementation Advisory Group in Australia was established by the Australian Catholic Bishops Conference (ACBC), Catholic Religious Australia (CRA) and the Association of Ministerial Public Juridic Persons to advise the Catholic Church leaders within Australia with respect to the implementation of the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse (2013-2017). The ACBC and CRA entrusted the conduct of a national review of the governance and management structures of dioceses and parishes to the Implementation Advisory Group. The Implementation Advisory Group in turn invited the National Centre for Pastoral Research (NCPR) to assist with conducting a governance survey of dioceses as the first stage of the national review.

The purpose of the Australian study was an attempt to build a profile of diocesan pastoral, financial and safeguarding councils and to learn about diocesan executives such as financial administrators, directors and chancellors that serve in diocesan offices. The research also endeavoured to capture data on existing parish pastoral councils within each diocese.

In particular, the study aimed to answer the following questions:

1. What is the scope, purpose and membership of Diocesan Pastoral Councils, Financial Councils and Safeguarding Councils?
2. What is the composition in terms of gender, age and religious status of executives within each diocese?
3. What is the scope of parish pastoral councils in each diocese?
4. What are some best practices in governance and management currently being employed in parishes?

The answers to these questions will help provide reliable information to assist the deliberations of the IAG in identifying areas in which the governance and management structures of dioceses and parishes in the Church in Australia assist or impede

the attainment of accountability, transparency, consultation and lay men and women's participation and co-responsibility in decision-making processes. The findings will also help identify principles and examples of governance that facilitate best practice in management and administration. Ultimately, this research will inform ongoing discussion and future decision-making regarding the governance and management structures and practices of the Catholic Church in Australia.

## How the data was collected

Data collection was carried out through an online survey developed in Qualtrics with mainly quantitative questions. A copy of the online survey can be found as Appendix 1. A hard copy of the questionnaire was also made available. The survey was launched on 6 September 2019 and closed on 25 October 2019.

All dioceses in Australia were invited to participate in the survey. Invitations, using a 'survey link', were distributed to the diocesan bishop and the diocesan financial advisor in every diocese. A participant information sheet, detailing the purpose of the survey, was also emailed to the dioceses. This document contained a sample list of records that each diocese would need to assemble in order to help them complete the survey. A copy of the Participant Information Letter can be found as Appendix 2 in this report.

The data requested from each diocese was de-identified employment data about the number of executives working in their diocese, along with a breakdown of gender, age and religious status from existing records. No sensitive data or identifiable personal information about any individual was collected.

Data analysis was done using MS Excel and SPSS statistical software for quantitative analysis.

In September 2019, the survey was reviewed by the Human Research Ethics Committee at the Christian Research Association who confirmed that the project was low risk and that it met the requirements of the Australian Code for the Responsible Conduct of Research.

# Chapter 2: Participants in the survey

## Responses to the Survey

By 25 October 2019, 30 dioceses had responded to the survey. Of these, seven responses were received from Archdioceses, 20 from other geographical dioceses, including the Military and three responses from Eastern Catholic dioceses. Table 1 is a list of the responding dioceses.

### Geographical Differences

There is an inherent difficulty in attempting to categorise dioceses according to urban, regional or rural geographies given that most dioceses have areas which span multiple geography categories. Two examples may suffice.

**Diocese of Sale:** Geographically speaking, the vast majority of the diocese is rural, although, as its boundaries incorporate some of the outlying suburbs of the Greater Melbourne area, it contains some of the most populated parishes in Australia. Five of Sale's parishes account for around half of the diocese's Catholic population. The diocese, therefore, is part urban, part rural, but also contains a number of regional parishes, such as Traralgon, Bairnsdale and Morwell.

**Archdiocese of Canberra & Goulburn:** Around half of the Archdiocese's Catholic population reside in parishes within the ACT, most of which would be considered urban in geography. However, most other parishes in the NSW portion of the Archdiocese are rural, although—again—there are a number of regional parishes, such as Queanbeyan and Goulburn, which have considerable populations.

For this reason therefore, the responding dioceses have not been categorised as such in this report.

Table 1 : List of Responding Dioceses

Archdiocese of Adelaide
Archdiocese of Brisbane
Archdiocese of Canberra & Goulburn
Archdiocese of Hobart
Archdiocese of Melbourne
Archdiocese of Perth
Archdiocese of Sydney
Diocese of Armidale
Diocese of Ballarat
Diocese of Bathurst
Diocese of Broken Bay
Diocese of Bunbury
Diocese of Cairns
Diocese of Darwin
Diocese of Geraldton
Diocese of Lismore
Diocese of Maitland-Newcastle
Diocese of Parramatta
Diocese of Rockhampton
Diocese of Sale
Diocese of Sandhurst
Diocese of Toowoomba
Diocese of Townsville
Diocese of Wagga Wagga
Diocese of Wilcannia-Forbes
Diocese of Wollongong
Military Ordinariate of Australia
Chaldean Diocese of St Thomas
Maronite Diocese of St Maroun of Sydney
Syro-Malabar Eparchy of St Thomas the Apostle



## Parishes, Clergy and Population

Respondents were asked to provide the number of parishes and clergy in their diocese as at 31 July 2019. Table 2 shows this list. The number of parishes in the Archdioceses ranged from 27 in the Archdiocese of Hobart to 208 parishes in the Archdiocese of Melbourne. Other geographical parishes,

**Table 2: Parishes, Clergy, Population**

Responding dioceses	Parishes	Clergy	Priests per parish	Catholic population*	Catholics per priest
Archdiocese of Adelaide	56	120	2.1	274,135	2,284
Archdiocese of Brisbane	98	275	2.8	708,701	2,577
Archdiocese of Canberra & Goulburn	55	73	1.3	155,088	2,124
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\*\* The Chaldean, Maronite and Syro-Malabar Catholic population figures are

included within individual diocesan Catholic population totals, but are only shown here for indicative purposes.

## Chapter 2: Participants in the survey

including the Military, had between 15 to 47 parishes each. The smallest number of parishes among the Eastern diocesan respondents was the Chaldean Diocese with seven parishes and the largest was the Syro–Malabar Eparchy with 42 parishes (Mass centres).

The number of clergy provided by respondents included retired priests. Clergy numbers for the Archdioceses ranged between 49 in the Archdiocese of Hobart to 517 in the Archdiocese of Sydney. The least number of clergy among the other dioceses was the Military Ordinariate with 10 priests, while the

greatest was the Diocese of Rockhampton with 137 priests. Eastern dioceses that responded to the survey had between 13 to 65 priests.

Table 2 also provides figures for the number of priests per parish and the number of Catholics per priests in each diocese. Catholic population figures were sourced from the 2016 Australian Census.

The Archdioceses had an overall number of 2.4 priests for every parish. The highest among these was the Archdiocese of Sydney with 3.8 priests per parish. Dioceses were much lower in comparison, with an overall figure of 1.6 priests per parish. However, there was great variation among these. The Diocese of Broken Bay, for example, had the highest figure overall of 4.4

priests per parish while the lowest was the Military Ordinariate with 0.3 priests. Among the Eastern dioceses and eparchies, the Maronites had 4.3 priests per parish while the Syro–Malabar Eparchy had only 0.7 priests for every parish.

The number of Catholics per priest varied significantly across all the responding dioceses. About 70 per cent of all the responding dioceses had between 1,000 to 2,500 Catholics per priest. This included several Archdioceses such as Perth, Sydney, Adelaide, Hobart, Canberra & Goulburn and Brisbane, but also other dioceses such as Toowoomba, Wagga Wagga, Lismore, Parramatta and Darwin. There were much greater numbers from Melbourne (4,136), Rockhampton (3,877) and Townsville (3,039). The Diocese of Wollongong had the highest proportion with one priest for 4,868 Catholics, while the Diocese of Armidale had the smallest figures with less than a thousand Catholics per priest. Although the Eastern dioceses showed similar trends, their population figures are indicative only and hence cannot be reported accurately.

Understanding such trends in dioceses can assist in identifying the resources which may or may not be available for managing dioceses. Further investigations, such as examining the average parish population size in each diocese or the number of Mass-going Catholics per priest, may help provide further insights.

# Chapter 3: Diocesan Pastoral Councils

When asked if their diocese had a Diocesan Pastoral Council, only 10 dioceses replied that they did have one, while a greater percentage (67%) did not. One reason for this low response could be because the 1983 Code of Canon Law recommends, but does not require, that a Diocesan Pastoral Council be established in every diocese (Canon 511). This is unlike a Diocesan Finance Council that is required by canon law (Canon 492).

All 10 dioceses that replied affirmatively indicated that they had a Terms of Reference document that set out the scope/purpose, operation and membership of their Diocesan Pastoral Council.

	N.	%
Yes	10	33.3
No	20	66.7
<b>Total</b>	<b>30</b>	<b>100</b>

However, only eight dioceses provided relevant copies of these documents. These have been de-identified and attached as *Appendix 3* in this report.

## Meetings of the Diocesan Pastoral Council

Table 4 shows the average number of meetings of Diocesan Pastoral Councils. Most Councils met between one to four times a year. Two dioceses reported that their council met five and six times yearly and one diocese reported a greater than monthly frequency.

	N.
Once a year	1
Twice a year	1
Three times	1
Four times	3
Five times	1
Six times	1
Seven times	0
Eight times	0
Nine times	0
Ten times	0
Eleven times	0
Twelve times	0
More than twelve times a year	1
No response	1
<b>Total</b>	<b>10</b>

### Minutes of the meeting

All 10 dioceses reported that minutes were taken at their pastoral council meeting. Table 5 shows the groups that had access to the minutes once they were approved by the committee. Only nine dioceses answered this question. All indicated that members of the council had access to the minutes. In two dioceses, the minutes were shared with other diocesan staff while one diocese reported that the minutes were available to the general public.

	N.	%
Members of the committee	9	100.0
Other diocesan staff	2	22.2
General public	1	11.1
Via members to Parish Pastoral Councils	1	11.1

Number of responses = 9

# Chapter 3: Diocesan Pastoral Councils

## Membership of the Diocesan Pastoral Council

Of the 10 dioceses who reported they had a Diocesan Pastoral Council, a little over half the number of their members were male (55%), while 45 per cent were female. Table 6 shows that there were 112 men and 92 women in the 10 Councils.

Table 7 shows the religious status of Diocesan Pastoral Council members. Of a total of 204 members, 85 had some religious status while the remaining 119 were lay persons. This figure included those who were external lay consultants not employed by the diocese. This meant that overall, lay consultants and lay persons made up 58.3 per cent of the total number of members.

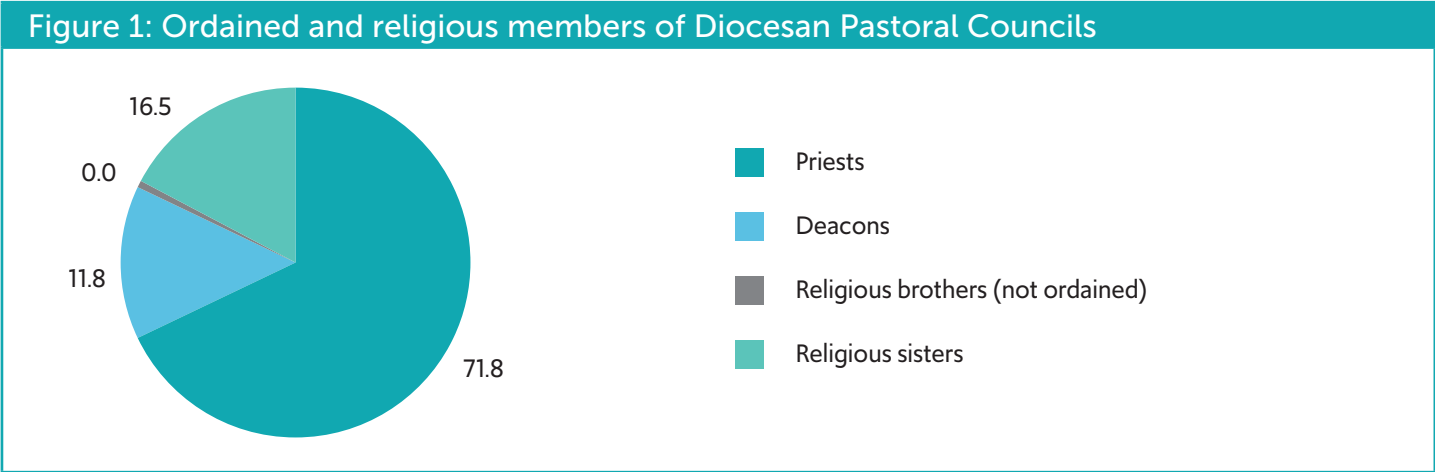
Figure 1 gives a break up of the ordained and religious members and shows that a majority (72%) were priests. A further 17 per cent (14) were religious sisters and about 12 per cent (10) were deacons. There were no religious brothers among the members.

The survey questionnaire did not ask for a breakdown of male and female laypersons. However, by excluding religious members and

	N.	% of total
Male	112	54.9
Female	92	45.1
<b>Total</b>	<b>204</b>	<b>100</b>

	N.	% of total
Clergy /Deacons/Religious	85	41.7
Lay persons	119	58.3
<b>Total</b>	<b>204</b>	<b>100</b>

clergy, analysis indicates that there were 41 lay men and 78 lay women who were members of Diocesan Pastoral Councils.



## Chairs of the Diocesan Pastoral Councils

Respondents were asked to indicate the sex of the Chair of their Diocesan Pastoral Council. As Table 8 shows, only nine dioceses answered this question. Of these, five dioceses indicated that their Chairs were female, while the remaining four were male.

A further question asked them to indicate the religious status of their Chair. Three dioceses reported that their Chairperson was a bishop while the remaining six reported that their Chair was a lay person.

	N.	% of total
Male	4	44.4
Female	5	55.6
<b>Total</b>	<b>9</b>	<b>100</b>

# Chapter 4: Diocesan Finance Councils

Section Three of the survey focussed on Diocesan Finance Councils. As Table 9 shows, all 30 dioceses indicated that they did have such a Council.

Of these, 28 dioceses reported that they had a Terms of Reference document that set out the scope/purpose, operation and membership of their Diocesan Finance Council, while two dioceses reported that they did not have such a document. However, only 19 dioceses provided copies of their documents. These have been de-identified and attached as *Appendix 4 in this report*.

Table 9: Presence of a Diocesan	N.	% of total
Yes	30	100.0
No	0	0.0
<b>Total</b>	<b>30</b>	<b>100</b>

## Meetings of the Diocesan Finance Council

Table 4 shows the average number of meetings of Diocesan Finance Councils. The most common frequency of meetings was quarterly or bi-monthly (every two months). Twelve dioceses reported that their council met two to five times a year. Fourteen dioceses indicated that they met between six to ten times yearly. There were two dioceses that had 11 meetings per year while one diocese reported that they had a monthly meeting.

A question in the survey asked dioceses to indicate if their Diocesan Finance Council reported to anyone. Twenty-five dioceses said that they did indeed report, while five did not do so. Table 11 shows a list of persons or groups whom the Finance Councils reported to. Twenty-two dioceses reported to their bishop. Two dioceses reported to their diocesan trustees while one diocese each reported to a group of consultors, the Diocesan Finance Officer and the Pastoral Council.

Table 10: Average Diocesan Finance Council meetings per year	N.
Once a year	0
Twice a year	1
Three times	0
Four times	7
Five times	4
Six times	7
Seven times	0
Eight times	3
Nine times	1
Ten times	3
Eleven times	2
Twelve times	1
More than twelve times a year	0
No response	1
<b>Total</b>	<b>30</b>

Table 11: Diocesan Finance Council reports to:	N.	%
Bishop	22	88.0
Consultors	1	4.0
Diocesan Trustees	2	8.0
Diocesan Finance Officer	1	4.0
Pastoral Council	1	4.0

Number of responses = 25.

# Chapter 4: Diocesan Finance Councils

## Minutes of the meeting

A total of 28 dioceses reported that minutes were taken at their Finance Council meeting. Table 12 shows the groups that had access to the minutes once they were approved by the committee. All 28 dioceses provided the minutes to members of the Finance Council. In addition, 14 dioceses shared the minutes with other diocesan staff while none made the minutes available to the general public.

	N.	%
Members of the committee	28	100
Other diocesan staff	14	50
General public	0	0
External auditors	1	4

Number of responses = 28

## Membership of the Diocesan Finance Council

Table 13 shows the sex of the members of Diocesan Finance Councils. Of a total of 235 members, a little over three-quarter were males (77%), while the rest were female. There were 180 men and 55 women in the 30 Finance Councils.

There were another nine external lay consultants reported who were not members of Councils, bringing the total numbers of lay persons involved in Diocesan Finance Councils to 175 or 75 per cent.

Table 14 shows the religious status of Diocesan Finance Council members. Nearly 30 per cent had some religious status (69) while the remaining 166 members were lay persons.

Figure 2 gives a break up of the ordained and religious members and shows 96 per cent (66) were priests, while two were deacons and one was a religious sister.

	N.	% of total
Male	180	76.6
Female	55	23.4
Total	235	100

	N.	% of total
Clergy /Deacons/Religious	69	29.4
Lay persons	166	70.6
Total	235	100

Figure 2: Ordained and religious members of Diocesan Finance Councils



# Chapter 4: Diocesan Finance Councils

## Membership of the Diocesan Finance Council

### Chairs of the Diocesan Finance Councils

Respondents were asked to indicate the sex of the Chair of their Diocesan Finance Council. As Table 15 shows, of the 30 dioceses, only one Chair was female, while the remaining 29 were male.

A further question asked them to indicate the religious status of their Chair. As Table 16 shows, eight dioceses reported that their Chairperson was a bishop while three dioceses had a priest as their Chair. A majority however (63%) reported that the Chair of their Finance Council was a lay person.

Table 15: Sex of Chairs of	N.	% of
Male	29	96.7
Female	1	3.3
Total	30	100

Table 16: Religious status of Chairs of Diocesan Finance Councils	N.	%
A bishop	8	26.7
A priest	3	10.0
A deacon	0	0.0
A religious brother (not ordained)	0	0.0
A religious sister	0	0.0
A lay person	19	63.3
Total	30	100

# Chapter 5: Diocesan Safeguarding/ Professional Standards Committees/Councils

In Section Four of the survey, respondents were asked to indicate if their diocese had a Diocesan Safeguarding or Professional Standards Committee or Council. As Table 17 shows, a majority, 27 dioceses, indicated that they did have such a group.

A further question asked if this group was the consultative panel required under Towards Healing or if it was in addition to or separate from the consultative panel. Twenty-seven diocese answered this question. As Table 18 indicates, 19 dioceses reported that this group was a consultative panel while the remaining eight had different or additional groups

A total of 21 dioceses reported that they had a Terms of Reference document that set out the scope/purpose, operation and membership of their Diocesan Safeguarding/Professional Standards Committee/Council while a further six indicated that they did not have such a document. However, only 19 dioceses provided copies of their documents. One diocese sent in documents of two separate entities while another diocese sent documents of four separate groups. This brought the total number of documents to 23. These have been de-identified and attached as Appendix 5 in this report.



# Chapter 5: Diocesan Safeguarding/ Professional Standards Committees/Councils

Table 17: Presence of a Diocesan Safeguarding/Professional Standards Committee/Council?	N.	% of total
Yes	27	90.0
No	3	10.0
Total	30	100

Table 18: Is this the consultative panel required under Towards Healing or is this in addition to/separate from the consultative panel?	N.	% of total
Yes	19	70.4
No	8	29.6
Total	27	100

## Meetings of the Diocesan Safeguarding/ Professional Standards Committee/ Council

Table 19 shows the average number of meetings of Diocesan Safeguarding/Professional Standards Committees and Councils. The most common frequency of meetings was quarterly, followed by meetings every two months. Nineteen dioceses reported that their council met two to five times a year. Seven dioceses indicated that they met between six to 12 times yearly. One diocese reported a greater than monthly frequency while another did not respond to the question.

A question in the survey asked dioceses to indicate if their Diocesan Safeguarding/ Professional Standards Committee/ Council reported to anyone. Of the 27 dioceses who answered the question, 82 per cent (22) indicated that they did indeed report, while five did not do so. Table 20 shows a list of persons or groups whom the Diocesan Safeguarding/Professional Standards Committees and Councils reported to. Of a total 22 dioceses that answered the question, 19 dioceses reported to their bishop. Two dioceses reported to their Vicar General while one diocese each reported to the Director of Safeguarding and the Executive of the Curia. One diocese reported that their Council reported to the

Table 19: Average Diocesan Safeguarding/ Professional Standards Committee/Council meetings per year?	N.
Once a year	0
Twice a year	1
Three times	1
Four times	14
Five times	2
Six times	5
Seven times	0
Eight times	0
Nine times	0
Ten times	1
Eleven times	0
Twelve times	1
More than twelve times a year	1
No response	1
Total	27

# Chapter 5: Diocesan Safeguarding/ Professional Standards Committees/Councils

bishop as well as the Vicar General, while five dioceses did not answer this question. As such, the percentages in Table 20 do not add to 100 per cent.

Respondents were also asked if minutes were available from their Safeguarding/Professional Standards Committee/Council meeting. Of the total 27 dioceses which answered the question, 24 dioceses (89%) responded affirmatively while the rest reported that no minutes were available.

Table 20: Diocesan Safeguarding/Professional Standards Committee/Council reports to:	N.	%
Bishop	19	76.0
Vicar General	2	8.0
Director Safeguarding	1	4.0
Executive of the Curia	1	4.0

Number of responses = 22. No response = 5.  
Note: Respondents could give more than one response

## Membership of the Diocesan Safeguarding/Professional Standards Committee/Council

Table 21 shows the sex of the members of Diocesan Safeguarding/Professional Standards Committees and Councils. Of a total of 205 members from 27 dioceses, a little over half were males (51%), while the rest were female. There were 105 men and 100 women in total.

Figure 3 on the following page gives a break up of the ordained and religious members and shows that a majority of these (81%) were priests. A further nine per cent were religious sisters and another nine per cent were deacons. There was only one religious brother among all the ordained and religious members.

Table 22 shows the religious status of Diocesan Safeguarding/Professional Standards Committee/ Council members. Nearly 28 per cent had some religious status (57) while the remaining 148 members were lay persons. Of these, 54 were reported as being external lay consultants not employed by the diocese.

Table 21: Sex of Diocesan Safeguarding/Professional Standards Committee/Council Members	N.	% of total
Male	105	51.2
Female	100	48.8
Total	205	100

Table 22: Religious status of Diocesan Safeguarding/Professional Standards Committee/Council Members	N.	% of total
Clergy /Religious	57	27.8
Lay	148	72.2
Total	205	100

# Chapter 5: Diocesan Safeguarding/ Professional Standards Committees/Councils

**Figure 3: Ordained and religious members of Diocesan Safeguarding/ Professional Standards Committees/Councils**



### Chairs of the Diocesan Safeguarding/Professional Standards Committees/Councils

Respondents were asked to indicate the sex of the Chair of their Diocesan Safeguarding/Professional Standards Committee/Council. As Table 23 shows, of the 27 dioceses who answered this question, 18 dioceses indicated that their Chairs were male, while the remaining nine were female.

A further question asked them to indicate the religious status of their Chair. As Table 24 shows, three dioceses reported that their Chairperson was a bishop while four had a priest as their Chair. One Chairperson was a deacon. A majority however (71%) reported that the Chairs of their Committees/Councils were lay persons.

	N.	% of total
Male	18	66.7
Female	9	33.3
<b>Total</b>	<b>27</b>	<b>100</b>

	N.	%
A bishop	3	11.1
A priest	4	14.8
A deacon	1	3.7
A religious brother (not ordained)	0	0.0
A religious sister	0	0.0
A lay person	19	70.4
<b>Total</b>	<b>27</b>	<b>100</b>

# Chapter 6: Executives/Directors in the Diocesan Offices

Section Five of the Survey asked respondents to list all members of the Executive or Directors in the diocesan office, excluding Catholic Education and welfare positions. For each person, respondents were asked to include a brief role description, their sex and religious status. Executives were classified as those who managed a department or area with the curia, chancery or diocesan office and who reported directly to the bishop.

All dioceses answered this question and provided details of their Executives and Directors. Table 25 below provides a summary of the positions by religious status and sex.

**Table 24: Religious status of the Chairs of Diocesan Safeguarding/Professional Standards Committees/Councils**

Religious status	Male	%	Female	%	Total
Priest	54	40	-	-	54
Deacon	2	1	-	-	2
Religious brother	0	0	-	-	0
Religious sister	-	-	6	9	6
Lay person	77	57	57	88	134
Not stated	1	1	2	3	3
<b>Total</b>	<b>134</b>		<b>65</b>		<b>199</b>

As Table 25 indicates, just over half the number (57%) of male Executives or Directors in diocesan offices were lay persons while 40 per cent were priests. In comparison, an overwhelming majority of females (88%) were lay persons and only a small number (9%) were religious sisters.

Table 26, on the following pages, provides a full list of the positions. Similar positions/roles were loosely grouped together in this table. For example, where dioceses had indicated that they had a Diocesan Financial Administrator, a Diocesan Finance Officer or Financial Administrator, these positions were grouped as one category.

As Table 26 shows, the most common role found across all the dioceses was that of a Financial Administrator. There were 20

executives in this role. Included within this role were other similar positions such as a Diocesan Finance Officer, a Chief Financial Officer, a Governance & Financial Planner or a Head of Diocesan Financial Administrator. The other most common roles were those of a Chancellor and a Vicar General. Thirteen dioceses reported that they had Chancellors while there were 14 Vicar Generals. There were several roles relating to Safeguarding and Professional Standards. At least 15 people were employed in these roles. Finally, eight dioceses reported that they employed Business Managers in their diocesan offices.

A full list of positions can be found as *Appendix 6* in this report.

**Table 26: Members of the Executive or Directors in the Diocesan office**

SUMMARY LIST OF POSITIONS	Number of positions
Business Manager / Diocesan Business Manager / Director Business Operations	8
Catholic Congress Director	1
CEO (Chief Executive Officer)	1
CEO ADIG (Armidale Diocese Investment Group)	1
CEO-DFO (Diocesan Finance Officer)	1
CFO (Chief Financial Officer) / CFO - ADF	2
Chair Diocesan Finance Council	1
Chancellor / Diocesan Chancellor / Acting Chancellor	13
Chief Operations Manager	1
Communications Officer	1
COO (Chief Operating Officer)	1
Co-ordinator, University Catholic Chaplaincy	1
Co-ordinator Youth Office	1
Co-ordinator Pastoral Ministry and Youth Ministry	1
Delegate for Religious	1
Diocesan Accountant	1
Director, Archbishop's Office	1
Diocesan Financial Administrator / Diocesan Finance Officer / Financial Administrator	20
Diocesan Pastoral Development Coordinator	1
Director Strategy & Governance	1
Director - Confraternity of Christian Doctrine	2
Director Aboriginal Catholic Ministry	1
Director Bible Apostolate & Family Groups	1
Director Centacare	1
Director Centre Faith Enrichment	1
Director Church Life and Mission Services	1
Director Institute in Faith Education	1
Director Family Apostolate	1
Director Justice Ecology and Development Office	1
Director Life, Marriage & Family Centre / Director Marriage life and Family	3
Director Nurses Ministry Apostolate	1
Director of Catechism & Adult Education	1
Director of Clergy Life and Ministry / Director of Clergy Office / Director Priestly Life and Ministry	4
Director of Diaconate Program / Director, Office of the Permanent Diaconate	2
Director of Diocesan Services (also the DFA)	1
Director of Evangelisation	4
Director of Safeguarding	2
Director of Women Apostolate	1
Director Parish Life & Mission	1
Director - People & Culture	1
Director - Property & Building	1
Director of Property & Infrastructure	1
Director - Resource Development	1
Director Professional Standards / Acting Head of Office for Safeguarding & Professional Standards	2
Director Safeguarding / Director Safeguarding Services / Director Diocesan Office for Safeguarding	7
Director Tribunal	1
Director Work Health & Safety	1
Director Youth Evangelisation / Director Archbishop's Office for Youth / Director Youth Apostolate	3
Director Inter - Diocesan Marriage Tribunal	1
Director Natural Family Planning	1
Director Office for Communications	1

**Table 26: Members of the Executive or Directors in the Diocesan office**

SUMMARY LIST OF POSITIONS	Number of positions
Director Office Christian Initiation	1
Episcopal Vicar - Moderator of the Curia	1
Episcopal Vicar for Education	1
Episcopal Vicar for Pastoral Care and Evangelisation	1
Executive Advisor - Government, Media & Events	1
Executive Director Administration	1
Executive Director, Administration & Finance	1
Executive Director Office of the Archbishop	1
Executive Director - Archdiocesan Services	1
Executive Director - Finance and Employee Services	1
Executive Director, Commission for Interfaith Relations	1
Executive Officer, Aboriginal Catholic Ministry	1
Executive Officer, Ecumenical and Interfaith Commission	1
Executive Officer, Immigration	1
Executive Officer, Migrant & Refugee Office	1
Executive Officer, Office for Justice & Peace	1
Executive Officer, Bishop's Office	1
Executive Secretary	1
General Counsel	1
General Manager – ADF	1
Governance & Financial Planner	1
HR Manager	2
IT Manager / ICT Manager	3
Liturgy / Director, Liturgy Office	2
Manager Professional Standards & Safeguarding / Manager, Professional Standards	5
Manager, Office for Evangelisation / Director Archbishop's Office for Evangelisation / Project Leader, Evangelisation Project	3
Member of Diocesan Financial Administration	4
Parish Support Officer	1
Pastoral Life Officer	1
Personal Assistant to the Bishop	1
Principal St Alberts College	1
Private Secretary to Archbishop	1
Process Instructor	1
Professional Standards / Professional Standards Coordinator / Safeguarding & Professional Standards	4
Promotor, Justice & Peace Office	1
Property Manager	1
Safeguarding Coordinator/Safeguarding Officer	2
Senior Advisor to the Diocesan Administrator	1
Social Justice	1
Spirituality	1
SPRED (Special Religious Development for People with an Intellectual Disability)	1
Tribunal Director	1
Vicar for Clergy	3
Vicar for Religious	1
Vicar General	14
Vice Chancellor	1
Vocations Director / Director, Catholic Vocations / Director Vocations Office	4
Youth Ministry Coordinator	1

# Chapter 7: Paid Staff of the Diocesan Offices

## Paid Staff of the Diocesan Office

To determine the number of staff working in dioceses, respondents were requested to provide information on the total number of paid staff, including executives and directors, working within the diocesan offices, as well as a break-down between full-time and part-time employees, the sex of the staff and their religious status. Twenty-nine of the 30 respondents provided at least some figures. As an additional part of this question was added after data collection had commenced, a number of dioceses did not provide all of the information requested. For example, eight dioceses provided only total staff figures, so part-time figures could be higher than provided. Additionally, the number of males and females employees do not always add to the overall total.

Table 27, below, shows a summary of the numbers of staff working in diocesan offices, and does not include information about education or social welfare staff in the diocese. Part time staff numbers include casual staff. Overall, there were 1,419 full-time staff (72%) and 539 part-time staff (28%) employed in the 29 diocesan offices, or 1,958 in total. Around 65 per cent of staff were female and 35 per cent were male. There were 128 priests employed in full-time (96) and part-time (32) roles in the diocesan offices. Twenty-five religious sisters, one religious brother and 19 deacons were also working in the dioceses.

Table 27: Staff working within the diocesan offices	Full-time	Part-time
<b>In total</b>	<b>1,419</b>	<b>539</b>
Male	509	161
Female	865	356
Priests	96	32
Deacons	10	9
Religious brothers (not ordained)	1	0
Religious sisters	10	15

# Chapter 8: Parish Councils

In Section Seven of the survey, respondents were asked to indicate if each parish in their diocese was obligated to establish a Parish Pastoral Council. As Table 28 shows, 16 dioceses indicated that that was the case while 13 responded that there was no such obligation.

Of the 16 dioceses, six dioceses had indicated in earlier sections of the survey that they had a Diocesan Pastoral Council, while 10 dioceses did not have one. Of the 13 dioceses where there was no such obligation, three dioceses had Diocesan Pastoral Councils.

Table 28: Is each parish in your diocese obligated to establish a Parish Pastoral Council?	N.	% of total
Yes	16	55.2
No	13	44.8
<b>Total</b>	<b>29</b>	<b>100</b>



# Chapter 8: Parish Councils

## Concerns or issues related to Parish Pastoral or Finance Councils

Respondents were asked to list any concerns or issues they had in relation to the establishment or workings of parish pastoral or financial councils in their diocese. Eight dioceses did not answer the question while one marked it not applicable. Four dioceses indicated that they did not have any concerns. One diocese among these provided further information as follows:

No. The Diocesan Financial Administrator visits Parish Finance Councils each year. Note: Parishes are encouraged to have a Parish Pastoral Council. Regional Pastoral Councils have been set up.

Sixteen dioceses indicated that they did have some concerns. Their comments are provided below:

- *Very small and scattered communities are finding it difficult to encourage membership of the councils. Some communities are more than 200 kilometres apart.*
- *Not all Parishes establish Pastoral Councils. Sometimes Pastoral Councils are suppressed. Some councils operate only occasionally (1-2 per year). Some Councils are maintenance focused, non-consultative.*
- *Finance Councils are required; some parishes do not have them; where they do meetings sometimes don't happen. Some priests do not listen to advice being given. Pastoral Council existence is varied.*
- *With some councils (both finance and pastoral) there is not enough formation about their role.*
- *Maintaining focus on governance and appropriate governance structures. The Office for Stewardship supports this through parish training and education and supports the use of parish document templates.*
- *Some parishes have not implemented or do not have active parish councils. Smaller communities only have one council. Some councils are discussion groups instead of overseeing governance/management.*
- *Smaller parishes can be difficult with the same people stepping up each year—age and the lack of younger people willing and able to be involved.*
- *Finance Councils are mixed bag; some parishes do not have one. Some are extremely controlling and the parish priest is hesitant to make a decision unless he consults the Finance Council. Others are adding value to the parish priest.*
- *Not all parishes implement this synodal decision, mainly due to the age of parishioners and finding those with the necessary skills.*
- *The main concerns, particularly in small communities, is in finding new members.*
- *1) Many of the smaller parishes struggle to pull together a group to form a council.  
2) Many councils do not fully appreciate they have consultative/advisory status only.*
- *Finding skilled and committed parishioners to serve on councils in regional and remote parishes is becoming more difficult as these communities dwindle in active participation.*
- *Implementation of the new Parish Council Constitution (template). Drafting new guidelines for Parish Finance Councils. Eight Parishes have not submitted financial returns in 2018.*
- *The Parish Pastoral Councils and Parish Finance Councils vary in their establishment and work. The works of these bodies is rarely shared with the Chancery. Given the number of small parishes they struggle to attract membership.*
- *We do not have "Parishes" as such but rather have 'areas'. In each area there is a requirement for the Chaplain Team to be supported by a pastoral support group.*
- *A lack of parishioners willing to join councils. Some Parish Finance Councils believe they run the parish and ignore the parish priest. The frequencies of meetings*

# Chapter 8: Parish Councils

## Good practice in decision-making or governance

Respondents were also asked to indicate if they had parishes in their diocese that showed good practice in relation to consultation with, and participation of, their parishioners in decision-making or governance. Twenty-eight dioceses indicated that this was the case while two said they did not.

Their comments on good practices are listed below.  
(Parish details are available on request)

- *All major decisions, financial and pastoral are made with the priests and parishioners together,*
- *Half day AGM to set objectives and report back,*
- *Well-structured and well-resourced Finance Council and Safeguarding office.*
- *Re-development project, working with parish and school communities as well as external developers.*
- *Use qualified parishioners on parish committees.*
- *Governance in line with relevant laws.*
- *Very proactive and provide good support to parish priest, not controlling, add value to operation of parish.*
- *Regional Pastoral Council comprises members from all parishes in the region.*
- *Multi-site model*
- *Consultation with parishioners for major decisions e.g. acts of alienation.*
- *Strong leadership group with strong involvement by laity and religious in running of the parish. Well operating parish committees.*
- *The parish priest had open communication with the entire parish regarding finances, renovations and the future of the parish.*
- *Parishioners very few in number always meet to make decisions in consultation with each other and their pastoral religious sister.*
- *Clear goals, AGM, Parishioner consultation.*
- *Continuous renewal to maximise widest community inclusion. Clear delineation of PPC from scope and responsibility of Parish Finance Committee*
- *Authorisation processes and governance—involvement of parishioners and relevant committees as applicable.*
- *Lay Leadership Team meets with PPC & PFC*

In the final section of the survey, respondents could add other comments if they chose. These are listed below:

- *Like it or not, in today's world running a diocese is like running a business. Clergy have specific roles from a pastoral perspective and in the sacramental space, but in general they do not know how to run a business. Looking at what a potential parish priest for example learns at the seminary... running a parish and all that it brings, including financial and OH&S risks are not covered. "The Church" needs to be defined and people in general need to understand what a Bishop does and doesn't control in his Diocese; and what is in his control needs to be controlled. Nationally DFA/Business Managers could play a much more executive role, but I get the feeling bishops think there is something "sinful" in running a diocese like a business. But the funds are diminishing and costs are increasing; risks are increasing as is the cost of compliance. These four facts are not going to go away, but they can be better managed.*
- *Governance is a regional diocese with its parishes geographically dispersed over a large area is a challenge. Governance in most parishes is by a few committed parishioners most of whom are elderly. The governance of a parish as distinct from the management and administration is often carried out by the same people.*
- *The Church's Canon law together with the clergy are the greatest roadblocks to achieving change and increasing transparency. The inability of the ACBC to act decisively and communicate effectively to implement a common governance model contributes to a fragmented organisational structure. The Church is drowning in bureaucratic process that is inefficient and ineffective. Whatever the recommendations of the IAG, the Catholic principle of subsidiarity will be used to stymy meaningful change and in all likelihood prevent Church leaders acting with one voice and being held to account.*

# Chapter 8: Parish Councils

- *The Bishop on pastoral visitation each year with each of the Pastoral areas named above meets with the Parish & Finance Councils for two hours. He receives their financial & pastoral reports & alerts the diocesan finance department if he has any financial concerns. The Pastoral Projects Officer is alerted of opportunities for formation. Bishop asks the combined PFC/ PPC to report of the following matrix; 1. What have been your achievements? 2. What have been your challenges? 3. What are your plans for the future? 5/10 year plans. The bishop engaged a Governance review of the Diocese and is presently overseeing the implementation of this report. The bishop also has conducted a Diocesan Assembly and is presently in the implementation phase of the assembly by commissioning tasks groups. As part of the five-year process of leading up to the assembly, the bishop has encouraged regional pastoral councils to emerge & assist with the diocesan pastoral governance. Diocesan Pastoral Council established late 2019.*
- *The Diocesan Finance Council is presently reconstituting itself to a more corporate model of operation. The safeguarding and professional standards areas of the Archdiocese are two separate areas and so have been answered as such.*
- *Bishop [ - ] is currently involved in the organisation of a Diocesan Parish [sic] Council which is currently ongoing.*
- *The Military Ordinariate is different in structure of necessity and being quite poor is minimum manned. We do not have the capacity to have all the structures and offices we would like to have and should have. Military Chaplains work primarily in military establishments, bases or ships and in operations offshore. They are immediately responsive to the military commander. This is in addition to their ecclesiastical responsibility to us.*

# Chapter 9: Summary and Conclusion

The main purpose of this research study was to build a profile of diocesan pastoral, financial and safeguarding councils and to learn about diocesan executives that serve in diocesan offices. The study also explored the scope of parish pastoral councils in each diocese and attempted to uncover some best practices in governance and managements currently being employed in parishes.

## **Diocesan Pastoral, Financial and Safeguarding Councils in Catholic dioceses in Australia**

Of the 30 dioceses that responded to the survey, only about one third indicated that they had a Diocesan Pastoral Council, with a Terms of Reference document that set out the scope/purpose, operation and membership of each council. In comparison, all dioceses had a Diocesan Finance Council, and a majority of them (28) had a Terms of Reference document. When it came to the presence of a Diocesan Safeguarding or Professional Standards

Committee or Council, 27 dioceses indicated that they did have such a group. However, in 19 dioceses this group was a consultative panel required under Towards Healing, while the remaining eight dioceses had different or additional groups. A majority of these groups (21 dioceses) indicated they had a Terms of Reference document for their Safeguarding committee or council.

Most Diocesan Pastoral Councils met between one to four times a year and the minutes of the council meetings were usually shared with members. The frequency of meetings for Diocesan Finance Councils was slightly higher with most dioceses reporting that they met quarterly or every two months. Around 88 per cent of these councils reported to their bishop. Only one council reported to the Pastoral Council. Diocesan Safeguarding or Professional Standards committees or councils also usually met quarterly, with a majority reporting to their bishop.

# Chapter 9: Summary and Conclusion

## Council Membership

Overall, all councils and committees reported being made up of a higher proportion of male members. Within Diocesan Pastoral Councils and Safeguarding Committees/Councils, the percentage of men was only slightly higher than women, being 55 per cent and 51 per cent respectively. In Finance Councils, however, this percentage was much higher. A little over three-quarter of all members were male (77%), while the rest were female. There were also much lower numbers of women reported as Chairs of all councils. Among the Chairs of Safeguarding Committees/Councils, only about one-third were female, and among the Chairs of 30 Finance Councils, only one was a woman. Diocesan Pastoral Councils, however, were more evenly balanced, where 56 per cent of their Chairs were women compared to 45 per cent men.

The findings of the study showed that lay people featured prominently as members of all councils. The proportion of lay people was largest in Safeguarding Committees/Councils (72%) and in Finance Councils (71%) and least in Diocesan Pastoral Councils (58%).

Among those who were ordained or religious, priests were the largest percentage in all councils. The figures showed that priests made up 72 per cent of all ordained and religious members in Diocesan Pastoral Councils, 96 per cent in Finance Councils and 80 per cent in Safeguarding Committees/Councils. The next largest cohort among this group were Deacons (12% Pastoral, 3% Finance, 9% Safeguarding) and Religious sisters (17% Pastoral, 1% Finance, 9% Safeguarding). Religious Brothers made up only two per cent of this group on Safeguarding Committees/Councils and did not feature at all in Diocesan Pastoral or Finance Councils.

## Executives and Directors and staff in Diocesan Offices

The role of Financial Administrator was the most common among all the dioceses, although this included similar positions such as a Diocesan Finance Officer, a Chief Financial Officer, a Governance & Financial Planner or a Head of Diocesan Financial Administrator. The two other most common roles across all dioceses were those of a Chancellor and a Vicar General. Also prominently featured were Business Managers and several roles relating to Safeguarding and Professional Standards.

The findings of the study showed that there were twice as many men who were Executives or Directors in diocesan offices. This was largely due the large numbers of priests in these roles. Just over half the number (57%) of male Executives or Directors in diocesan offices were lay persons while 40 per cent were priests. In comparison, an overwhelming majority of females (88%) were lay persons and only a small number (9%) were religious sisters. Nevertheless, even among those who were lay persons, men (77) continued to outnumber women (57).

The findings relating to diocesan office roles indicated that a larger percentage of them were full time (72%) compared to part time (28%). Women outnumbered men among staff, as 65 per cent of staff were female. Among the religious and ordained group, a majority were priests (128), followed by deacons (19), religious sisters (10) and 1 religious brother.

# Chapter 9: Summary and Conclusion

## Parish Councils

When asked about Parish Pastoral Councils, 16 dioceses reported that each parish in their diocese was obligated to establish one. Of these, six dioceses indicated they also had a Diocesan Pastoral Council, while 10 dioceses did not have one.


Among the comments regarding good practices in decision-making or governance, the most frequently mentioned practices were:

- Collaboration, consultation between priests and parishioners
- Strong leadership skills
- Skilled parishioners on councils
- Good communication processes

- Planning or renewal processes
- Appropriate governance structures

Among the comments regarding concerns or issues in the establishment or working of parish pastoral or financial councils, the most common concerns voiced were:

- Difficulties in encouraging membership and attracting young people, especially in smaller parishes
- Lack of appropriate governance structures in the parish
- Lack of clarity on purpose or intent, lack of skills of members
- Dominance exerted by priests or lay people



**APPENDIX 4**  
**MEMBERS OF THE**  
**ASSOCIATIONS OF**  
**PJPS AT 1 JULY 2019**

MPJP	Instigating Congregations	PJP Structures	Current Ministries
<b>Calvary Ministries</b>			
<p>Headquarters: Sydney</p> <p>Granted canonical status: 2009 by Congregation for Institutes of Consecrated Life and Societies of Apostolic Life (CICLSAL)</p> <p>Established: 2011</p>	<p>Little Company of Mary Province of the Southern Cross (formerly Province of the Holy Spirit)</p>	<p>Civil entity: Calvary Ministries Ltd, a company incorporated in 2009</p>	<p>Calvary Ministries Ltd is the member of Little Company of Mary Health Care Ltd, which operates public and private hospitals, retirement and aged care facilities, and a national network of community care services located in the Australian Capital Territory, New South Wales, South Australia, Tasmania and Victoria. The Calvary Ministries Directors appoint the Board and Chair of Little Company of Mary Health Care Ltd. [www.calvaryministries.org.au/Home.aspx]</p>
<b>Catholic Healthcare</b>			
<p>Headquarters: Sydney</p> <p>Granted canonical status: 1994 by the Bishops of the Province of Sydney</p> <p>Established: 1994</p>	<p>Religious Sisters of Charity of Australia*</p> <p>Sisters of St Joseph of the Sacred Heart (NSW)</p> <p>Congregation of Sisters of Mercy Singleton*</p> <p>Little Company of Mary – Province of the Holy Spirit</p> <p>Sisters of St John of God Province of St Therese*</p> <p>Hospitaller Order of St John of God Holy Family Province*</p> <p>* These foundation members have since resigned with new members admitted as indicated in next column.</p>	<p>Civil entity: Trustees of Catholic Healthcare, a statutory body corporate established in 1994</p>	<p>Catholic Healthcare carries out its mission through Catholic Healthcare Ltd, which is responsible for 40 residential aged care and 10 retirement living facilities as well as community care and healthcare services in Victoria, New South Wales and Queensland. The Trustees appoint the Directors of Catholic Healthcare Ltd. [www.catholichealthcare.com.au/]</p>



MPJP	Instigating Congregations	PJP Structures	Current Ministries
<b>Dominican Education Australia</b>			
<p>Headquarters: Sydney</p> <p>Granted canonical status: 2015 by CICLSAL</p> <p>Established: 2016</p>	<p>Dominican Sisters of Eastern Australia and the Solomon Islands</p> <p>Dominican Sisters of North Adelaide</p> <p>Holy Cross Congregation of Dominican Sisters Adelaide</p>	<p>Civil entity: Dominican Education Australia Ltd, a company incorporated in 2016</p>	<p>Dominican Education Australia has seven educational ministries – five colleges, a primary school for students with disabilities and an early learning centre. Its ministries are in New South Wales, South Australia and Victoria. The Directors appoint the boards of the educational ministries. [<a href="http://dominicaneducationaustralia.com/">dominicaneducationaustralia.com/</a>]</p>
<b>Edmund Rice Education Australia</b>			
<p>Headquarters: Melbourne</p> <p>Granted canonical status: 2012 by CICLSAL</p> <p>Established: 2013</p>	<p>Congregation of Christian Brothers</p>	<p>Civil entity: Trustees of Edmund Rice Education Australia, a statutory body corporate established in 2013.</p>	<p>The Council appoints the Board of Edmund Rice Education Australia, which oversees the operation and management of 33 schools, 20 flexible learning centres and one early childhood centre. The ministries are conducted in all states and territories of Australia. [<a href="http://www.erea.edu.au">www.erea.edu.au</a>]</p>
<b>Good Samaritan Education</b>			
<p>Headquarters: Sydney</p> <p>Granted canonical status: 2011 by the Archbishop of Sydney</p> <p>Established: 2012</p>	<p>Institute of the Sisters of the Good Samaritan of the Order of St Benedict</p>	<p>Civil entity: Good Samaritan Education, a statutory body corporate established in 2011</p>	<p>Good Samaritan Education encompasses 10 schools in the eastern states of Australia, New South Wales, Queensland and Victoria. Each of the incorporated schools reports to Good Samaritan Education through the Governing Council, members of which also act as company members for one or more of the schools. [<a href="http://goodsameducation.org.au">goodsameducation.org.au</a>]</p>

MPJP	Instigating Congregations	PJP Structures	Current Ministries
<b>Kildare Ministries</b>			
<p>Headquarters: Melbourne</p> <p>Granted canonical status: 2011 by CICLESAL</p> <p>Established: 2014</p>	<p>Congregation of the Sisters of St Brigid</p> <p>Victorian Congregation of the Sisters of the Presentation of the Blessed Virgin Mary</p>	<p>Civil entity: Trustees of Kildare Ministries, a company incorporated in 2013</p>	<p>Kildare Ministries encompasses 10 schools, located in New South Wales, Queensland, South Australia and Victoria, and three community works based in Victoria. The Trustees appoint the Directors of the ministries. [www.kildareministries.org.au]</p>
<b>Mary Aikenhead Ministries</b>			
<p>Headquarters: Sydney</p> <p>Granted canonical status: 2008 by CICLESAL</p> <p>Established: 2009</p>	<p>Religious Sisters of Charity of Australia</p>	<p>Civil entity: Trustees of Mary Aikenhead Ministries, a company incorporated in 2009</p>	<p>Mary Aikenhead Ministries has responsibility for education, health, research and community care ministries located in New South Wales, Queensland and Victoria. It is the member of, and appoints the Directors of, the two companies which conduct these ministries: Mary Aikenhead Education Ltd which conducts four colleges and St Vincent's Health Australia which operates over 35 health, aged care, social outreach and research facilities. [maryaikenheadministries.com.au]</p>
<b>MercyCare</b>			
<p>Headquarters: Perth</p> <p>Granted canonical status: 2001 by the Archbishop of Perth</p> <p>Established: 2002</p>	<p>Congregation of the Sisters of Mercy Perth (now Institute of Sisters of Mercy of Australia and Papua New Guinea)</p>	<p>Civil entity: MercyCare Ltd, a company incorporated in 1999</p>	<p>MercyCare conducts ministries in the areas of health, aged care and family and community services in West Australia. The Trustees appoint the Board of MercyCare Ltd and are accountable canonically to the Archbishop of Perth. [www.mercycare.com.au]</p>

MPJP	Instigating Congregations	PJP Structures	Current Ministries
<b>Mercy Partners</b>			
<p>Headquarters: Brisbane</p> <p>Granted canonical status: 2008 by CICALSAL</p> <p>Established: 2008</p>	<p>Congregation of the Sisters of Mercy Brisbane</p> <p>Missionary Franciscan Sisters of the Immaculate Conception</p> <p>Institute of the Sisters of Mercy of Australia and Papua New Guinea</p> <p>Queensland Presentation Sisters</p>	<p>Members: Mercy Partners Stewards, a representative of each participating congregation who, acting collegially, appoint a majority of the Mercy Partners Council with the remainder appointed by the Council itself</p> <p>Canonical stewards: Mercy Partners Council</p> <p>Civil entity: Mercy Partners, a company incorporated in 2009 <a href="https://stuartholme.com/">https://stuartholme.com/</a></p>	<p>Mercy Partners is based in Queensland where it conducts five schools; the Mater Group of hospitals, health centres, a world-class research institute and pathology and pharmacy businesses in Brisbane; Mater Health Services North Queensland with private health and medical services; Mater Health and Aged Care Central Queensland with health and aged services; and Mater Community Services North Queensland with aged care and community services. [<a href="http://www.mercypartners.org.au">www.mercypartners.org.au</a>]</p>
<b>St John of God Australia Ltd</b>			
<p>Headquarters: Perth</p> <p>Granted canonical status: 2004 by the Bishops of the Ecclesiastical Province of Western Australia</p> <p>Established: 2004</p>	<p>Sisters of St John of God</p>	<p>Civil entity: St John of God Australia Ltd, a company incorporated in 2004</p>	<p>St John of God conducts its mission through St John of God Health Care Inc. It operates 23 facilities encompassing hospitals, social outreach activities, advocacy and disability services located in New South Wales, Victoria and Western Australia as well as in New Zealand and the Asia-Pacific region. The Trustees appoint the Directors of St John of God Health Care Inc. [<a href="http://www.sjog.org.au/about_us/governance_and_stewardship.aspx">www.sjog.org.au/about_us/governance_and_stewardship.aspx</a>]</p>
<b>Sophia Education Ministries</b>			
<p>Headquarters: Sydney</p> <p>Granted canonical status: 2016 by CICALSAL</p> <p>Established: 2019</p>	<p>Society of the Sacred Heart, Australia New Zealand Province</p>	<p>Civil entity: Sophia Education Ministries Ltd, a company incorporated in 2017</p>	<p>Sophia Education Ministries operate three schools: Stuartholme School, Brisbane (Boarding and day college: Yrs 7-12 for young women), Kincoppal-Rose Bay, Sydney (Coeducation early learning and primary school, and boarding and day college: Yrs 7-12 for young women) and Sacre Coeur, Melbourne (Prep-Yr12 college for young women)</p>

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