

## DECREE

### INDEMNITY FOR THE MEMBERS OF COUNCILS, COMMITTEES AND BOARDS WITHIN THE DIOCESE OF LISMORE

In recent time's council, committee and board members of various parish and diocesan entities within the Diocese of Lismore have raised concerns as to the level of responsibility and personal legal exposure they have as a consequence of their volunteered contribution.

Having heard the views of the Diocesan Business Manager and having consulted the Diocesan Finance Council I hereby make the following provisions for the indemnity of council, committee and board members.

This decree only applies to the parishes and organisations within the Diocese of Lismore operating in accordance with the norms of canon law or by virtue of the authority of the Bishop of Lismore.

1. Each diocese is established as a legal entity in canon law; that is, it is a public juridic person. [CIC canon 373] As it is an unincorporated association, in the civil law in Australia, a diocese is obliged to establish a legal entity for the purposes of the civil law.

In New South Wales each diocese establishes in the civil law a legal entity pursuant to the provisions of the *Roman Catholic Church Trust Property Act 1936 (as amended)*.

2. For the Diocese of Lismore its body corporate is *The Trustees of the Roman Catholic Church for the Diocese of Lismore*. The members of this body corporate are the diocesan Bishop and his College of Consultors.
3. The body corporate possesses the rights of a natural person. It holds legal title to real property owned by the Diocese of Lismore and its parishes [CIC canon 1284 §2 2°], and is the legal entity used in all matters relating to contracts for the Diocese and its parishes, in accordance with the requirements of civil law and the norms of canon law. [CIC canon 1290]

4. Every parish is established as a public juridic person. [CIC canon 515 §3] Each parish for the purposes of the civil law uses the legal entity – *The Trustees of the Roman Catholic Church for the Diocese of Lismore*.
5. The parish priest represents the parish [CIC canon 118] and “in all juridical matters acts in the name of the person of the parish, in accordance with the law”. [CIC canon 532]
6. As they are owned by a public juridic person, the temporal goods of the parish are ecclesiastical goods and are regulated by the universal law in the Code of Canon Law, by the decrees of the Australian Bishops’ Conference complementing the universal law, and by the special instructions issued by the Bishop of Lismore. [CIC canons 1257 §1, 1276 §2]
7. The administration of the parish’s temporal goods is entrusted to the parish priest [CIC canon 532] and to any person(s) to whom he delegates a share in his responsibility, for example the Parish Business Manager.
8. The universal law of the Church mandates that in each parish there be a finance council whose task is to advise the parish priest in the administration of the goods of the parish. This council is “regulated by the universal law and the norms laid down by the diocesan Bishop”. [CIC canon 537]
9. The Church encourages the laity, through involvement on councils, committee and boards, to use their skills and talents to further the mission given to it by Christ and to give active expression to their faith. [CIC canon 228]
10. The Bishop of Lismore acknowledges that without the contribution freely given by the members of councils, committees and boards the parishes and Diocesan organisations could not function effectively.
11. Such councils, committees and boards, unless it is otherwise stated in canon law, do not have the authority to enact decisions. Their role is advisory, which they carry out either by way of offering advice or giving consent in accordance with the norms of canon law. Any resolutions made in these circumstances by councils, committees and boards are not binding on the relevant authority.
12. Minutes of meetings should be drafted in such a way as to conform to this reality.
13. When councils, committees and boards give advice to the relevant authority it is as a whole, not as individuals.

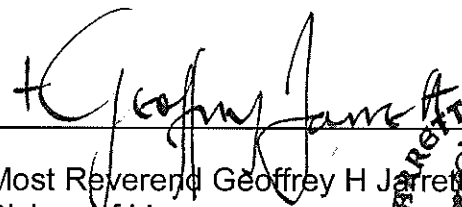
Therefore I hereby decree that the *Trustees of the Roman Catholic Church for the Diocese of Lismore* indemnifies members of councils, committees and boards from any action for which they may be personally held liable under the following conditions;

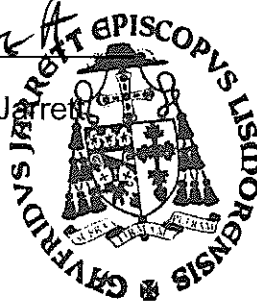
- a. There is a valid appointment as a member of the council, committee or board.
- b. The contribution to the council, committee or board is provided as a volunteer.


- c. It is recognised that there are members of Christ's faithful who are remunerated for the services they provide to the Church.


Any persons in this situation who are appointed to councils, committees and boards are also covered by the indemnity for their contribution to the relevant council, committee or board.

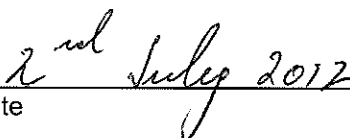
- d. Any crime committed by a member of a council, committee or board or a breach of acceptable standards of probity<sup>1</sup> whilst so acting shall not be indemnified.

  
Most Reverend Geoffrey H Jarrett  
Bishop of Lismore



  
Date

  
Rev Deacon Christopher Wallace  
Notary

  
Date

<sup>1</sup> Refer to chapter 5 of the Parish Administration Manual