



**CONGREGATIO
PRO CLERICIS**

Vatican City, 15 July 1998

Prot. N. 98000817

Most Rev. **Philip E. Wilson**
Archbishop of Wollongong
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AUSTRALIA

Diocese of Wollongong		
24 JUL 1998		
Bishop	Chancellor	DFA
Refer		
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Your Excellency,

This Congregation has received your request for information on canonical process and infractions of a priest.

As Your Excellency is aware, the *Code of Canon Law*, specifically Book VI is the reference point for dealing with the matter of sanctions within the Church. When it is possible and when the local Ordinary deems it appropriate, the penal process is to be applied. Under other circumstances, a penalty can be applied using the administrative mode. In either case, the norms of law must be rigorously followed, as these are established in Book VI and in canons 1717-1728, for the validity of the acts involved.

In cases where a penalty cannot be applied, because of the norm of canon 1362 §1 the same *Code of Canon Law* in canons 1740-1747 allows for the removal of a Parish Priest as long as the canonical procedure and discipline is adhered to.

Hierarchical recourse to the Holy See against such actions is always a possibility according to the norms of canons 1732-1739. The Dicasteries in deciding on these recourses do not only look at the merits of the situation but must also judge the legitimacy of the canonical procedures followed. If these latter are not faithfully adhered to, then the decisions rendered by the Diocesan Authority can not be upheld.

It must always be borne in mind that any particular norms must be in conformity with the *Code of Canon Law*. Refuge cannot be sought in these when such norms are in conflict with the Code or disregard the canonical norms of procedure. Under such circumstances, such particular norms would be without juridic effect.

I take this opportunity to renew my sentiments of esteem and with every best wish, I remain,

Sincerely yours in Christ,

64.

+ *Luca Kenny*
Segr.