

**THE APPLICATION  
OF THE APOSTOLIC CONSTITUTION  
*EX CORDE ECCLESIAE*  
IN AUSTRALIA**

**HISTORICAL PREAMBLE**

The work of Catholic tertiary education in Australia is a relatively recent development within a quite particular historical context. Catholic education in Australia began in the colony of New South Wales with the opening of the first Catholic school in Parramatta in 1820. In the following years, further Catholic schools were established in New South Wales and in the other Crown colonies. Limited financial resources were the ostensible reason for the Government's progressive withdrawal of support from Church schools in all colonies. The passing of the Public Instruction Act in New South Wales in 1880 established a system of schools that were to be "free, secular and compulsory".

The Bishops were determined that Catholic schooling would continue and recruited Religious for this purpose from overseas institutes. They came in significant numbers, and despite the lack of Government funding, Catholic schools grew. These Religious institutes recruited young Australian women and men to join them. Therefore, they established training colleges for the education of their teachers. The whole education system came under great stress because of migration following the Second World War. This was especially true of Catholic schools where teachers struggled with large classes and very limited resources. In 1964, however, the then Prime Minister announced that grants for science laboratories would be made available to all schools. There followed grants for libraries and finally *per capita* grants for each student. This Federal initiative was followed progressively by *per capita* grants from State governments.

From the 1960s onwards, Religious in Catholic schools were replaced increasingly by lay teachers. Providentially, as the number of Religious declined, there was considerable growth in government assistance. The training colleges for teachers (and nurses), founded by the Religious institutes, opened their doors to lay people. In due course, these colleges were given recognition and financial support by the Federal government. By the late 1970s, they were listed as Colleges of Advanced Education, and their graduates received professional accreditation.

In the second half of the 1980s, the Federal government embarked on a thorough-going reorganisation of tertiary education. By a Deed of Agreement (5 October 1989), the four Catholic Colleges of Advanced Education sought membership as one amalgamated institution in the Unified National System of Higher Education. When this application was successful, the combined colleges were established as a public university under the Australian Catholic University Act 1991 in the Victorian State Parliament. Australian Catholic University (ACU) commenced operations on 1 January 1991, the Australian Catholic Bishops' Conference having given its consent to the incorporation of Catholic into the University's title. Constituted as a public company, limited by guarantee under the Corporations Act, the constituent members of the University were recognised to be the various founding dioceses and Religious institutes throughout Australia.

The decline in the number of Religious from the 1960s was causing concern in Western Australia, where there was no Catholic teachers' college. In this situation, a group of professional Catholic laymen began planning for a Catholic university in the second half of the 1980s. A key member of the initial planning group was the then Archbishop of Perth. Consultation took place with Catholic university leaders in other parts of the world, particularly at the University of Notre Dame in the United States of America.

With the concurrence of both the University of Notre Dame in the USA and the State Government of Western Australia, the University of Notre Dame Australia (UNDA) was formally established as a private university by an Act of the Parliament of Western Australia on 21 December 1989 and by Canonical Statute of the Archbishop of Perth on 2 July 1991.

For both Universities, the Apostolic Constitution *Ex Corde Ecclesiae* has been a seminal document, appearing as it did at a time when they were being constituted.<sup>i</sup> The application of the following Particular Norms serves to strengthen the bonds between the Universities and the Bishops, and help to guarantee the identity of other Australian Catholic tertiary institutions which may be established in the future.

# **NORMS FOR THE APPLICATION OF *EX CORDE ECCLESIAE* IN AUSTRALIA**

## **Article 1. The Nature of the Particular Norms**

§1. These Particular Norms are applicable to all Catholic Universities and institutes of higher learning that have been or may be from time to time established within the territory of the Australian Catholic Bishops' Conference.<sup>ii</sup>

§2. A Catholic University is to observe the General Norms of *Ex Corde Ecclesiae*<sup>iii</sup> and these Particular Norms as they apply to it, taking into account its canonical status, its own statutes and, as far as is possible and appropriate, the relevant provisions of applicable civil law, regulations and procedures.<sup>iv</sup>

## **Article 2. The Nature of a Catholic University**

§1. A Catholic University, like every University, is a community that is committed to the search for truth. It achieves this purpose by education, research and community engagement, in accordance with its cultural mission.<sup>v</sup> A Catholic University possesses the autonomy necessary to develop its distinctive identity and pursue its proper mission; its governance is, and remains, internal to the University.<sup>vi</sup>

§2. A Catholic University, as Catholic, informs and carries out its research, teaching and all other activities with Catholic ideals, principles and attitudes. It is linked with the Church either by a formal, constitutive and statutory bond, or by reason of an institutional commitment made by those responsible for it.<sup>vii</sup>

§3. Academic freedom is an essential component of a Catholic University. The University is to take steps to ensure that all academic staff are accorded a lawful freedom in research and teaching according to the principles and methods of the discipline in which they have competence.<sup>viii</sup> Such lawfulness implies that freedom must always be tied to the truth and the common good.

§4. A Catholic University is to affirm its essential characteristics in accordance with the principles of *Ex Corde Ecclesiae* through public acknowledgement in its Mission Statement and its other official documentation of its commitment to the practical implications of its Catholic identity.<sup>ix</sup>

This commitment includes but is not restricted to the following:

- 1° Commitment to the teachings of the Catholic Church;<sup>x</sup>
- 2° Commitment to excellence in teaching and research through a collaborative and interdisciplinary search for truth, grounded upon the Catholic sense of the integration of faith and reason;<sup>xi</sup>
- 3° Commitment to witness to the Catholic faith by Catholic academic and general staff, and to acknowledge and respect the Catholic identity and mission of the University by academic and general staff who are not Catholic;<sup>xii</sup>
- 4° Commitment to provide that all courses will be at least concordant with and never contradictory to the teaching of the Catholic Church. In fact, in ways appropriate to the different academic disciplines, all Catholic teachers are to be faithful to, and other teachers are to respect Catholic doctrine and morals in their research and teaching.<sup>xiii</sup>
- 5° Commitment to the provision of courses informed by Catholic faith and morals, and their application to critical areas such as the defence of human life and the pursuit of social justice;<sup>xiv</sup>
- 6° Commitment to service of the disadvantaged members of society in a particular way;<sup>xv</sup>
- 7° Commitment to the pastoral care of the students and staff in conformity with the teachings and directives of the Catholic Church.<sup>xvi</sup>

§5. A Catholic University is to take practical steps to implement its Mission Statement in order to safeguard and strengthen its Catholic nature and character in a manner consistent with §2.<sup>xvii</sup>

### Article 3. **The Establishment of a Catholic University**

A Catholic University is established in accordance with ecclesiastical law and, as far as is possible and appropriate, the relevant provisions of applicable civil law, regulations and procedures.<sup>xviii</sup>

### Article 4. **The University Community**

§1. Responsibility for safeguarding and strengthening the Catholic identity of a University rests primarily with the University itself.<sup>xxix</sup> All members of the University community are called to participate in this important task in accordance with their specific roles.<sup>xx</sup>

§2. A majority of the governing body of the University is to be constituted by Catholics committed to the Church and to the practical implications of the Catholic identity of the University. Members of the body are to develop effective ways of relating to and collaborating with the local Church<sup>xxi</sup> and periodically review the congruence of the Mission Statement of the University with its courses, research programme and other activities.<sup>xxii</sup>

§3. The Chancellor and Vice-Chancellor of the University are to be Catholics distinguished by their practice of the faith.<sup>xxiii</sup>

§4. In accordance with its procedures for the hiring and retention of qualified professional staff and relevant provisions of civil law, regulations and procedures, the University shall strive to recruit and appoint Catholics to a majority of positions, to the extent possible.<sup>xxiv</sup> The Catholic identity of the University calls for the recruitment of adequate University personnel, especially teachers and administrators, who are both willing and able to promote it. It is the responsibility of the competent Authority to watch over this fundamental need.

§5. All academic and general staff, at the time of their appointment, are to be informed about the Catholic identity of the University and its implications, and about their responsibility to promote or at least to respect that identity.<sup>xxv</sup>

§6. Catholics who teach the theological disciplines (*viz* Sacred Scripture, dogmatic theology, moral theology, pastoral theology, canon law, liturgy and Church history)<sup>xxvi</sup> in a Catholic University are required to have a *mandatum* granted by competent ecclesiastical authority.<sup>xxvii</sup> Without prejudice to the rights of each diocesan Bishop, a *mandatum*, once granted, remains in effect in every diocese unless or until it is withdrawn by the competent ecclesiastical authority.

§7. University statutes in accordance with civil and ecclesiastical law shall provide for due process for appeals and the resolution of disputes.

## Article 5. A Catholic University within the Church

§1. A Catholic University shall develop and maintain a plan for fulfilling its mission that communicates and develops the Catholic intellectual tradition, serves the Church and society, and encourages the members of the University community to grow in the practice of the faith and their commitment to Catholic values.<sup>xxviii</sup>

§2. In accordance with Church teaching and canon law, the Bishop has responsibility to promote the welfare of a Catholic University in his diocese, and to support it. He has also the right and duty to watch over the preservation and strengthening of its Catholic character.<sup>xxix</sup> If problems should arise concerning this Catholic character, the local Bishop is to take the initiatives necessary to resolve the matter, working with the competent University authorities in accordance with established procedures<sup>xxx</sup> and, if necessary, with the help of the Holy See.

§3. Every Catholic University is to maintain communion with the universal Church and the Holy See; it is to be in close communion with the local Church and in particular with the diocesan Bishops of the nation. In ways consistent with its nature as a University, a Catholic University will contribute to the Church's work of evangelisation.<sup>xxxi</sup>

§4. University authorities should develop practical ways for collaborating with the diocesan Bishop and Religious institutes to which a University is related by establishment or tradition.<sup>xxxii</sup>

§5. The Australian Catholic Bishops' Conference should continue to dialogue and collaborate with a Catholic University about ways of safeguarding and promoting the ideals, principles and norms expressed in *Ex Corde Ecclesiae*.<sup>xxxiii</sup>

§6. A Catholic University is to forward to the Australian Catholic Bishops' Conference each year a copy of its Annual Report.<sup>xxxiv</sup> This is in addition to the requirements mentioned in Art. 5, § 3 of the Apostolic Constitution *Ex Corde Ecclesiae*.

## Article 6. **Pastoral Ministry**

§1. The diocesan Bishop has prime responsibility for pastoral ministry to the students, and academic and general staff of a Catholic University.<sup>xxxv</sup>

§2. A Catholic University cooperates with the diocesan Bishop in providing for effective campus ministry, including the celebration of the sacraments, other liturgical celebrations and opportunities for prayer and spiritual reflection.<sup>xxxvi</sup>

§3. When selecting chaplains, the diocesan Bishop and University authorities are to work closely together in accordance with agreed protocols.<sup>xxxvii</sup>

## Article 7. **Cooperation**

§1. A Catholic University should commit itself to cooperating in a special way with other Catholic Universities, institutions and professional associations in Australia and abroad in order to build up the entire Catholic academic community and foster the Catholic intellectual tradition.<sup>xxxviii</sup>

§2. In collaborating with government agencies, other associations and universities, a Catholic University should give corporate witness to and promote the religious, social and moral teachings of the Church.<sup>xxxix</sup>

## Article 8. **Promulgation**

These Particular Norms come into effect when they have been approved by the Holy See and promulgated by the Australian Catholic Bishops' Conference.

*Text approved*  
**Congregation for Bishops**  
*13<sup>th</sup> April 2007.*

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<sup>i</sup> John Paul II, Apostolic Constitution *Ex Corde Ecclesiae*, 15 August 1990. AAS 82 [1990] 1475 - 1509

<sup>ii</sup> *ECE*, II, Art. 1, §2.

<sup>iii</sup> *ECE*, II, Art. 1, §1.

<sup>iv</sup> *ECE*, II, Art. 1, §2.

<sup>v</sup> *ECE*, I, n. 15; II, Art. 2, §1.

<sup>vi</sup> *ECE*, II, Art. 2, §5.

<sup>vii</sup> *ECE*, II Art. 2 §2.

<sup>viii</sup> *ECE*, II, Art. 2, §5.

<sup>ix</sup> *ECE*, II, Art. 2, §3.

<sup>x</sup> *ECE*, I, n, 27.

<sup>xi</sup> *ECE*, I, n. 15.

<sup>xii</sup> *ECE*, I, n. 27.

<sup>xiii</sup> *ECE*, II, Art 4, §3.

<sup>xiv</sup> *ECE*, II, Art. 2, §2.

<sup>xv</sup> *ECE*, I, n. 34.

<sup>xvi</sup> *ECE*, I, n. 38.

<sup>xvii</sup> *ECE*, II, Art. 2, §3.

<sup>xviii</sup> *ECE*, II, Art. 3.

<sup>xix</sup> *ECE*, II, Art. 4, §1.

<sup>xx</sup> See *ECE*, I, nn. 21 – 26.

<sup>xxi</sup> *ECE*, II, Art. 5, §1.

<sup>xxii</sup> *ECE*, II, Art. 2, §3.

<sup>xxiii</sup> *ECE*, II, Art. 4, §1.

<sup>xxiv</sup> *ECE*, II, Art. 4, §4.

<sup>xxv</sup> *ECE*, II, Art. 4, §2.

<sup>xxvi</sup> C. 252

<sup>xxvii</sup> *ECE*, II, Art. 4, §3; C. 812.

<sup>xxviii</sup> *ECE*, I, nn. 38 – 41.

<sup>xxix</sup> *ECE*, II, Art. 5, §2.

<sup>xxx</sup> For Universities to which *ECE*, II, Art 3, §§ 1 and 2 refer, these procedures are to be established in the University statutes approved by the competent ecclesiastical authority; for other Catholic Universities, they are to be determined by the Episcopal Conference cfr *ECE*, II, Art. 5, §2.

<sup>xxxi</sup> *ECE*, II, Art. 5, §1.

<sup>xxxii</sup> *ECE*, II, Art. 5, §1.

<sup>xxxiii</sup> *ECE*, II, Art. 5, §2.

<sup>xxxiv</sup> *ECE*, II, Art. 5, §3.

<sup>xxxv</sup> C. 813.

<sup>xxxvi</sup> *ECE*, II, Art. 6..

<sup>xxxvii</sup> *ECE*, II, Art. 6, §2.

<sup>xxxviii</sup> *ECE*, I, n. 35; II, Art. 7, §1.

<sup>xxxix</sup> *ECE*, II, Art. 7, §2.