



DIOCESE OF MAITLAND-NEWCASTLE

PRESBYTERAL COUNCIL STATUTES

1. Name¹

1.1. This council shall be called the “Presbyteral Council of the Diocese of Maitland-Newcastle” referred to in these statutes as “the Presbyteral Council” (cc. 495-502).

2. Purposes

2.1. Purpose - General

2.1.1. The Presbyteral Council is *“a group of priests which, representing the presbyterium, is to be like a senate to the diocesan bishop and which assists him in the governance of the diocese according to the norm of law to promote as much as possible the pastoral good of the portion of the people of God entrusted to him”* (c. 495 § 1).²

2.1.2. *“In this council the bishop should listen to his priests, consult them, and have dialogue with them on those matters which pertain to the needs of pastoral work and the good of the diocese.”*³

2.1.3. The Presbyteral Council provides a forum for the full and free discussion of all issues of pastoral concern in the diocese.

2.1.4. The Presbyteral Council is to explore, identify and propose ways and means for effective pastoral ministry.

¹ Thanks to Professor John Renken of St Paul University whose template provided the basis for this document.

² In our diocese there is a Diocesan Pastoral Council through which the bishop can also listen to his people, consult them and have dialogue with them on those matters which pertain to the needs of pastoral work and the good of the diocese. The council was established as part of the Diocesan Pastoral Plan arising from the Diocesan Synod of 1992 and made particular law by Bishop Clarke.

³ *Ecclesiae Sanctae*, 15.1, 1966, Paul VI see also; *Christus Dominus* 27, and *Presbyterorum Ordinis* 7.

2.2. Purpose - Specific

The diocesan bishop **must hear** the Presbyteral Council before he is able to place the following acts validly (cf. c. 127);

- 2.2.1. to convoke a diocesan synod (c. 461 § 1).
- 2.2.2. to establish, suppress, or notably alter parishes (c. 515 § 2).
- 2.2.3. to allocate offerings made by the faithful for parochial services and to remunerate the clerics who perform them (c. 531 and c. 551).
- 2.2.4. to mandate a pastoral council in each parish (c. 536 § 1).
- 2.2.5. to erect a new church building (c. 1215 § 2).
- 2.2.6. to relegate a church to profane but not sordid use (c. 1222 § 2).
- 2.2.7. to impose an ordinary and an extraordinary diocesan tax (c. 1263).
- 2.2.8. in removing or transferring an unwilling parish priest⁴ the bishop is to discuss the matter with two parish priests⁵ selected from the group established for this purpose in a stable manner by the Presbyteral Council at the proposal of the bishop (cc. 1742 § 1, 1745 2°, 1750).

3. Authority

- 3.1. The Presbyteral Council possesses only a consultative vote (c. 500 §2).
- 3.2. The diocesan bishop is to hear it in matters of greater importance but needs its consent only in cases expressly defined by the law (c. 500 § 2), either universal or particular.⁶

4. Membership (Canons 497-499)

- 4.1. Those eligible for active and passive vote⁷ in constituting the Presbyteral Council are;

⁴ The Latin terms, in italics, describing a priest and the offices he can hold is translated differently in different countries. For example, *presbyter* equals all those ordained as priests. The Latin word for the Parish Priest or Pastor is the *parochus*. While the Bishop is the parish priest, the *parochus* is the proper parish priest for his parish, he acts for the Bishop in his parish. The *parochial vicar* is the assistant priest, associate pastor, or curate, he is appointed to a parish, to act under the authority of that parish's proper parish priest. Thus for clarity sake in this document the terms are used as follows; presbyter/s equals Priest/s; Parish Priest equals *parochus*, Assistant Priest equals *parochial vicar*. The responsibilities of the office of Parish Priest also apply to those equivalent to him in law, e.g. parish administrator, priest supervisor.

⁵ This group is to be comprised of Parish Priests, only.

⁶ At the time of preparing this document we are not aware of any universal law requiring consent.

⁷ Active voice (vote) is the right to vote; passive voice (vote) is the right to be elected.

- 4.1.1. All diocesan priests incardinated in the Diocese of Maitland-Newcastle who are in good standing,⁸
 - 4.1.2. Other, non-incardinated secular priests who have received an appointment to do public ministry in the Diocese of Maitland-Newcastle from its diocesan bishop,
 - 4.1.3. All priests who are members of an institute of consecrated life or a society of apostolic life who have received an appointment to do public ministry in the Diocese of Maitland-Newcastle from the diocesan bishop,
 - 4.1.4. Non-incardinated clergy who are retired or simply residing in the diocese do not have an active or passive voice in the Presbyteral Council.
- 4.2. The Presbyteral Council shall be composed of.
- 4.2.1. Five (5) priests elected by their brother priests for a term of three years, renewable, beginning the first day of January (cf. c. 501 § 1).
 - 4.2.2. The diocesan bishop is freely entitled to appoint as many as four (4) other priests for terms defined in their letter of appointment (exception for 4.2.3.2).
 - 4.2.3. In addition, serving as Ex Officio Members of the Presbyteral Council, for the duration of their appointment to these ecclesiastical offices are;
 - 4.2.3.1. the Vicar(s) General,
 - 4.2.3.2. the Chancellor (if he is a priest).
- 4.3. Removal from the Presbyteral Council is automatic when;
- 4.3.1. The individual has missed three consecutive meetings without a good reason as determined by the Chair and Presider,

⁸ Australian Catholic Safeguarding Ltd's definition of a cleric or religious being in good standing (as at 23 September 2024) is that:

- The priest has never been canonically suspended or disciplined in relation to abuse as defined in the National Catholic Safeguarding Standards.
- The priest has not been delated to the Congregation for the Doctrine of the Faith pursuant to Canon 1395. Furthermore, none of the priest's actions would give occasion for such a notification.
- The priest has no relevant(i) criminal convictions (in Australia or overseas).
- The priest is not, nor has been, charged with a relevant(i) criminal offence (in Australia or overseas).
- The priest is not, nor has been, the subject of an Apprehended Violence Order (AVO) or equivalent.
- The priest is not the subject of a current allegation nor has a substantiated finding against him/her relating to abusive conduct of any kind, whether related to child abuse or otherwise, resulting from a formal investigative process.
- The priest is not the subject of a current allegation nor has a sustained finding against him/her relating to a workplace investigation conducted by organisations, employers, institutions or professional bodies that relate to the sexual misconduct, physical assault, ill- treatment, neglect or psychological harm of any person (child or adult).

(i) A charge or conviction is relevant if it relates to abuse or may suggest that there is a risk to children and/or adults at risk.

- 4.3.2. The individual is no longer deemed to be in good standing,
- 4.3.3. The individual is deemed by the bishop to be no longer capable of carrying out their duties as a counsellor⁹,
- 4.3.4. The fact of removal will be recorded in the minutes, the individual notified in writing by the secretary, and a replacement chosen as per 5.9.

5. Elections

- 5.1. The five (5) priests shall be elected to the Presbyteral Council from the Diocese of Maitland Newcastle.
- 5.2. All terms shall be for three (3) years, renewable.
- 5.3. In the September of the year before the Presbyteral Council term is complete the Secretary shall announce the up-coming election. In this notification he shall invite priests to remove their names from the electoral role, if for any reason they do not wish to stand for election. Thus, surrendering their right to a passive vote. They have seven (7) days, from the date of the notification, to exercise this right. The secretary will also seek advice from the Director of Safeguarding as to those priests who are ineligible to serve as council members (4.1.1) and remove them from the ballot.
- 5.4. By the end of September of the year before the Presbyteral Council term is complete the secretary shall issue a ballot to all priests having active vote in the Diocese of Maitland-Newcastle.
- 5.5. This ballot shall list clergy, eligible to be elected, alphabetically by surname.
- 5.6. To be valid, these election ballots must be returned to the secretary in a confidential manner dated no later than fifteen (15) days after the date of issue of the ballot.
- 5.7. The secretary, with the presider's agreement, is allowed to utilise electronic means to hold the election.
- 5.8. In the event of a tie in votes, the priest senior by ordination shall be deemed elected. If those receiving the tie votes were ordained the same day, the senior by birth shall be deemed elected.
- 5.9. If a member should cease membership on the Presbyteral Council for any reason, a successor member shall be chosen, from the priest's with the next highest number of

⁹ I.e. in cases of terminal illness, dementia, etc.

votes. He is to complete the unexpired term of membership. If the priest was appointed the bishop chooses another priest.

5.10. The priests with the highest votes shall be deemed to be elected. The secretary shall keep a record of all votes on file.

5.11. Votes for all elections shall be counted in the presence of the diocesan bishop (or his delegated representative) and the secretary of the Presbyteral Council by two tellers chosen by the diocesan bishop from among the members of the Presbyteral Council before each election begins (see c. 173 for the process).

6. Meetings

6.1. A minimum of five Meetings of the Presbyteral Council are to be held in each calendar year.

6.2. The date and venue for each meeting shall be determined by the diocesan bishop and announced in advance to the members.

6.3. Additional meetings of the Presbyteral Council may be called by the diocesan bishop at a time and place determined by him and announced fourteen days in advance to the members.

6.4. Two-thirds of the members of the Presbyteral Council shall constitute a quorum. No business or meetings can be conducted without a quorum.

6.5. The issues to be discussed in the agenda of each meeting are set by the bishop (c. 500 §1), in consultation with the Chairperson.

6.6. Either the bishop or the chairperson can receive proposals from anyone for discussion.

6.7. All recommendations from the Presbyteral Council are to be formulated into a motion and voted on, the vote being recorded.

6.8. While it is preferable that members be physically present at times they may participate via an electronic means.

7. Officers

7.1. General

7.1.1. The Bishop of the Diocese of Maitland-Newcastle presides over the Presbyteral Council (c. 500 §1).

7.1.2. At the first meeting of a new Presbyteral Council, the councillors shall elect a chairperson, vice-chairperson, and secretary.

7.1.3. The minute secretary role will be undertaken by the Diocesan Company Secretary, who will attend all meetings (if unavailable, then replacement nominated by Head of Governance). This person has no active or passive voice and should not take part in the discussions.

7.2 Term of Officers and General Role

7.2.1 The Officers shall serve for the term of the council.

7.2.2 The Officers shall have their responsibilities outlined in these statutes, and other roles assigned to any and each by the diocesan bishop.

7.3 Election of Officers

7.3.1 Votes, to be valid, for elected officers shall not identify the person casting the vote and be in writing (c. 172 § 1).

7.3.2 Votes for elected officers shall be counted by two tellers designated by the Presbyteral Council before the election begins (c. 173). The tellers need not be clerics.

7.3.3 In the event of a tie in votes, the priest senior by ordination shall be deemed elected. If those receiving the tie votes were ordained the same day, the senior by birth shall be deemed elected.

7.3.4 A simple majority of votes cast suffices for election (50%+1).

8. Specific Roles of Officers

8.1. Chairperson

8.1.1. The chairperson shall conduct the ordinary business of all meetings of the Presbyteral Council and of any sub-committees.

8.1.2. He shall represent the Presbyteral Council to the diocesan bishop and, with the permission of the diocesan bishop, to others.

8.1.3. He shall perform those other tasks which are reasonably taken to belong to a chairperson of a council.

8.2. Vice-Chairperson

8.2.1. He shall perform the tasks of the chairperson of the Presbyteral Council in the latter's absence.

8.2.2. He shall perform those other tasks which are reasonably taken to belong to a vice-chairperson of a council.

8.3. Secretary

8.3.1. Under the supervision of the Secretary and according to the directive of the diocesan bishop, the Company Secretary shall prepare the agenda for, and record the minutes of, all meetings of the Presbyteral Council, and its sub-committees, and distribute it to all presbyters (c. 500 § 1).

8.3.2. They shall conduct appropriate correspondence on behalf of the Presbyteral Council, at the direction of its presider or chairperson. This correspondence shall include minutes of all meetings of the Presbyteral Council and its sub-committees after these have been approved for publication by the diocesan bishop to all the presbyters having an active and passive vote in the Diocese of Maitland-Newcastle (c. 500 § 3).

8.3.3. They shall be involved in the announcement of vacancies on, and the election of priests to, the Presbyteral Council, as indicated in these Statutes.

8.3.4. They shall pay the reasonably incurred debts and perform other acts of ordinary administration.

8.3.5. They shall perform those other tasks which are reasonably taken to belong to the secretary of a council.

8.4. Minute Secretary

8.4.1. takes the minutes of any meetings, and

8.4.2. provides the minutes to the Secretary.

9. Committees

9.1. Sub-committees shall be established on an *ad-hoc* basis by the presider or chairperson of the Presbyteral Council.

9.2. Members of any sub-committee of the Presbyteral Council shall be comprised of its chairperson, vice-chairperson, secretary, and others¹⁰ selected by the councillors.

9.3. Membership of a sub-committee does not necessarily entail membership of the Presbyteral Council.

¹⁰ In this context ‘others’ can be anyone that would assist the sub-committee in its task.

9.4. Sub-committee reports etc. are to be presented by the Chairperson to the Presbyteral Council.

9.5. Sub-committees are to be established for a set time, only. All sub-committees are dissolved at the end of the term of the Council.

10. Confidentiality

10.1. The diocesan bishop may determine that some discussion and/or resolutions of the Presbyteral Council be kept confidential (c. 500 § 3).

10.2. Should the diocesan bishop determine that some discussion and/or resolution is to be kept confidential, the fact will be recorded in the minutes, but the resulting discussion will not be recorded in published minutes of the Presbyteral Council or its sub-committees.

11. Finances

11.1. Funding for the operation of the Presbyteral Council shall come from ordinary diocesan operating funds.

11.2. Members shall not receive remuneration for service on the Presbyteral Council or for duties performed on its behalf, but may be reimbursed for reasonable expenses incurred if these have been approved in advance by the president or chairperson.

12. Rules of Order

12.1. The norms of the universal law of the Catholic Church as they may be updated periodically, shall govern the operations of the Presbyteral Council.

13. Dissolution

13.1. *“The Presbyteral Council may be dissolved by the diocesan bishop when, having consulted the metropolitan, in his judgment the Presbyteral Council does not fulfil its function or gravely abuses it; in this case, the diocesan bishop must establish it anew within one year”* (c. 501 § 3).

13.2. *“When the See is vacant, the Presbyteral Council ceases and the college of consultors fulfils its function. Within a year of taking possession, the new diocesan bishop must establish the Presbyteral Council anew”* (c. 501 § 2).

14. Amendments

14.1. These Statutes may be amended by;

14.1.1. the diocesan bishop on his own initiative, or

14.1.2. following a two-thirds majority of the members of the Presbyteral Council favouring amendment, including those absent from the meeting when a vote for amendment is taken.

14.2. No new Statutes or amendment of these Statutes shall be effective without approval by the diocesan bishop.

14.3. Nothing in the Statutes may contradict the divine law, the universal law of the Catholic Church, or the particular law of the Diocese of Maitland-Newcastle.

15. Approval

15.1. The foregoing statutes are approved by the undersigned Bishop of Maitland-Newcastle

SIGNED:

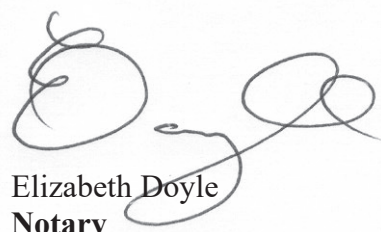


Most Reverend Michael Kennedy
Bishop of Maitland-Newcastle

DATE:

23 October 2024

SIGNED:



Elizabeth Doyle
Notary

DATE:

23 October 2024

