



# AUSTRALIAN CATHOLIC BISHOPS CONFERENCE

## **BY-LAWS TO THE STATUTES OF THE**

## **AUSTRALIAN CATHOLIC BISHOPS CONFERENCE**

### **1. MEMBERSHIP**

- 1.1. Diocesan administrators, of either the Latin or an Eastern Church, are included under the words “and those equivalent to them in law” and are full members of the Conference.
- 1.2. A priest named but not yet ordained as bishop, of either the Latin or an Eastern Church, is not by law a member of the Conference, but by virtue of these by-laws shall be invited to attend the plenary meetings of the Conference as an observer.

### **2. PRESIDENT AND VICE-PRESIDENT**

- 2.1. If either the President or Vice-President has completed three consecutive two-year terms, the chairman shall, prior to a new election, inform those present of this fact. Before the election takes place in exceptional circumstances if the majority of the Conference so wishes there should be a discussion, in the absence of the nominee, of the advisability of a further term.

### **3. THE PLENARY MEETING**

#### **3.1. TIME AND PLACE**

- 3.1.1. Two plenary meetings shall ordinarily be held each year, unless the Conference decides otherwise.
- 3.1.2. Unless the Conference decides otherwise, the plenary meetings shall be held commencing on the first Thursday of May and concluding at lunch time on the Thursday of the following week, and on the Monday following the feast of Christ the King concluding at lunch time on the Friday of that week.
- 3.1.3. The plenary meetings shall be held at a suitable venue as determined by the Conference.

#### **3.2. THOSE PRESENT**

- 3.2.1. Those who have a deliberative vote and are unable to attend a plenary meeting, in whole or in significant part, shall inform the President in writing of this fact before the first session of the meeting.
- 3.2.2. The General Secretary shall notify all retired members of the Conference of the dates and location of plenary meetings and forward to them, if so requested, agenda papers.

- 3.2.3. The religious co-chair of the National Committee for Professional Standards may attend as an observer the session in which the business of that committee is presented.
- 3.2.4. Bishops commissions or individual bishops may request the President to permit some person or persons to attend an individual session as observer(s), either to address the meeting or to contribute to the discussion on a particular topic.
- 3.2.5. Observers may attend all sessions except those in which the Apostolic Nuncio addresses the meeting, *in camera* sessions, and any other session in which, because of the nature of the matters being discussed, the President asks them to absent themselves.
- 3.2.6. The person employed by Conference as Communications Officer may attend all sessions of the plenary meeting as an observer, except for *in camera* sessions and sessions where, in the view of the President, the matter discussed should remain confidential.
- 3.2.7. The General Secretary shall attend all sessions except those *in camera*. The President may ask the General Secretary to be present for a particular *in camera* session.

### 3.3. VOTING RIGHTS

- 3.3.1. A diocesan administrator has a deliberative vote on all matters.
- 3.3.2. A priest appointed but not yet ordained as bishop shall have only a consultative vote in plenary meetings of the Conference.
- 3.3.3. Observers may take part in all discussion but have only a consultative vote.

### 3.4. AGENDA PAPERS

- 3.4.1. The agenda papers, to be prepared by the General Secretary in consultation with the President, shall consist of a timetable and such briefing papers or background documentation as may be necessary or useful for deliberations of the plenary meeting. The General Secretary shall endeavour to send the agenda papers to the members at least one month prior to the commencement of a plenary meeting.

### 3.5. SESSIONS

- 3.5.1. In the case of the May plenary meeting the first Thursday will be devoted to commission meetings. In the case of the November plenary the Monday will be devoted to commission meetings.
- 3.5.2. On the Friday morning at the May meeting and on the Tuesday morning at the November meeting, the plenary sessions of the meeting shall commence with a Mass of the Holy Spirit at which the President of the Conference shall preside.

3.5.3. For other liturgies throughout the plenary meeting, the General Secretary will provide a roster, on a rotating basis, indicating the roles of Conference members.

3.5.4. On the Sunday of the May meeting, instead of the plenary sessions, there will be a fitting celebration of the Lord's Day.

### 3.6. CONDUCTING THE MEETING

3.6.1. If the nature of a matter to be discussed warrants, the President may nominate another member to chair a particular session of the meeting and moderate discussion. If voting is required, this is deferred until the President resumes chairmanship.

3.6.2. The chairman, in consultation with the President if he is not himself the President, shall determine the order of business.

3.6.3. At the request of others or *ex officio*, the President may determine the holding of one or more sessions *in camera*.

### 3.7. DRAFTING COMMITTEE

3.7.1. At the beginning of each triennium the bishops shall elect a drafting panel consisting of six bishops. With the assistance, as appropriate, of the General Secretary and the Communications Officer, they will be responsible for drafting documents, media releases, and other instruments as requested by the Conference.

3.7.2. Any matter that would require the services of the drafting committee should be indicated to the plenary meeting by the President or a commission chairman at the earliest opportunity, so that it may carry out its task without undue stress.

### 3.8. SCRUTINEERS

3.8.1. In all elections and in all matters decided by secret ballot, the two bishops junior by ordination shall act as scrutineers. If the number of votes being taken so demands or, if one of the scrutineers is a subject of a vote, the President may call on other bishops to be scrutineers, following the order of the time of ordination.

### 3.9. COMMISSION REPORTS

3.9.1. Executive secretaries / chairmen of bishops commissions shall ensure that the General Secretary has a copy of each commission's report in timely fashion so that it can be distributed with the meeting papers one month before the plenary. Any supplementary report should be distributed as soon as possible to the bishops to give them ample time to consider it before it is presented.

3.9.2. Commission reports should follow the approved format:

Matters for Decision  
Matters for Discussion  
General Reporting

- 3.9.3. The meeting shall not be required to vote on any motion contained in a report if the members have not had a copy of the report for twelve hours before the motion is moved, unless in a particular case and for good reason, the plenary meeting allows an exception.
- 3.9.4. In presenting a commission's report, the chairman shall first move that the report be received.
- 3.9.5. The chairman shall assume that all present have read both the entire report and the documents that are attached or that they have been previously circulated, and shall not repeat verbally what has already been received in writing. If something needs to be drawn to the attention of the members in a special way, this should be done in the written report.
- 3.9.6. The chairman shall raise only those matters on which the commission needs to seek the views of Conference in order to proceed with its work or where a formal motion is presented.

### 3.10. DOCTRINAL DECLARATIONS

- 3.10.1. A statement, either already drafted or to be drafted, shall be considered a "doctrinal declaration" when the Conference recognises that it has doctrinal implications.
- 3.10.2. Any member of Conference may raise the issue of whether a proposed statement has such implications and, after hearing the opinion of the Bishops Commission for Doctrine and Morals, the Conference shall decide how to proceed.

### 3.11. GENERAL DECREES

- 3.11.1. The decisions made by Conference are not presumed to be general decrees and shall be decided by a simple majority of those present, as in Article 17 of the Statutes.
- 3.11.2. If, however, a diocesan bishop believes that a decision would restrict his proper freedom within his own diocese, he may raise the matter and the Conference shall decide how to proceed.
- 3.11.3. Decrees of the Conference will be published on the ACBC website, but only after publication in *The Australasian Catholic Record* which constitutes formal promulgation of the decree, unless another manner of promulgation has been prescribed.

#### **4. THE PERMANENT COMMITTEE**

- 4.1. While only a diocesan bishop may be elected president or vice-president of Conference, any bishop member of Conference may be elected to one of the other six positions on the Permanent Committee.
- 4.2. While Article 29 of the Statutes remains in force, the Permanent Committee shall give every consideration to seeking through appropriate communications technology an expression of the mind of Conference before making a decision in an important matter.
- 4.3. At each meeting of the Permanent Committee the General Secretary shall give a report on the implementation of the decisions of the plenary meeting.
- 4.4. As soon as convenient after each meeting of the Permanent Committee, the General Secretary, after consultation with the President, shall forward to all members of Conference and to retired bishops a draft copy of the minutes.

## BISHOPS COMMISSIONS

- 4.5. The bishops commissions and the number of members in each currently established by the ACBC are as follows:

| Commission  | Members |
|---|---------|
| Administration and Information                        | 4       |
| Canon Law   | 3       |
| Catholic Education                                    | 4       |
| Church Ministry                                       | 6       |
| Doctrine and Morals                                   | 4       |
| Ecumenism and Inter-religious Relations               | 4       |
| Evangelisation  | 4       |
| Health and Community Services                         | 4       |
| Justice, Ecology and Development                      | 4       |
| Liturgy   | 4       |
| Pastoral Life   | 7       |
| Relations with Aborigines and Torres Strait Islanders | 4       |
|   | 52      |
| Membership Panel                                      | 3       |
| Permanent Committee                                   | 8       |
|   | <hr/>   |
|   | 63      |

### 4.6. TERM OF OFFICE

- 4.6.1. The term of office for appointment to a commission is three years. The maximum term for any individual shall normally be three consecutive terms of three years.
- 4.6.2. If it is proposed that a member be elected for a fourth or subsequent consecutive term, the other members of the outgoing commission shall submit their reasons for this exception in writing to the Membership Panel, who will present this information to the plenary meeting.
- 4.6.3. A bishop who has been a member of a commission for nine years may, after an interval of three years, be again elected to the same commission.

#### 4.7. MEMBERSHIP OF COMMISSIONS

- 4.7.1. The President shall be excused from all commission work other than that of the Permanent Committee, but when possible he will attend the meetings of the Bishops Commission for Ecumenism and Inter-religious Relations due to his role as head of church.
- 4.7.2. Diocesan administrators who are not bishops shall not be appointed to commissions.
- 4.7.3. Unless prevented by ill health or some other legitimate reason, all bishops shall be members of at least one commission. No one shall be a member of more than three commissions. For these purposes membership of the Permanent Committee shall count as membership of one commission.
- 4.7.4. A priest appointed but not yet ordained as bishop may be nominated to a commission, but his membership does not become effective until he has been ordained a bishop.
- 4.7.5. One member of the Bishops Commission for Ecumenism and Inter-religious Relations will be a Bishop of an Eastern Church *sui iuris*.

#### 4.8. ELECTION OF COMMISSION MEMBERS

- 4.8.1. Elections for all commissions other than the Permanent Committee shall be held once every three years.
- 4.8.2. Before the meeting scheduled for these elections, the Membership Panel shall ask each bishop to nominate six commissions in order of preference on which he would be prepared to serve.
- 4.8.3. With this information at their disposal, the bishops shall vote by secret ballot for the members of each of the commissions. They shall seek to respect the preferences, but the overriding criterion shall be the strength and balance of each commission and the consequent good of the whole Conference.
- 4.8.4. The bishops will then vote by secret ballot for the chairman of each of the commissions.

#### 4.9. VACANCIES

- 4.9.1. Should a vacancy occur in any commission, the Membership Panel shall nominate to the next plenary meeting a bishop to complete the three year term.

#### 4.10. NEW BISHOPS

- 4.10.1. At the first plenary meeting after a bishop's ordination, the Membership Panel shall nominate him for one commission for the rest of the three-year term.

#### 4.11. SPECIFIC ROLES WITHIN THE COMMISSION

- 4.11.1. Before the end of the plenary meeting at which the commissions are elected, each commission shall nominate selected persons to specific roles (e.g. member of a board or chairman of a body that relates to the commission.) The chairman of the commission shall inform the General Secretary of the names of all persons so selected.
- 4.11.2. The chairman shall be the convenor of all meetings of the commission.

#### 4.12. INFORMATION TECHNOLOGY

- 4.12.1. Each commission shall explore the use of information technology in facilitating its work and in containing expenses.

#### 4.13. OBSERVERS TO COMMISSIONS

- 4.13.1. Each commission shall decide whether it requires the presence of observers at its meetings. The commission is free to invite any person to a particular meeting, but persons, other than the executive secretary, who would be present at all meetings of the commission should have the approval of the plenary meeting of the Conference. Where approval is given for the holder of an office (eg National Director) to be present, the approval extends to whoever holds that office on a permanent or temporary basis.
- 4.13.2. All such persons are observers and do not have a deliberative vote.

#### 4.14. MANDATES

- 4.14.1. Each commission shall have a mandate approved by the Conference.
- 4.14.2. Each mandate should address issues of possible overlap with the work of other commissions.
- 4.14.3. At its first meeting after the three-yearly election, the chairman of the commission shall table the mandate for some discussion. The commission report to the next plenary meeting should state whether the commission wishes to retain the mandate as it is or to consider amendments.
- 4.14.4. A copy of the mandates of all commissions shall be appended to these by-laws.

#### 4.15. NATIONAL COMMITTEE FOR PROFESSIONAL STANDARDS

- 4.15.1. The National Committee for Professional Standards is a joint committee of the ACBC and the ACLRI. It is governed by the statutes approved by both bodies and attached to these by-laws.



#### 4.16. PERMANENT BODIES

- 4.16.1. All dealings by the ACBC with any commission, permanent secretariat or other body created by the Australian Catholic Bishops Conference shall normally be conducted through the relevant bishops commission. The body shall be directly responsible to the bishops commission and shall report to Conference through that commission.
- 4.16.2. Whenever a member of Conference is made a member of one of these bodies, his status and role shall be clearly defined by Conference.
- 4.16.3. The mandates of all such bodies shall be prepared by the relevant bishops commission and approved by the Conference.

#### 4.17. COMMUNICATION WITH COMMISSIONS

- 4.17.1. The General Secretary shall send documents requiring the attention of a commission simultaneously to the chairman of the commission, with copies simultaneously to each bishop member. The chairman shall then consider how to communicate with any observers to give attention to the matter at hand.

### 5. THE GENERAL SECRETARIAT

- 5.1. The usual term of appointment for the General Secretary shall be five years, with eligibility for further appointments of five years.

#### 5.2. MINUTES OF PLENARY MEETINGS

- 5.2.1. As soon as possible after the conclusion of the plenary meeting and after consultation with the President, the General Secretary shall forward draft minutes to the members of Conference.
- 5.2.2. The General Secretary shall invite corrections to the minutes by a nominated date at least one month hence. It shall be the responsibility of the chairman of each bishops commission to read, and if necessary, comment on the section dealing with the affairs of that commission.
- 5.2.3. After the set time has expired, the General Secretary shall make the corrections requested, except those where, in the view of the President, the correction would require discussion at the next plenary meeting.
- 5.2.4. The General Secretary shall forward a copy of the corrected minutes to the Apostolic Nuncio, the observers from ACLRI, the other bishops conferences of Oceania and retired bishops, noting that the minutes are subject to formal approval at the next plenary meeting.
- 5.2.5. At the next plenary meeting the General Secretary shall table a list of all corrections made and indicate to the President those that may require discussion.

5.2.6. After formal approval by the plenary meeting, the minutes will be signed by the President as chairman and the General Secretary as notary and filed in the Conference archives.

### 5.3. POLICY DECISIONS

5.3.1. The General Secretary shall produce and maintain a record of policy decisions taken at plenary meetings of Conference in a form that enables a ready search of the policies of particular commissions and of particular subject matters. This policy document shall be readily accessible to all bishops upon request.

### 5.4. PUBLICATIONS OF DECISIONS AND APPOINTMENTS

5.4.1. As soon as possible after the conclusion of the plenary meeting the Communications Officer of Conference shall prepare a brief summary of the main decisions and appointments made. When this summary has been approved by the President, it shall be released to the Catholic press and posted on the ACBC website.

### 5.5. NOTIFICATION OF DECISIONS

5.5.1. As soon as possible after the conclusion of the plenary meeting the General Secretary shall ensure that all executive secretaries of bishops commissions and appropriate ACBC executive staff are advised of the particular decisions of Conference which affect their responsibilities and may require action on their part.

## 6. VARIOUS NORMS

### 6.1. EQUALISATION

6.1.1. The costs of the plenary meeting shall be equalised, that is, the costs of transport to and from the meeting, the cost of accommodation and/or meals and other incidental costs shall be paid on an equal basis by all members of conference.

Retired bishops and observers shall not be included in this equalisation of costs.

### 6.2. PROPOSALS WITH FINANCIAL CONSEQUENCES

6.2.1. Proposals made to the plenary meeting that may have a financial consequence shall all be considered together, so that the overall financial impact may be considered.

6.2.2. When a proposal of a bishops commission may have a financial consequence, the chairman of that commission shall notify the chairman of the Bishops Commission for Administration and Information in sufficient time for this latter commission to consider the proposal and report to the plenary meeting.

### 6.3. AUDITED ACCOUNTS AND BUDGETS

- 6.3.1. The audited accounts of the Conference and its agencies shall be presented to the May plenary and the budgets for the following year shall be presented to the November plenary.

### 6.4. POLICY DECISIONS RELATING TO FINANCE

- 6.4.1. The Business manager shall maintain a compendium of all Conference policy decisions relating to finance, and this shall be available to all members of Conference.

### 6.5. BUDGETS

- 6.5.1. Budgets for all Conference agencies shall be prepared in accordance with the guidelines prepared by the Bishops Commission for Administration and Information.
- 6.5.2. The budget request for each commission shall be signed by the chairman of the commission, who shall take responsibility for everything contained in the request.

### 6.6. REVIEW OF CONFERENCE

- 6.6.1. Once every ten years Conference will commission an external review of the structures and functioning of the Conference as a whole, its commissions and the plenary meeting.
- 6.6.2. In the fifth year half way between the external reviews Conference will commission an internal review, with particular emphasis on the implementation of the previous external review and on any particular aspect of Conference that appears to require immediate attention.
- 6.6.3. Each bishops commission shall ensure that a permanent body of Conference for which it is responsible has an external review every ten years and an internal review in the fifth year between the external reviews.

## 7. AMENDMENT OF BY-LAWS

- 7.1. These by-laws may be altered only by a majority vote taken at a plenary meeting. The change shall take effect immediately.
- 7.2. By a two-thirds majority at a plenary meeting the Conference may dispense from one of these by-laws for a particular case.