



A R C H D I O C E S E O F B R I S B A N E

Potestas legislativa: A Particular Law for the Archdiocese of Brisbane

Recitals

Whereas:

- a) The legislative power of a diocesan Bishop is exercised personally (c.391).
- b) As a lower legislator, a diocesan Bishop cannot validly issue a law contrary to a higher law (c.135§2).
- c) Administration of ecclesiastical goods pertains to the one who immediately governs the person to whom the goods belong unless particular law, statutes or legitimate custom determine otherwise (c.1279§1).
- d) As the one who immediately governs the Archdiocese of Brisbane, the administration of the ecclesiastical goods of the Archdiocese of Brisbane (a juridic person by operation of the law itself) pertains to me as the diocesan Bishop "unless particular law... determine otherwise" (c.1279§1).
- e) In civil law the ecclesiastical goods of the Archdiocese of Brisbane are held on trust by The Corporation of the Trustees of the Roman Catholic Archdiocese of Brisbane (the Corporation), a civil corporation of which I am the sole member and officer.
- f) As sole member and officer of the Corporation I have determined to approve a delegations policy with effect from 1 November 2022. That delegations policy for the Corporation will authorise certain employees of the Corporation being the Executive Directors employed by the Corporation, the members of the Archdiocesan Council and the members of the agency councils of the Archdiocese to exercise delegated administrative functions.
- g) The Financial Administrator of the Archdiocese already exercises certain functions pertaining to the administration of the ecclesiastical goods of the Archdiocese.
- h) I have resolved that, given I intend to approve the civil delegations for the Corporation, that it would be appropriate for me at the same time to issue a simple particular law for the Archdiocese of the kind identified in Canon 1279 §1 of the universal law in the Code.
- i) It is my intention by this simple particular law not to alter the provisions of the universal law stated in Canon 1279 §1 that the administration of ecclesiastical goods of the Archdiocese pertains to me as diocesan Bishop, the one who immediately governs the Archdiocese to which the goods belong. That would be beyond my competence as lower legislator (c. 135§2)



- j) Instead, I have resolved to supplement the universal law to which I have referred by a simple particular law appointing the Executive Directors identified in the operative part of the law below, the members of the Archdiocesan Council and the members of the agency councils of the Archdiocese identified in the operative part of the law below, as co-administrators (with me and with the Archdiocesan Financial Administrator) of the ecclesiastical goods of the Archdiocese.
- k) It is my desire in promulgating this particular law to share the responsibility of the administration of the ecclesiastical goods of the Archdiocese with persons (both clerics and lay) who have particular expertise and experience to apply in order to serve the common good of the Archdiocese.

Operative Part

I now promulgate particular norms of law for the Archdiocese in the following terms:

- Art 1. Without altering the universal law contained in Canon 1279 § (that the administration of the ecclesiastical goods of the Archdiocese of Brisbane pertain to me (the Archbishop of Brisbane), being the one who immediately governs the Archdiocese to which the relevant ecclesiastical goods belong), but by an act in the exercise of my legislative power as Archbishop of Brisbane I appoint the Executive Directors employed by the Corporation, the members of the Archdiocesan Council and the members of the agency councils of the Archdiocese as co-administrators of the ecclesiastical goods of the Archdiocese, with me and with the Archdiocesan Financial Administrator.
- Art 2. The appointments made in Art1. are made for the period for which each Executive Director, each member of the Archdiocesan Council or each agency council member holds the respective office to which he or she has been appointed, so that when each respective office holder ceases to hold his or her office, his or her appointment as co-administrator made in Art.1 ceases.
- Art 3. This particular law is to be promulgated (c.8§2) by uploading it to the website of the Archdiocese www.brisbanecatholic.org.au
- Art 4. On the date a month after the promulgation of this particular law (as provided for by Article 3), it begins to oblige the Christian faithful of the Archdiocese of Brisbane (c.12§3) as well as those persons who occupy the positions of the Executive Directors, the members of the Archdiocesan Council and the members of the agency councils of the Archdiocese of Brisbane.



Dated this *20th* day of *October* 2022

[Handwritten signature]

Archbishop of Brisbane

[Handwritten signature]

Chancellor

