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AUSTRALIAN CATHOLIC BISHOPS CONFERENCE

General Secretariat

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13 July 2005

Archbishop William Levada
 Prefect of the Congregation for the Doctrine of the Faith
 Palazzo della stessa Congregazione
 Piazza del S. Uffizio, 11
 00193 Roma

Your Grace,

The norms of *Sacramentorum sanctitatis tutela* provide for the Congregation of the Doctrine of the Faith to request an Ordinary to conduct a penal trial for cases concerning clerics who have offended against the Sixth Commandment of the Decalogue (Article 13).

In recent times, during communication between officials of the Congregation for the Doctrine of the Faith and members of the Australian Hierarchy it has been suggested that such cases may be judged in first instance in Australia. The Australian Bishops respond positively to this request.

The population of Australia is 20 million and 26% identify as Catholic. They gather in 32 particular churches. The country is vast and the population spread out. (With a population that is approximately 4 per cent of the countries of the European Union, Australia's area is almost twice that of the EU countries). The governance of the particular churches and the administration of justice within those churches is a challenging task.

As the Holy See is aware, a system of Regional Tribunals operates in Australia. In some of the Regional Tribunals the number of qualified and experienced judges who are priests is small. To ensure that judicial integrity and excellence are attained and seen to be attained, it would be prudent, and in accord with the Code of Canon Law, that judges sit only on cases where the accused cleric belongs to a region or province other than that of the judges (cf. can. 1448, §1).

Consequently, at the Plenary Meeting in May 2005 the Australian Catholic Bishops Conference considered how to organise such penal trials.

It would be preferable that the Tribunal of Second Instance, the national tribunal, be the designated Tribunal of First Instance for such cases. In this way a panel of judges can be appointed who would not come from the same province as the accused cleric. At present,

there are twenty-nine qualified judges who are priests who have been appointed as judges at the Tribunal of Second Instance.

The Plenary Meeting passed unanimously the following motions:

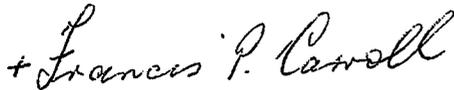
The Congregation for the Doctrine of the Faith has requested that penal cases concerning clerics who have offended against the Sixth Commandment of the Decalogue be judged in first instance in Australia.

The Australian Catholic Bishops Conference recommends that the National Tribunal of Second Instance be the Tribunal of First Instance for such cases.

The Australian Catholic Bishops Conference recommends that should the Congregation for the Doctrine of the Faith wish second instance hearings of such cases to occur in Australia, the President, or if impeded, the Vice-President, of the Australian Catholic Bishops Conference be granted the faculty to select on each occasion three (3) judges from the list previously approved by the Congregation for the Doctrine of the Faith.

I look forward to receiving your approval of these recommendations as our response to your request.

With best wishes and personal regards.
Yours fraternally in Christ,



+Francis P Carroll
President – Australian Catholic Bishops Conference