



CATHOLIC ARCHDIOCESE OF SYDNEY

**STATUTES OF
THE COLLEGE OF CONSULTORS**

V. 16/11/18

I. Nature of the College of Consultors

The College of Consultors is a group of priests who act as official advisors to the Archbishop in certain matters pertaining to the administration of the Archdiocese. When the see is vacant or impeded through the inability of the Archbishop to communicate with the Archdiocese the College of Consultors assists in the governance of the Archdiocese (c. 502 §1).¹¹

The consent of the College of Consultors is required for acts of extraordinary administration (c.1277) and the alienation of property (c.1292) in accordance with limits set by the Australian Catholic Bishops' Conference. In the Archdiocese of Sydney the College also provides advice to the Archbishop on matters of governance including the use of Church assets and the operation and effectiveness of Church agencies.

II. Membership and Terms of Office

- A. Number: A minimum of six and a maximum of twelve consultors may be appointed (c. 502 §1).
- B. Selection: Members are freely selected by the Archbishop. To be appointed to the College of Consultors, a priest must currently be serving on the Council of Priests (c. 502 §1).
- C. Auxiliary Bishops are *ex officio* members of the College.
- D. Term:
 - 1. Consultors serve as a body for a five (5) year term. The College remains in office until a new College is named (c. 502 §1).
 - 2. If any consultor retires from the College for any reason before the expiration of the five year term, the Archbishop shall appoint from among the members of the Council of Priests another in his place to fill the unexpired term.
 - 3. If a consultor ceases to be a member of the Council of Priests, he remains a consultor (cf Commission for Authentic Interpretation, June, 16, 1984. A.A.S. 76 (1984) p.746).

4. If the five-year term of the College expires during the vacancy of the Archdiocese, the consultors remain in office until the new Archbishop takes possession of the Archdiocese and subsequently constitutes a new College of Consultors.
5. Any member of the College who becomes subject to any civil or canonical criminal investigation is *ipso facto* no longer a member of the College for the duration of the investigation. If the matter is upheld then the stay of membership become permanent.

III. President

- A. The Archbishop is the President of the College of Consultors (c. 502 §2).
- B. If the Archdiocese is an impeded see, the Auxiliary Bishop selected to govern *sede impedita* presides over the College of Consultors, in the place of the Archbishop (c. 502 §2).
- C. If the Archdiocese becomes vacant and there is no Auxiliary Bishop, the priest who is oldest in ordination in the College of Consultors presides until an Administrator is elected, after which the Administrator presides during the vacancy (c. 502 §2).

IV. Meetings

- A. The College of Consultors meets on call of the Archbishop or, when the diocese is vacant, the Archdiocesan Administrator.
- B. For the election of an Archdiocesan Administrator, the norms of canon law are to be followed (c. 119, 1°; c. 164-179).
- C. If canon law requires the *consent* of the College of Consultors for an action to be valid, the matter is to be considered formally at a meeting of the College (c. 127 §1); the Archbishop is not able to break a tie when consent is required.
- D. If canon law requires the *advice* of the College of Consultors, an actual meeting is desirable. If this is not possible, consultation by a conference call is permitted so as to maintain the collegial nature of the consultation. If this also is not possible, necessity may require that consultation be by email; but if at least 50% of the members of the College desire a meeting to discuss the matter, the meeting will be called as soon as possible (c. 127 §1).

E. Minutes of meetings shall be recorded by a person appointed by the Archbishop.

V. Competence

A. As advisors to the Archbishop, the College is *to be consulted*:

1. To give advice

- a. in more important acts of administration (c. 1277)
- b. in the hiring and/or dismissal of the Financial Administrator (c. 494 §§1,2).

2. To give consent:

- a. for acts of extraordinary administration (c. 1277); ^[2]
- b. for the alienation of Archdiocesan property, within limits set by the Australian Catholic Bishop's Conference (c. 1292 §1). ^[3]

B. As a governing board the College has the following functions:

1. **When the Archdiocese is occupied by the Archdiocesan Bishop:**

- (a) to receive the Apostolic Letters of appointment of a Coadjutor Bishop (c. 404 §1).

2. **When the Archdiocese is an impeded see:**

- a. if no other provisions have been made in accord with canon law, to elect a priest to govern the diocese (c. 413);
- b. to receive the Apostolic Letters of appointment from a Coadjutor or Auxiliary Bishop (c. 404 §3).

3. **When the Archdiocese is vacant:**

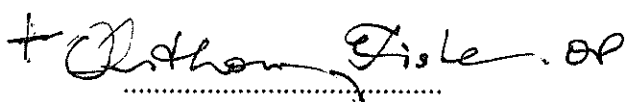
- a. if there is no Auxiliary Bishop, to notify the Apostolic See of the vacancy (c. 422);
- b. if there is no Auxiliary Bishop, to govern the Archdiocese collegially until an Administrator is elected (c. 419);
- c. to elect an Administrator within eight days of vacancy (c. 421 §1);
- d. to fulfil the role of the Council of Priests during the vacancy (c. 501 §2);
- e. to consent for the Administrator to remove the Chancellor or other notaries (c. 485);
- f. after a year of vacancy, to consent for the Administrator to permit excardination, incardination or migration of clergy (c. 272);
- g. to receive the Apostolic Letters of appointment of a new Bishop (c. 382 §3).

VI. Adoption and Amendment

- A. These statutes shall be adopted by vote of the College and approval of the Archbishop;
- B. These statutes may be amended by vote of the College and approval of the Archbishop.

Adopted by the vote of the College of Consultors at its Meeting
on the fifteenth day of November, 2018,
and approved by the Archbishop on the same day.

Given at Sydney, New South Wales this sixteenth day of November, 2018

Handwritten signature of Anthony Fiske in black ink, written over a horizontal dotted line.

ARCHBISHOP

Handwritten signature of Chris Meney in black ink, written over a horizontal dotted line.

NOTARY

[1] Directory for the Pastoral Ministry of Bishops, 183.

[2] The Code does not distinguish which acts are considered to be acts of *ordinary administration*, from those which are considered to be acts of *extraordinary administration*. Using standard guides the following acts are considered ordinary administration:

- collection and banking of money acquired in approved ways;
- collection of debts from creditors (without going to court);
- collection of annual income from stocks, shares or bonds;
- buying and selling what is required for the daily maintenance of the religious community;
- the repair of damage to property (certain limits);
- the administration of the money and goods of the public juridic person;
- the acceptance of donations (unless condition attached);
- the payments of salaries of personnel;
- certain short term leases.

The following are generally considered acts of *extraordinary administration*:

- to accept or renounce an inheritance, legacy or foundation;
- to purchase immovable goods;
- to sell, exchange, mortgage or divert in any way from the place for which they were destined, objects of art, historical documents, or other movable property of great importance;
- to sell, exchange, mortgage, pawn immovable church property or to subject it to any servitude or burden or lease it for a period of more than three years;
- to borrow large sums of money as a loan;
- to build, raze, or rebuild in a new form a church building or to make extraordinary repairs upon such buildings;
- to establish a cemetery;
- to enter as a party involved in a lawsuit.

A number of the above acts come under the concept of alienation.

Canon 1277 also states that it is for the Episcopal Conference to determine what are to be regarded as acts of extraordinary administration.

The Australian Episcopal Conference in January 1985 listed what they regarded as Acts of *Extraordinary Administration* (cf. ACR Vol LXII, No. 4, October, 1985 p.429):

- a) An act of administration by which a diocese would be committed to an annual repayment, principal and interest, in excess of 50 cents per capita of Catholic population or \$100,000, whichever being the greater;
- b) An act of administration by which a diocese would forgo an annual sum equal to 20 cents per capita of Catholic population or \$40,000, whichever being the greater. Both figures to be indexed to inflation rate: the base rate being 1984).

In August 2016, the Australian Catholic Bishops Conference Secretariat made the necessary adjustments for the amounts quoted in a) & b) above.

- a) \$1.46 per capita or \$292,147
- b) \$0.58 per capita or \$116,859

[3] Alienation is the sale of goods from the stable patrimony of a juridic public person (c. 1291); any transaction which might jeopardise the condition of a public juridic person's patrimony (c.1295).

A just cause is needed for alienation (c.1293).

All ecclesiastical property is subject to the canon law on the administration of Church goods, but only immovable goods (land and buildings) and fixed or immovable capital are subject to the canon law on alienation.

Immovable goods and fixed capital are considered part of the stable patrimony of the public juridic person.

Alienation is the sale, conveyance, encumbrance or the placing in jeopardy of loss of any interest in a public juridic person's stable patrimony.

As required by Canon 1292, the Australian Episcopal Conference (January, 1985) set the amounts as follows (cf. ACR Vol LXII. No.4, October, 1985 p.429):

Alienation (Canon 1292)

The maximum sum for alienation mentioned in canon 1292, §1 is \$2,000,000 Australian, such sum being indexed in accordance with the annual rate of inflation as determined by civil courts which govern industrial awards.

The minimum sum of alienation as mentioned in canon 1292, §1 is \$10,000 Australian, also indexed in the same manner.

Leasing of Ecclesiastical Goods

All leases of ecclesiastical goods are to be drawn up in accordance with the norms of civil law.

Except when the lease is to a body engaged in the apostolate, the monetary consideration is to approximate to the ruling market value.

Leases for periods in excess of 9 years require the consent of the competent authority mentioned in canon 1292, § 1.

In March 2017, the Australian Catholic Bishops Conference Secretariat made the necessary adjustments for the minimum and maximum amounts for alienation.

The 1985 \$2,000,000 = \$5,842 Million as at March 2017 (maximum)
\$10,000 = \$29,215 as at March 2017 (minimum)

Property donated as a result of a vow or property of important artistic or historic value

Canon 1292 also requires the consent of the Holy See, regardless of value, when property being alienated is donated to the Church as a result of a vow or where the property has important artistic or historic value.