

**Richard Leder**  
**ext-3489 (Partner)**  
 13/12/2004 09:27 AM

To: TExell@melbourne.catholic.org.au  
 cc:  
 Subject: Re: Summons

Thanks Ted

The Memorandum is for our internal purposes only; I did note the Canon Law error.

Thanks for the explanation; I'll start work on a draft.

TExell@melbourne.catholic.org.au



**TExell@melbourne.catholic.org.au**  
 10/12/2004 03:17 PM

To: Richard\_Leder@corrs.com.au  
 cc:  
 Subject: Summons

Richard

What is the legal status of a Memorandum.? Line 3 of numbered paragraph 2 contains misspelling, "Stuck" should read "struck".

"Cannon" as in Canon Law has two only 'ns'.

The role of the Archdiocese, the Catholic Education Office and the parish priest in the delivery of education can be variously interpreted. We may need a session to see what it is that is most relevant for these purposes. In some respects all three are responsible. Who conducts the school? In some respects the Archdiocese and the Catholic Education Office. But who is responsible on the spot? Undoubtedly the Parish Priest and the Principal.

And the PP ranks ahead of the principal and in our language is seen as the quasi 'proprietor' of the school. Who employs the principal and the other teachers? The Parish Priest. Who owns the school? The RCTC is the owner at (civil) law. But the in Canon Law, the school is owned by the Parish, a juridical person which is akin to a legal person in civil law. For example, the Archbishop cannot dispose of parish property. However the analogy with civil law is not complete. Notwithstanding the distinction in ownership, the Archbishop exercises some administrative oversight inasmuch as the parish priest, for example, can be removed for the bad administration of the temporal goods of the parish.

You may care to pass these notes on to David Collins. If they need further adumbration let me know. I can even summon a canonist if that is helpful. Remember the celebrated Yarraville case where the right of the Parish Priest to dismiss, on his own authority, the Principal was robustly upheld.

Ted Exell  
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