



**Submission to the Plenary Council 2020
Discernment and Writing Group for the theme of
Inclusive, Participatory and Synodal, 23 Nov 2019**

Recommendation 16.7 of the Royal Commission into Institutional Responses to Child Sexual Abuse¹ stated the following: -

“The Australian Catholic Bishop’s Conference should conduct a national review of the governance and management structures of dioceses and parishes, including in relation to issues of transparency, accountability, consultation and the participation of lay men and women. This review should draw from the approaches to governance of Catholic health, community services and education.”

The Association of Ministerial Public Juridic Persons² (AMPJP), whose members govern many of the agencies referred to by the Royal Commission, believes it can assist the Church in Australia achieve the principles outlined by the Commission. Ministerial Public Juridic Persons (MPJP), having twenty-five years of experience in new church governance structures, are also addressing many of the calls for evolving reform of Church governance structures and processes coming from the Plenary Council 2020.

We note that the Plenary Council 2020 Snapshot report on the theme of Inclusive, Participatory and Synodal mentions respondents seeking reforms which include:

- renew forms of governance and leadership in the Church;
- to find ways formally and informally of being co-responsible for ministry and mission;
- seeking structures and processes of collaboration; and
- shared decision-making and financial co-responsibility in order to enable this greater involvement of lay people particularly of women, young people, people of diverse cultural backgrounds and people with disabilities.

The AMPJP is aware that many within the Church have not heard of MPJPs. We would like to make your Discernment and Writing Group aware of how we operate in the hope that our example may provide encouragement to many and may be an example relevant to other Church entities.

Towards the end of the last century, many Religious Institutes (e.g., Orders, societies, congregations) running apostolic ministries in health, education and community services began to look at new models of the structuring of the ministries. One reason for this was their declining number of members but there were other reasons such as the increasing regulatory complexity in the running of such ministries and a desire to foster the role of laity.

¹ https://www.childabuseroyalcommission.gov.au/sites/default/files/final_report_-_recommendations.pdf

² “Public Juridic Person” (PJP) is the term used in Canon Law for a corporate entity established by and operating in the name of the Catholic Church, e.g. a diocese, parish. PJPs established for the specific purpose of operating Church ministries (e.g. health, education and social services) are often referred to as a Ministerial PJP.

There was much consultation, including with members of US Religious Institutes which had already begun utilising the MPJP option offered by the 1983 revision of Canon Law. The main concern was how to keep the ministries Catholic and integral to the life of the Catholic Church in Australia, while at the same time allowing for sustainable governance.

The principles of the Second Vatican Council were also at the forefront of the minds of the Religious Institutes with an emphasis on the full participation of the laity in the Church by reason of their baptism.

The model of the MPJP appeared to satisfy most of these requirements. The first MPJP in Australia was Catholic Healthcare in 1994. Catholic Healthcare was established by the Bishops of the Province of Sydney, with ministries from a number of Religious Institutes, parishes and dioceses. There are now eleven Ministerial PJP's in Australia.

The structure of a MPJP is carefully designed with checks and balances between the canonical stewards (usually known as Trustees), and the Boards of Directors overseeing ministries.

The ministries are usually operated through civil corporations, however the members of the MPJP retain oversight and ultimate control by way of certain 'Reserve Powers' written into the constitutional documents.

The Principles set out in recommendation 16.7 of the Royal Commission are addressed in the following ways: -

1. *Transparency*

The operational governance of the ministry is done by the civil corporation under the direction of the Board of Directors. The Directors are subject to the Corporations Act 2001 (Cth) (or similar legislation) and must act with integrity, competence and good faith.

The Directors are required to provide regular reports to the canonical stewards on the Catholicity of the ministry, formation within the ministry and stewardship of the resources.

The canonical stewards, who are also the members (shareholders) of the civil corporation, maintain regular communication with their Board(s), usually via the Chair of the Board and the Chair of Canonical Stewards.

An annual report on the activities of the ministry is provided to the establishing Church Authority (local Bishop(s) or the Holy See). In addition, MPJPs maintain regular contact with the Bishops of Diocese in which they operate.

The principle of Subsidiarity is strongly observed within MPJPs and all decisions are made at the appropriate levels, subject to the relevant canonical oversight.

2. *Accountability*

The Boards overseeing MPJP ministries are accountable to the MPJP Canonical Stewards.

There are various models of accountability among Australia's 11 MPJPs. There are a number of different structures and processes by which MPJPs are accountable, some to members of the founding Religious Institutes and all will be accountable to their establishing Church Authority (local Bishop(s) or the Holy See).

3. ***Consultation and participation of lay men and women.***

MPJPs are a structure of governance within, and in the name of the Church, where ordination is not a requirement for the role of Canonical Steward. In the shared governance structure of MPJPs, nearly all Board Directors and most Canonical Stewards are lay people.

The most recent survey of gender equity in MPJP governance shows women are 58% of MPJP Canonical Stewards and 49% of the members of Boards that report to MPJPs³. A greater role for women in Church governance has been a reality in MPJPs for a long time.

MPJPs operate in a collegial nature which requires that all decisions be made collectively by MPJP Canonical Stewards. This fosters the high degree of participation and places equal value on the voice of all Canonical Stewards.

The lay people who have been appointed as Canonical Stewards have embraced their role enthusiastically and have committed themselves to extensive formation, including degrees in theology and canon law.

In conclusion, the AMPJPs is strongly of the view that the MPJP model could be adopted for other governance structures in the Catholic Church in Australia. MPJPs allow for much greater inclusiveness and participation by lay people, as well as providing the accountability and transparency requested by the Royal Commission and by respondents to the Plenary Council 2020.

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³ <https://www.ampjps.org.au/women-in-church-governance/>