There are fundamental differences between the laity and ‘those who have received sacred orders’ (clerics) in the governance of the Church.

Canon Law establishes fundamental differences between clerics and the laity in terms of governance powers, duties and responsibilities. In general terms, only clerics have a formal governance role in the Church, including governance of its geographical entities, while the laity may be consulted and should comply with the decisions of clerical authority. According to Canon 129, ‘Those who have received sacred orders are qualified, according to the norm of the prescripts of the law, for the power of governance, which exists in the Church by divine institution and is also called the power of jurisdiction’, while ‘Lay members of the Christian faithful can cooperate in the exercise of this same power according to the norm of law.’

If the relationship between the laity and clerics were in any doubt, Canon 212 declares that, ‘Conscious of their own responsibility, the Christian faithful are bound to follow with Christian obedience those things which the sacred pastors, inasmuch as they represent Christ, declare as teachers of the faith or establish as rulers of the Church.’ However, depending on the ‘knowledge, competence, and prestige which they possess’, lay persons ‘have the right and even at times the duty to manifest to the sacred pastors their opinion on matters which pertain to the good of the Church and to make their opinion known to the rest of the Christian faithful’ - but they can do so only ‘without prejudice to the integrity of faith and morals, with reverence toward their pastors, and attentive to common advantage and the dignity of persons’ (212 §3).

Although Canon Law prescribes requirements for those to be considered for sacred orders, including for appointment as bishops and parish priests, there is no recognition in Canon Law of the capabilities required to properly participate in the governance of the Church.

The diocesan bishop has comprehensive legislative, executive and judicial power in his diocese.

Canon 375 provides that: ‘§1. Bishops, who by divine institution succeed to the place of the Apostles through the Holy Spirit who has been given to them, are constituted pastors in the Church, so that they are teachers of doctrine, priests of sacred worship, and ministers of governance. ‘§2. Through episcopal consecration itself, bishops receive with the function of sanctifying also the functions of teaching and governing; by their nature, however, these can only be exercised in hierarchical communion with the head and members of the college.’

Perhaps uniquely outside dictatorships or absolute monarchies, each bishop has total control of the administration of his diocese and there are no checks and balances such as would occur where legislative, executive and judicial functions are separate. Canon 391 provides that: ‘§1. It is for the diocesan bishop to govern the particular church entrusted to him with legislative, executive, and judicial power according to the norm of law. ‘§2. The bishop exercises legislative power himself. He exercises executive power either personally or through vicars general or episcopal vicars according to the norm of law. He exercises judicial power either personally or through the judicial vicar and judges according to the norm of law.’

Canon Law provides for governance structures, forums and processes within each diocese. These are consultative, or advisory, only with the bishop also having broad discretion to determine forum composition, agendas, processes and lifecycles.

_A resource paper prepared for Plenary Council consultative sessions conducted by Concerned Catholics Canberra Goulburn._
Synod ‘A diocesan synod is a group of selected priests and other members of the Christian faithful of a particular church who offer assistance to the diocesan bishop for the good of the whole diocesan community...’ (460). It is for a bishop to decide if a synod is to be ‘celebrated’; in so deciding, he must only hear his presbyteral council (461). Only the bishop can convoke a synod in his diocese (462). The hierarchy of clerics must be included in any synod, but lay people may be included in numbers and in a manner decided by the bishop (463). ‘The only legislator in a diocesan synod is the diocesan bishop; the other members of the synod possess only a consultative vote. Only he signs the synodal declarations and decrees, which can be published by his authority alone’ (466). ‘The diocesan bishop is competent to suspend or dissolve a diocesan synod according to his prudent judgment’ (468 §1).

Curia ‘The diocesan curia consists of those institutions and persons which assist the bishop in the governance of the whole diocese, especially in guiding pastoral action, in caring for the administration of the diocese, and in exercising judicial power’ (469). Only the bishop can appoint ‘those who exercise offices in the diocesan curia...’ (470). The bishop is responsible for the proper functioning of the curia (473), but ‘Where it is expedient, a moderator of the curia can be appointed who must be a priest and who, under the authority of the bishop, is to coordinate those things which pertain to the treatment of administrative affairs and to take care that the other members of the curia properly fulfill the office entrusted to them.’ The moderator will generally be the vicar general (473 §2). To have effect, any actions of the curia must be determined and signed by the bishop (474).

Finance Council Canon 492 §1 provides that, ‘In every diocese a Finance council is to be established, over which the diocesan bishop himself or his delegate presides and which consists of at least three members of the Christian faithful truly expert in Financial affairs and civil law, outstanding in integrity, and appointed by the bishop.’ The bishop must appoint a suitably qualified Finance Officer, after hearing from the Finance Council and the college of consultors (494). Ultimate authority over diocesan assets, revenues and expenditure resides in the bishop.

Presbyteral Council Canon 495 §1 provides that, ‘In each diocese a presbyteral council is to be established, that is, a group of priests which, representing the presbyterium, is to be like a senate of the bishop and which assists the bishop 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.’

Diocesan Pastoral Council It is completely within the discretion of a bishop whether he constitutes a pastoral council. Canon 511 provides that, ‘In every diocese and to the extent that pastoral circumstances suggest it, a pastoral council is to be constituted which under the authority of the bishop investigates, considers, and proposes practical conclusions about those things which pertain to pastoral works in the diocese.’ Membership of the pastoral council is at the discretion of the bishop, and should consist of ‘members of the Christian faithful who are in full communion with the Catholic Church - clerics, members of institutes of consecrated life, and especially laity - who are designated in a manner determined by the diocesan bishop’ (512 §1). ‘A pastoral council is constituted for a period of time as determined by the bishop’ (513 §1) and ceases when the see is vacant (513 §2). To avoid any doubt about the place which the Pastoral Council has in the governance of the diocese, Canon 514 §1 is explicit: ‘A pastoral council possesses only a consultative vote. It belongs to the diocesan bishop alone to convoke it according to the needs of the apostolate and to preside over it; it also belongs to him alone to make public what has been done in the council.’

The parish priest governs his parish

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Canon 515 §1 defines a parish as ‘a certain community of the Christian faithful stably constituted in a particular church, whose pastoral care is entrusted to a pastor (parochus) as its proper pastor (pastor) under the authority of the diocesan bishop.’ According to Canon 515 §2, ‘It is only for the diocesan bishop to erect, suppress, or alter parishes’ although he must not ‘erect, suppress, [or] alter notably parishes, unless he has heard the presbyteral council.’

Interestingly, where there is ‘a lack of priests’, the bishop may appoint someone who is not a priest to provide pastoral care in a parish, but only under the direction of a priest with the powers and faculties of a pastor (517 §2).

Canon 519 provides that: ‘The pastor (parochus) is the proper pastor (pastor) of the parish entrusted to him, exercising the pastoral care of the community committed to him under the authority of the diocesan bishop in whose ministry of Christ he has been called to share, so that for that same community he carries out the functions of teaching, sanctifying, and governing, also with the cooperation of other presbyters or deacons and with the assistance of lay members of the Christian faithful, according to the norm of law.’ The parish priest has authority to contract on behalf of and represent the parish and is responsible for the finances and administration of the assets of the parish (532).

Parish Pastoral Council  Canon 536 §1 provides that, ‘If the diocesan bishop judges it opportune after he has heard the presbyteral council, a pastoral council is to be established in each parish, over which the pastor presides and in which the Christian faithful, together with those who share in pastoral care by virtue of their office in the parish, assist in fostering pastoral activity.’ ‘A pastoral council possesses a consultative vote only and is governed by the norms established by the diocesan bishop’ (536 §2)

Parish Financial Council  Canon 537 provides that, ‘In each parish there is to be a finance council which is governed, in addition to universal law, by norms issued by the diocesan bishop and in which the Christian faithful, selected according to these same norms, are to assist the pastor in the administration of the goods of the parish....’

Canon Law excludes women from Church governance

As already discussed, only clerics have formal governance roles in the Church. Canon 1024 provides that ‘A baptized male alone receives sacred ordination validly.’ It follows that under current Canon Law, women can have no formal role in Church governance.

Canon 230 §1 allows ‘Lay men who possess the age and qualifications established by decree of the conference of bishops [to] be admitted on a stable basis through the prescribed liturgical rite to the ministries of lector and acolyte.’ However, all lay persons (including women) can fulfil the function of lector in liturgical actions by temporary designation. All lay persons (including women) can also perform the functions of commentator or cantor, or other functions, according to the norm of law (230 §2). Canon 230 §3 goes a little further and provides that, ‘When the need of the Church warrants it and ministers are lacking, lay persons, even if they are not lectors or acolytes, can also supply certain of their duties, namely, to exercise the ministry of the word, to preside offer liturgical prayers, to confer baptism, and to distribute Holy Communion, according to the prescripts of the law.’