

DIOCESE MAITLAND-NEWCASTLE,  
NSW, AUSTRALIA

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**FACULTIES AND INSTRUCTIONS  
FOR PRIESTS OF THE DIOCESE  
2017**

DECREE

GRANTING FACULTIES AND PROVIDING INSTRUCTIONS FOR PRIESTS OF THE DIOCESE OF  
MAITLAND NEWCASTLE  
BY THE GRACE OF GOD AND THE APOSTOLIC SEE BISHOP WILLIAM WRIGHT,  
BISHOP OF MAITLAND-NEWCASTLE, NSW, AUSTRALIA

Due to the fact significant proportions of our diocesan *presbyterate* were either born overseas, or are members of a Church *Sui Iuris*, or an *ordinariate*, or diocesan equivalent, it has been decided that the presentation of these Faculties will take a descriptive style, and will include instructions, and pastoral directions.

This will enable this document to be useful on many levels, such as: juridically by providing Faculties, pastorally instructive, and as a reference point for rare circumstances, thereby empowering the *presbyterate* in their ministry.

By virtue of his ordinary and proper power and authority, the Most Reverend William Wright Bishop of the Diocese of Maitland-Newcastle grants the use of the Faculties herein noted and described, to those priests of the Diocese of Maitland-Newcastle while they are of good standing and holding the office of: parish priest, assistant priest, parish administrator, priest in residence, or retired priest.

While the use of Faculties are given to all *presbyters* of the Diocese as listed above, these Faculties can be limited or withdrawn in individual cases. If these Faculties are limited or withdrawn the priest will be notified in writing, detailing the reasons and duration.

This Decree revokes all previous Faculties, however granted or approved, and all customs relating to the exercise of Faculties. The Faculties are 'ad experimentum' until I indicate otherwise. This will allow for corrections and clarifications. I further direct that this decree be published on the website for the Diocese of Maitland-Newcastle, <http://www.mn.catholic.org.au/>, which will be presumed the official notification of this action. A petition for revocation or emendation of this decree is subject to canons 1732 – 1739.

This Decree has an effective date of January 1, 2017, nothing the contrary withstanding.  
Given at Hamilton, NSW, on the 31 day of December 2016.

Most Reverend William Wright

Fr Matthew Muller

Bishop of Maitland-Newcastle

Chancellor and Notary

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## SECTION I: Faculties Granted by Universal Law to Presbyters

Universal law prefers to grant written faculties (i.e. a permission to exercise a power obtained by ordination) to priests,<sup>1</sup> in good standing,<sup>2</sup> so as to reduce confusion and to ensure both validity and liceity. While all presbyters<sup>3</sup> have these faculties, the parish priest is the presbyter that is responsible for the proper administration and the proper use of all faculties of the clergy in his parish. He also has specific faculties granted to him (and not to assistant priests) as the proper pastor of the parish these are detailed in Section II. Unless otherwise stated a priest may sub-delegate these faculties to visiting priests in good standing. Ordination gives numerous powers to individual clerics. A faculty or permission to exercise that power is either granted to an individual by universal law or by the competent local authority. In this document regardless of who grants the faculty or permission it is identified in **bold**.

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<sup>1</sup> The Latin terms describing a priest and the offices he can hold is translated differently in different countries. For example, *presbyter* equals all those ordained as priests. The Latin word for the Parish Priest or Pastor is the *parochus*. While the Bishop is the *pastor*, the *parochus* is the proper *pastor* for his parish, that is he acts for the Bishop in his parish. The *parochial vicar* is the assistant priest, associate pastor, or curate, he is appointed to a parish, to act under the authority of that parish's proper pastor. Thus for clarity sake in this document the terms are used as follows; *presbyter/s* equals Priest/s; Parish Priest equals *parochus*, Assistant Priest equals *parochial vicar*. The responsibilities of the office of Parish Priest also apply to those who are equivalent to him in law, e.g. parish administrator, those appointed under c. 517.

<sup>2</sup> Fit and proper person (i.e. in good standing) is currently defined by the National Committee for Professional Standards as a cleric who:

- has never been canonically suspended or disciplined in relation to abuse as defined in Towards Healing
- has never been reported to the Congregation for the Doctrine of the Faith pursuant to Canon 1395, furthermore none of the person's actions would give occasion for such a notification
- has never been convicted of a criminal offence (in Australia or overseas)
- has never been charged with a criminal offence (in Australia or overseas)
- is not the subject of an Apprehended Violence Order (AVO)
- is not the subject of a current allegation nor has a sustained finding against him relating to a workplace investigation conducted by organisations, employers, institutions or professional bodies that relate to the sexual misconduct, physical assault, ill-treatment, neglect or psychological harm of a person under the age of 18 years and,
- is not the subject of a current allegation nor has a substantiated finding against him relating to abusive conduct of any kind, whether related to child abuse or otherwise, in a Towards Healing or Integrity in Ministry or civil litigation matter.

(See schedule 2 of the Declaration Form for Church Authorities Declaration under Towards Healing Protocol 45.7). The bishop may grant limited faculties to those clergy classified as not a fit and proper person at his discretion.

<sup>3</sup> These Faculties are for all priests appointed to an Ecclesiastical Office in the Latin Rite Diocese of Maitland-Newcastle. This is regardless of what Church *Sui Uris* or *Ordinariate* they belong to. For example see Art 9 §1 of the Complementary Norms for the Apostolic Constitution *Anglicanorum Coetibus*,  
[http://www.vatican.va/roman\\_curia/congregations/cfaith/documents/rc\\_con\\_cfaith\\_doc\\_20091104\\_norme-anglicanorum-coetibus\\_en.html](http://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_20091104_norme-anglicanorum-coetibus_en.html) (17-Dec-16)

## 1. Preaching

- 1.1 In accord with the norm of universal law, clergy possess the **Faculty to preach** everywhere. This Faculty is to be exercised in accord with the norm of law and with at least the presumed consent of the parish priest, or rector, or religious superior of the church in which they are preaching, and this Faculty can be exercised unless restricted or taken away by the competent ordinary (cc. 764, 765).<sup>4</sup>
- 1.2 When the People of God gather they are first fed from the table of the Word. It is therefore proper for priests and for those entrusted to the care of souls to proclaim the gospel of Jesus Christ. Deacons<sup>5</sup> also serve the People of God in the ministry of the word in communion with the bishop and his *presbyterate* (c. 757).
- 1.3 While the diocesan bishop can admit lay persons to preach in accord with the norm of law, the preaching of the homily, as a part of the liturgy, is reserved to a priest or deacon (cc. 766,767).
- 1.4 In accord with canon 764 **you may** delegate the Faculty to preach the homily in the parish to which you are appointed to any priest or deacon who is approved to preach in his own diocese.

## 2. Sacraments General

- 2.1 **You may** administer the sacraments and sacramentals except those prohibited by the Code of Canon Law or those requiring the Sacred Order of the Episcopate (cc. 834-848 and 1168-1172).
- 2.2 **You shall** follow the liturgical law laid out in the respective liturgical rites (c. 2).
- 2.3 Adults and children who belong to a Church *Sui Iuris* **are to be** referred to their parish priest.<sup>6</sup> They are governed by the law of the 1990 Code of Canons of Oriental Churches (*CCEO*).<sup>7</sup>
- 2.4 You will make yourself aware of the *CCEO* and the recent changes to the law regarding baptism and marriage of members of a Church *Sui Iuris*.<sup>8</sup>

## 3. Baptism General

- 3.1 The universal law of the Church specially entrusts the responsibility of oversight of the administration of baptism to parish priests, with the assistance of priests and deacons who are the ordinary ministers of the sacrament along with the bishop (cc. 530, 861).

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<sup>4</sup> All references to canons, unless stated, are from the *Codex Iuris Canonici*, 1983, c. = canon, cc. = canons. The reference is to the Vatican website, [http://www.vatican.va/archive/ENG1104/\\_INDEX.HTM](http://www.vatican.va/archive/ENG1104/_INDEX.HTM), (17-Dec-16).

<sup>5</sup> Deacons Faculties are detailed in Faculties and Instructions for Deacons of the Diocese of Maitland-Newcastle 2017. Faculties for those appointed under canon 517 § 2 are detailed in Faculties and Instructions for those Appointed to Parish Leadership under canon 517 §2 of the Diocese of Maitland-Newcastle.

<sup>6</sup> See, Australian Catholic Bishops Conference, *Eastern Catholic Churches in Australia*, 2016, [https://www.catholic.org.au/images/pdf/2016\\_Eastern\\_Catholic\\_Churches\\_in\\_Australia.pdf](https://www.catholic.org.au/images/pdf/2016_Eastern_Catholic_Churches_in_Australia.pdf) (17-Dec-16). A good reference book is, *Eastern Catholics and Latin Pastors*, John Lorusso, Canon Law Society of America, 2013.

<sup>7</sup> The Vatican site only has the *CCEO* in Latin, [https://w2.vatican.va/content/francesco/la/motu\\_proprio/documents/papa-francesco-motu-proprio\\_20160531\\_de-concordia-inter-codices.html](https://w2.vatican.va/content/francesco/la/motu_proprio/documents/papa-francesco-motu-proprio_20160531_de-concordia-inter-codices.html) (17-Dec-16), for an English translation see, <http://www.jgray.org/codes/cceo90eng.html> (17-Dec-16).

<sup>8</sup> Apostolic Letter issued *Motu Proprio, De concordia inter Codices*, modifying some norms of the Code of Canon Law, 31 May 2016. The Italian and Latin version can be accessed at [https://w2.vatican.va/content/francesco/en/motu\\_proprio.index.html](https://w2.vatican.va/content/francesco/en/motu_proprio.index.html) (17-Dec-16), an unofficial English translation can be found in appendix one of this document.

- 3.2 Ordinarily baptism is to be celebrated in the parish church (c. 857 §2).<sup>9</sup>
- 3.3 Outside the case of necessity, **you may not** confer the sacrament outside of your own parish without proper permission, i.e. from the parish priest (c. 862).

#### 3.4 Baptism of Adults

- 3.4.1. **You may** baptise catechumens seven years of age and older who have the use of reason, and confirm them in the same rite without referring them to the bishop (see cc. 863, 852 §1, 883 2<sup>o</sup>). This Faculty may not be sub-delegated. For the lawful exercise of this Faculty, the following conditions are to be observed:
- 3.4.1.1. for those eighteen years of age and older, the candidate shall have progressed through the stages of the Rite of Christian Initiation of Adults<sup>10</sup>
- 3.4.1.2. for children of catechetical age (between seven and eighteen), the candidate shall have progressed through the stages of the Rite of Christian Initiation of Children Who Have Reached Catechetical Age<sup>11</sup> and,
- 3.4.1.3. in the extraordinary circumstances envisioned in the RCIA paragraph 307 an abbreviated catechumenate is to be utilised.

#### 3.5 Baptism in a Private Home

Besides the case of danger of death, **you may** confer baptism in a private home if it is difficult for the one to be baptised to leave the house (c. 860 §1).

#### 3.6 Baptism Who

- 3.6.1. **You may** baptise anyone not yet validly baptised including:
- 3.6.1.1. a fetus, provided the person is alive (cc. 864, 871)
- 3.6.1.2. those who had the use of reason at any time during their life may not be baptised without having manifested this intention; they must also have some knowledge of the principal truths of the faith and must promise to observe the commandments of the Christian religion (c. 865 §2) and,
- 3.6.1.3. infants and children in danger of death are to be baptised without delay if baptism is requested by a parent or guardian (c. 867 §2).

#### 3.7 Baptism Dying

- 3.7.1. The Rite of Christian Initiation for the Dying<sup>12</sup> is to be used if the ritual is available.
- 3.7.2. The one to be baptised must demonstrate “*some knowledge of the principal truths of the faith*” and also “*promise to observe the commandments of the Christian religion*”. This demonstration and promise is ascertained by an affirmative answer to the four questions you are to ask at the beginning of the rite (PCS, 282).
- 3.7.3. After asking the questions, if death is imminent, it suffices to observe what is necessary for validity: water, baptism, and the Trinitarian formula (cc. 850, 853; PCS, 277).
- 3.7.4. If the sacred chrism is available, the person – whether adult or infant – should be confirmed immediately afterward.
- 3.7.5. *Viaticum* may be given.

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<sup>9</sup> The parish may have more than one Church, thus in our Diocese, this direction refers to any parish church that is used for public worship. It does not include chapels or shrines.

<sup>10</sup> Rite of Christian Initiation of Adults (RCIA), 1988 (USA), 1986 (Australia), and 1987 (Canada).

<sup>11</sup> RCIA, paragraphs 242-306.

<sup>12</sup> Found in Pastoral Care of the Sick: Rites of Anointing and Viaticum, 1982 (PCS).

- 3.7.6. The baptism and confirmation are to be registered in accord with canons 877-878 and 895-896.
- 3.8 Baptism Conditional
- 3.8.1. If, after a serious investigation, there remain doubts about the validity of a non-Catholic baptism, **you may** conditionally baptise a candidate for reception into the full communion of the Catholic Church.
- 3.8.2. While the non-essential rites may be omitted, the renunciation of sin, the profession of faith, the water baptism, and anointing with chrism must be included (c. 869).
4. Sacraments of Initiation
- 4.1 Sponsor Sacraments of Initiation
- 4.1.1. With due regard for the rights of the parish priest, **you may make an exception** for a just cause to the required age of sixteen for a sponsor at baptism or confirmation (c. 874, §1, 2). Ordinarily, the exception should be of only one year.
- 4.1.2. **You may** admit a baptised person who belongs to a non-Catholic ecclesial community as a witness (*testis*) to baptism, but only in the company of a Catholic sponsor (c. 874, §2).
- 4.1.3. **You may** admit as a sponsor (*patrinus*) an Orthodox Christian, but only together with a Catholic sponsor (c. 874, §2).<sup>13</sup>
- 4.2 Confirmation Sacraments of Initiation
- 4.2.1. Any presbyter, regardless of good standing, **has the Faculty** to confirm anyone validly baptised who is in danger of death, including an infant or non-Catholic, (cc. 883, 3°; 891; OC<sup>14</sup> 7c). This Faculty **may be** used anywhere in the world.
- 4.2.2. Members of a Church *Sui Iuris* (with their own law) are normally confirmed at baptism, thus **you may not** involve them in the Latin Rite preparation nor celebration of, confirmation.
- 4.2.3. Latin Rite children confirmed at birth in danger of death may participate in the preparation program and presented or acknowledged to the celebrant of confirmation, but not re-confirmed.
- 4.2.4. If the bishop cannot administer the sacrament personally he may grant the Faculty to one or more specific presbyters (c. 884 §1). For a grave cause the bishop or even the presbyter granted the Faculty, in single cases<sup>15</sup>, may also associate other priests with themselves to administer the sacrament (c. 884 §2).
- 4.2.5. Within the territory of his parish, a presbyter, who by office, exercises the Faculty of conferring confirmation on one, who is no longer an infant, who is to be baptised, or who already is baptised and is to be admitted into full communion of the Catholic Church (c. 883, 2/ and see section 3.4).
5. Confirmation
- 5.1 Confirmation Pastoral Issues
- 5.1.1. Those empowered by canon 883 2° as explained in 10.4, also **have the Faculty** to confirm:

<sup>13</sup> Directory for the Application of the Principles and Norms on Ecumenism (=DAPNE), Pontifical Council for Promoting Christian Unity, 1993, see section 98b, [http://www.vatican.va/roman\\_curia/pontifical\\_councils/chrstuni/documents/rc\\_pc\\_chrstuni\\_doc\\_25031993\\_principles-and-norms-on-ecumenism\\_en.html](http://www.vatican.va/roman_curia/pontifical_councils/chrstuni/documents/rc_pc_chrstuni_doc_25031993_principles-and-norms-on-ecumenism_en.html) (17-Dec-16).

<sup>14</sup> Order of Confirmation, 2013 (= OC).

<sup>15</sup> This means just for that instance of the celebration of Confirmation.

- 5.1.1.1. in the case of the readmission to communion of a baptised Catholic who has been an apostate from the faith, and
- 5.1.1.2. in the case of a baptised Catholic who has without fault been instructed in a non-Catholic religion or adhered to a non-Catholic religion.
- 5.1.2. This **Faculty does not** apply in the case of a baptised Catholic who without his or her fault never put the faith into practice (see section 12).

## 5.2 Confirmation Baptised but Uncatechised Adults

- 5.2.1. At times, Catholics baptised as infants but not catechized until later, as adults seek to complete their initiation through confirmation and Eucharist. Some, for example, may enrol in a “modified parish catechumenate” while others may seek the sacraments when preparing for marriage in the Catholic Church. All are reminded that the RCIA discourages celebrating the completion of sacramental initiation on the same occasion as celebrating the full Christian initiation of candidates for baptism, thus
- 5.2.2. in accord with canon 884 §1, presbyters are **hereby delegated** to confirm baptised, uncatechised adults on any Sunday in the Easter season, provided they have participated in the Parish Adult Initiation Formation Process
- 5.2.3. this **delegation may be** used also at the Easter Vigil liturgy if pastoral necessity prevents celebrating the completion of Christian initiation on another Sunday and,
- 5.2.4. in the case of those who have not or would not participate in the Parish Adult Initiation Formation Process, the Faculty to confirm must be requested from the bishop.

## 5.3 Confirmation after Marriage

- 5.3.1. When the preparation of baptised adults for confirmation coincides with preparation for marriage and it is foreseen that the conditions for a fruitful reception of confirmation cannot be satisfied, or if confirmation cannot be conferred without grave inconvenience, presbyters may defer confirmation until after the marriage (c. 1065 §1; OC 12).
- 5.3.2. If the party wants to be confirmed before the marriage and you are opposed, you must refer the case to the local ordinary<sup>16</sup>.

## 6. Eucharist

### 6.1 Eucharist General

- 6.1.1. The universal law of the Church **grants to all presbyters** who are not impeded (c. 900) the right to celebrate the Eucharist once each day (c. 904), except as provided for by law e.g. Good Friday (not at all) and the Commemoration of All Souls (more than once).

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<sup>16</sup> Canon 134 §1, In addition to the Roman Pontiff, by the title of ordinary are understood in the law diocesan bishops and others who, even if only temporarily, are placed over some particular church or a community equivalent to it according to the norm of c. 368 as well as those who possess general ordinary executive power in them, namely, vicars general and episcopal vicars; likewise, for their own members, major superiors of clerical religious institutes of pontifical right and of clerical societies of apostolic life of pontifical right who at least possess ordinary executive power.

134 §3. Within the context of executive power, those things which in the canons are attributed by name to the diocesan bishop are understood to belong only to a diocesan bishop and to the others made equivalent to him in c. 381, §2, excluding the vicar general and episcopal vicar except by special mandate.

- 6.1.2. A presbyter who is unknown to the parish priest of a church is to be permitted to celebrate provided that the presbyter presents a letter<sup>17</sup> of recommendation issued by his ordinary or superior dated within that year or provided that it can be prudently judged that the priest is not prevented from celebrating (c.903, footnote 2).
- 6.2 Eucharist Celebration
- 6.2.1. The liturgical vestments prescribed by the rubrics **are to be** worn (c. 929).
- 6.2.2. **You are** to celebrate the Eucharist according to the norms of canonical and liturgical laws (c. 900, §2, see article 38).
- 6.2.3. **You are** allowed to concelebrate the Eucharist, unless the welfare of the people requires or urges otherwise (c. 902).
- 6.3 Eucharist Frequency
- 6.3.1. For a just cause, **you may** *binate* on weekdays and *trinate* on Sundays and Holy Days of Obligation because of pastoral necessity (c. 905, §2).
- 6.3.2. The *binate* or *trinate* applies to both when you preside and concelebrate. With respect to the law on *bination* and *trination*, the vigil Mass of Sunday counts as a Mass of Saturday, not Sunday, since the canonical day runs from midnight to midnight (c. 202 §1). The same is true for the vigil of Holy Days. The calculation of the number of Masses also includes the celebration of Nuptial and Funeral Masses.
- 6.3.3. If celebrating the Most Holy Eucharist two or three times on the same day, **you may** consume food or drink before a second or third celebration, even if a period of one hour does not intervene (c. 919, §2).
- 6.3.4. One **may not** celebrate Mass without a member of the faithful present (c. 906).
- 6.4 Eucharist Mass Offering<sup>18</sup>
- 6.4.1. **You may** retain the offering<sup>19</sup> for one Mass only, except on Christmas.
- 6.4.2. If one *binates* or *trinates* Masses on the same day the other offerings are to be transmitted to the diocesan bishop, via the bishop's office, for deposit into the Pious Foundation for the Education of Students for Ordination.
- 6.4.3. A presbyter who concelebrates a second Mass on the same day may not accept any offering for it under any title (c. 951).<sup>20</sup>
- 6.4.4. The offering made for the celebration and application of Mass is \$10.00, except for the cases of the celebration and application of Masses requested in legacies and for November offerings, when the offering is \$20.00.<sup>21</sup>

<sup>17</sup> Some Dioceses are now using an ID card, or an online registration, such alternatives to a 'letter' are acceptable. Our diocese is part of an online system

<sup>18</sup> See our Diocesan particular law in the Maitland Clergy Central Fund Statutes 2014 (MCCFS), for Offerings made for other sacraments, page 37.

<sup>19</sup> *Stips*, in its literal meaning, this is correctly translated as gift; it is certainly not the same as *stipendium*, and should not be translated as stipend or salary. In canonical terminology, it is used only in connection with Mass offerings (*de oblata ad Missæ celebrationem stips* – literally the gift offered towards the celebration of Mass) and is best translated as Mass offering. *Stips* is the word used in the Code of Canon Law, canons 945-959. A *stips* is a personal gift-offering to the priest, and is not part of the *parochial* revenue. Therefore, it is not part of his remuneration, MCCFS page 18.

<sup>20</sup> Priests are responsible for ensuring that appropriate records are kept, cc. 945-958. Regardless of the canonical position, The Australian Tax Office regards Mass Offerings as taxable income (I.T. 2674 2/4/92), see MCCFS page 43.

<sup>21</sup> These amounts are in accordance with the provisions of canon 952 §1, as per the decree of the Bishops of the Province of Sydney and the Archdiocese of Canberra & Goulburn on 8 March 2001, and are for the whole of the Province. See also section 36.

## 6.5 Eucharist Age - Infirmary

- 6.5.1. If unable to stand because of sickness or old age, **you may** celebrate the Eucharist while seated (c. 930, §1).
- 6.5.2. If blind or suffering from another infirmity, **you may** celebrate the Eucharist by using any approved Mass text (c. 930, §2).

## 6.6 Eucharist Place and Time

- 6.6.1. Permission of the local ordinary is necessary for the celebration of the Eucharist to take place in a sacred edifice of another church or ecclesial community that does not have full communion with the Catholic Church (c. 933).
- 6.6.2. Universal law also **permits** the celebration of the Eucharist on any day at any hour (c. 931), except those times excluded by the liturgical norms.
- 6.6.3. **You may** celebrate a Sunday or Holyday Eucharistic Liturgy, except for the Easter Vigil, from 5:00 p.m. the evening before, provided that the liturgical norms for the following day are observed.
- 6.6.4. **You may** celebrate Mass in a suitable place outside a church edifice any day of the week if you are retired, on vacation, ill, convalescing, or unable to celebrate Mass publically (see c. 906).
- 6.6.5. **You must** celebrate the Eucharist in a sacred place, unless necessity demands. In this case the place must be respectable and comply with:
  - 6.6.5.1. the local parish priest having no objection (c. 932) and,
  - 6.6.5.2. if on a Sunday or Holy day you have the permission of the local ordinary.

## 6.7 Eucharist Holy Thursday

- 6.7.1. The Holy Thursday Mass **may not** begin before 5 p.m. without the express permission of the local ordinary in a case of genuine necessity.
- 6.7.2. **Parish Priests may** celebrate or permit a second Mass of the Lord's Supper on Holy Thursday under the following conditions:
  - 6.7.2.1. there are too many faithful to accommodate at one Mass
  - 6.7.2.2. you have the care of more than one parish and coming together at a single church is not possible or pastorally useful and,
  - 6.7.2.3. Mass is celebrated in more than one language and having a multi-cultural celebration is not feasible.

## 6.8 Good Friday

- 6.8.1. In case of necessity, **you may**:
  - 6.8.1.1. repeat the Good Friday Services and,
  - 6.8.1.2. celebrate an additional Vigil Mass for Easter.<sup>22</sup>

## 6.9 The Easter Vigil Liturgy is not to begin until after dark.

## 6.10 Eucharist Dispensations

- 6.10.1. **You may** dispense persons, in individual cases and for a just cause (c. 90), from the following:
  - 6.10.1.1. the Eucharistic Fast (c. 919 §1). This dispensation **may not** be granted generally or indiscriminately,
  - 6.10.1.2. the Mass obligation connected to a Sunday or Holyday, or obligations such as fasting connected with a day of penance

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<sup>22</sup> Circular Letter Concerning the Preparation and Celebration of the Easter Feasts, Congregation for Divine Worship, Prot. N. 120/88, 20 February 1988, see paragraph 43, <https://www.ewtn.com/library/CURIA/CDWEASTF.HTM> (17-Dec-16).

- 6.10.1.3. **you may** also commute such obligations into other pious activities (Parish priests have this Faculty in virtue of their office rather than from these Faculties, c. 1245.) and,
- 6.10.1.4. **you may** exercise these Faculties (6.10) to dispense on behalf of all those committed to your pastoral care, wherever they may be at the time, as well as those who are visiting your parish or ecclesiastical institution (c. 91).

#### 6.11 Mass with Children

- 6.11.1. **You may** use the adaptation described in nn. 38-54<sup>23</sup> of the Directory for Masses with Children for a Mass celebrated with adults in which children also participate.
- 6.11.2. If the Mass is intended primarily for the benefit of children or for families with children.<sup>24</sup>

6.12 **You may** celebrate Viaticum during Mass in accord with c. 911, §2 (PCS 164).

### 7. Holy Communion Ordinary Ministers

- 7.1 All clerics are by the law itself designated ordinary ministers of Holy Communion, lay people are extraordinary ministers of Holy Communion and should only assist when there are not sufficient clergy present to minister communion in a reasonable time.

### 8. Exposition Lay Minister

- 8.1 In the absence of a priest, deacon, or extraordinary minister of Holy Communion, **you may** appoint another person to expose publicly the Eucharist for adoration of the faithful, and afterward to repose it (c. 943). Remember, only priests and deacons may give the Benediction.

### 9. Penance

#### 9.1 Penance General

- 9.1.1. **Priests may** hear confessions and grant sacramental absolution within the territory of the Diocese of Maitland-Newcastle. By universal law this Faculty is extended so that you **are authorized** to hear the confessions of any of the faithful anywhere in the world, unless in another diocese the local ordinary revokes the Faculty for that territory (cc. 969 §1, 967 §2, 974 §2). Presbyters who do not have Faculties from their own bishop or religious superior or who have had this Faculty restricted **must be** referred to the Chancery Office.
- 9.1.2. Because this Faculty is granted by universal law, requesting the Faculty when you are traveling in another diocese is unnecessary. **You may** presume the bishop of the place where you are visiting permits you to use this Faculty unless you are informed otherwise. Parish priests and those who take the place of a parish priest have this Faculty in virtue of their office (c. 968 §1). All others have this Faculty in virtue of the delegation granted by this document (c. 969 §1). If you lose the Faculty to hear confessions, you also lose the Diocesan Faculties of Confessors.

#### 9.2 Penance Remit Censures

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<sup>23</sup> Chapter 3 Part 8, numbers 38-54.

<sup>24</sup> Directory for Masses with Children, Congregation for Divine Worship, 22 October 1973, paragraph 19, <http://www.catholicliturgy.com/index.cfm/FuseAction/DocumentContents/Index/2/Subindex/11/DocumentIndex/477> (17-Dec-16).

- 9.2.1. Priests who **possess the Faculty** of hearing confessions from the local Ordinary of Maitland-Newcastle **can remit** in the internal forum a *latae sententiae* penalty<sup>25</sup> established by the law but not declared, provided the remission is not reserved to the Apostolic See.
- 9.2.2. This **Faculty may** be exercised by the confessor only within the confines of this Diocese, and on behalf of any person regardless of the persons residence or the place where the penalty was incurred (c. 1355, §2). Therefore, for example, the confessor may absolve from the penalty of excommunication for apostates, heretics, and schismatics (c. 1354, §1; 1364, §1).
- 9.2.3. **You may** absolve and remit the censure for those who have procured an actual abortion (c. 1398).<sup>26</sup>
- 9.2.4. In exercising this Faculty (9.2) within the sacrament, it is not necessary to add anything to the formula of absolution. It suffices that the confessor intends to remit the censure along with the sins.<sup>27</sup> Outside of the sacrament, the formula for remission of an excommunication is found in number 2 of the same Appendix of the Rite of Penance.
- 9.2.5. Unlike the extension of your authorization to hear confessions anywhere in the world, the provision of canon 967 §2 **does not** extend your authorization to remit censures throughout the world. Even so, this Faculty (9.2) **may be** exercised anywhere in the world on behalf of the members of the Diocese or on behalf of those who incurred the penalty in this Diocese. It may also be exercised within the Diocese on behalf of anyone present here (c. 1355, §2).
- 9.2.6. If the automatic excommunication was officially declared in a canonical process, its remission is reserved to the local ordinary (c. 1355, §1).
- 9.2.7. The following excommunications are reserved to the Apostolic See and hence you may not remit them:
- 9.2.7.1. desecration of the Sacred Species (c. 1367)
  - 9.2.7.2. violence against the Roman Pontiff (c. 1370, §1)
  - 9.2.7.3. knowingly attempting to absolve an accomplice in a sin against the sixth commandment,<sup>28</sup> except in danger of death (c. 1378, §1),
  - 9.2.7.4. a bishop who consecrates someone a bishop without a pontifical mandate, as well as the person receiving such unauthorized consecration (c. 1382) and,
  - 9.2.7.5. a direct violation of the seal of confession (c. 1388).
- 9.2.8. Any priest may absolve, validly and licitly, any sin or censure, for any penitent in danger of death (c. 976).

<sup>25</sup> Generally, a penalty is *ferendae sententiae*, that is, it does not bind the guilty party until after it has been imposed. If the law or precept expressly establishes it, however, a penalty is *latae sententiae*, so that it is incurred automatically and at the time the *delict* is committed. The specific law stating a *delict* is *latae sententiae* will also indicate what type of penalty is incurred (c. 1314). For example let's take 9.2.3 canon 1397 states, "A person who procures a completed abortion incurs a *latae sententiae* excommunication". Thus the penalty is automatic from the time of the *delict* and the person incurs the censure of excommunication. The results of this censure and others can be found in canons 1331-1340. Generally, a *latae sententiae* penalty has two stages, the automatic undeclared part (see for example c. 1331 §1) and the declared or imposed part (see for example c. 1331 §2). The declared or imposed part can only be declared or imposed after a penal trial.

<sup>26</sup> Pope Francis granted this faculty in 2016 to all priests, [http://w2.vatican.va/content/francesco/en/apost\\_letters/documents/papa-francesco-lettera-ap\\_20161120\\_misericordia-et-misera.html](http://w2.vatican.va/content/francesco/en/apost_letters/documents/papa-francesco-lettera-ap_20161120_misericordia-et-misera.html), paragraph 12 (17-Dec-16).

<sup>27</sup> Rite of Penance, 1973, appendix I, number 1, (RP).

<sup>28</sup> The term "sixth commandment" is used as a generic and polite way of describing any immoral or illegal sexual act.

9.2.9 Canon 977 renders invalid, except in danger of death, the absolution of an accomplice in a sin against the sixth commandment, and the confessor who knowingly attempts to do so incurs an automatic *latae sententiae* penalty.

### 9.3 Penance Delegation of Diocesan Faculties to Confessors

9.3.1. On the individual occasion of a communal celebration of the sacrament of penance, **you may** grant the Faculty to hear confessions (9.1) and the Diocesan Faculty to remit censures (9.2) to a visiting priest from outside the Diocese who is in good standing (c. 969 §1). This Faculty **may not** be further sub-delegated by that person.

9.3.2. While all priests have the power by divine law to absolve from sins in the sacrament of penance, the Faculty is needed, in ecclesiastical law, as authorization to use this power. Since the concession of the Faculty to hear confessions is an exercise of executive power of governance, it can be delegated and sub-delegated. If the priest already has the Faculty to hear confessions from his own diocesan domicile, **you need only sub-delegate** the Diocesan Faculty on Censures.

### 9.4 Penance Sacramental Seal

9.4.1. **Under no circumstances** may the confessor himself use knowledge of sin, gained only from the sacrament, in the external forum (cc. 984, 1388 §1).

9.4.2. One should take care in any parish preparation program for the Sacrament of Penance that no public acknowledgement is given to those participating. For example, the presenting of memorial certificates, presentations of participants at Mass, rites of penance just for those preparing. Such practices constitute a violation of the seal of the confession.<sup>29</sup>

## 10. Anointing of the Sick

### 10.1 Anointing of the Sick General

10.1.1. Every **priest may** carry the holy oil with him, so that in necessity he can administer the sacrament of anointing of the sick (c. 1003, §3).

10.1.2. The universal law of the Church provides that every priest, and only a priest, validly administers the anointing of the sick (c. 1003, §1). The duty and right to administer this sacrament is specially committed to priests to whom the care of souls has been entrusted.

10.1.3. The Universal law also provides that any priest for a reasonable cause and with the presumed consent of the priest to whom the care of the person has been entrusted can administer this sacrament (c. 1003, §2).

10.1.4. **You may** administer the anointing of the sick to anyone validly baptised who is seriously ill (c. 1004 §1), observing canon 844 §§3-4 if the person is not Catholic.

### 10.2 Anointing of the Sick Blessing of Oil

10.2.1. When celebrating the rite, **you have the Faculty** by law to bless the oil in a case of necessity, but only within the sacrament (PCS, 21, 140, 248; cc. 999 2º, 847 §1). This Faculty may be used anywhere in the world with at least the presumed consent of the local parish priest (c. 1003 §2).

10.2.2. A case of necessity is demonstrated when two circumstances exist together, such as:

10.2.2.1. someone gravely ill or about to undergo surgery requiring general anaesthesia requests the sacrament, and

10.2.2.2. you do not have time to get the oil of the sick blessed by the bishop.

<sup>29</sup> Also see Diocesan Instruction on Place of Celebration of Penance.

### 10.3 Anointing of the Sick Child

Priests are reminded that a child who is in danger of death who has not yet been confirmed is to be confirmed immediately and not anointed.

## 11. Funerals

### 11.1 Funerals General

The Christian faithful<sup>30</sup> departed are to be given ecclesiastical funeral rites according to the norm of law. Although the Church earnestly recommends that the pious custom of burying the bodies of the dead be observed, it does not forbid cremation unless it has been chosen for reasons which are contrary to Christian teaching. The cremated remains of the Christian faithful are to be properly interred and placed in a cemetery, columbarium, or mausoleum.<sup>31</sup> Doubtful cases are to be referred to the local ordinary (c. 1184).

### 11.2 Funeral Children Unbaptised

**You may** permit the celebration of the Church's funeral rites, including Mass, for children who died before baptism, provided their parents had intended to have them baptised (c. 1183 §2).

### 11.3 Funeral Cremated Remains Present

11.3.1. **you may** celebrate the funeral liturgy, including Mass, in the presence of the cremated remains of a deceased person, taking into account the concrete circumstances in each individual case and always observing the following conditions:

- 11.3.1.1. there is no anti-Christian motive for choosing cremation (c. 1176 §3) and,
- 11.3.1.2. the cremated remains will be handled with respect and buried or entombed in a place reserved for this purpose.

## 12. Marriage

### 12.1 Marriage General

12.1.1. The universal law of the Church grants to a parish priest the Faculty of assisting at marriages within his own parish, provided that at least one of the parties is of the Latin Rite. A parish priest can delegate the Faculty to assist at marriages within his parish to priests and deacons. For validity, the delegation to assist at a particular marriage must be given expressly to a specified priest or deacon; and for validity, a general delegation to assist at all marriages within the parish must be granted to a priest or deacon in writing. (cc. 1109, 1110, 1111).

12.1.2. Given the universal law conditions, and by virtue of a decree dated 27 November 2003 signed by the Bishops of the Province of New South Wales and the Archbishop of Canberra-Goulburn all bishops, priests and deacons who have the Faculty to assist at marriages in their own diocese in New South Wales and the Australian Capital Territory **have the Faculty** throughout the Province and the Archdiocese of Canberra-Goulburn. If you are asked to assist at a marriage in another province you require, for validity, the permission of the local ordinary or the parish priest of the place.

12.1.3. All priests and deacons assisting at marriages are reminded of the pastoral care which must precede the celebration of marriage. The Diocesan Marriage Preparation Policy is to be observed in fulfilling this responsibility (cc. 1063, 1064).

### 12.2 Marriage Banns

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<sup>30</sup> Canon 204 §1, The Christian faithful are those who have been incorporated in Christ through baptism.

<sup>31</sup> Instruction *Ad resurgendum cum Christo*, Congregation for Doctrine of the Faith, 15 Aug 2016, [http://www.vatican.va/roman\\_curia/congregations/cfaith/documents/rc\\_con\\_cfaith\\_doc\\_20160815\\_ad-resurgendum-cum-christo\\_en.html](http://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_20160815_ad-resurgendum-cum-christo_en.html), (17-Dec-16).

**You are dispensed** from the obligations of canon 1067 requiring the publication of marriage banns.

### 12.3 Marriage Place

- 12.3.1. As specified in canon 1118, the preferred place for marriage is in a Catholic parish church.
- 12.3.2. You need the permission of the parish priest of the place of celebration for a marriage to be celebrated in another church be it an oratory, chapel, or shrine (c. 1118 §1).
- 12.3.3. Within the Diocese of Maitland-Newcastle, by virtue of the exemptions of canon 1118 **you have permission** to celebrate a marriage liturgy, not a nuptial Mass, in another suitable place (c. 1118 §1 &2).
- 12.3.4. A suitable place within the Diocese of Maitland-Newcastle is defined as:
  - 12.3.4.1. any inter-denominational oratory/chapel of any church or private institution
  - 12.3.4.2. a formal “chapel” belonging to a private person and or business and,
  - 12.3.4.3. a non-Catholic church, provided that the rector of the non-Catholic church has specifically invited you to celebrate the marriage in the Catholic rite in that non-Catholic church.

If you are in any doubt as to the suitability of a place please contact the local ordinary.

### 12.4 Marriage Mixed to an Eastern Christian Non-Catholic at Eucharist

- 12.4.1. At a marriage between a Catholic and an Eastern non-Catholic, **you may** use the Rite of Marriage Within Mass, and the non-Catholic party may receive Holy Communion if he or she asks for it and is properly disposed (c. 844 §3).
- 12.4.2. **You may** also give communion to the Eastern Christian non-Catholic wedding guests, but you may not publicly invite them to Holy Communion, as their own discipline may prevent it and canon law requires that they ask on their own for it.

### 12.5 Marriage of a Catechumen

- 12.5.1. **You may celebrate** the marriage of a catechumen, even to a non-Catholic, according to the appropriate rite of marriage involving a non-baptised person, which may **never** take place at Mass (c. 1119; OCM<sup>32</sup> 36, 152-178).
- 12.5.2. If the marriage is between a catechumen and a Catholic, a dispensation from the impediment of disparity of cult is necessary.
- 12.5.3. Because a catechumen is joined to the Church in a special way (c. 206 §1), they have the right to have a church wedding, whether the spouse is Catholic or non-Catholic. The Order of Celebrating Matrimony between a Catholic and a catechumen or a Non-Christian is to be observed. The marriage is to be recorded as usual in the parish marriage register. If the spouse is non-Catholic, canonical form is not required for such a marriage; strictly speaking, then, you do not need the Faculty to assist at such a marriage. In this case, the party’s catechumenal status should be clearly notated when you record the marriage in the parish register (in order to explain the legitimacy of your role as officiating minister). On the other hand, there is nothing to prevent the catechumen from marrying a non-Catholic spouse in an otherwise legitimate non-Catholic ceremony. In all cases the discernment of the catechumen’s progress toward Christian Initiation will take into account his or her marital situation.

### 12.6 Marriage dispensation/permission

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<sup>32</sup> Order of Celebrating Marriage (=OCM), 2015, see Chapter four.

12.6.1. Provided that the Catholic party has a domicile<sup>33</sup> or quasi domicile in the Diocese of Maitland-Newcastle and/or the marriage is to be celebrated within the Diocese of Maitland-Newcastle, **you have the Faculty to:**

12.6.1.1. give permission for a Mixed Marriage. That is a marriage between a Catholic and a person whom is enrolled in a Church or ecclesial community not in full communion with the Catholic Church (C. 1124).<sup>34</sup>

12.6.2. Issuing permissions/dispensations beyond these Faculties render the marriage **invalid** both civilly and canonically and constitute an abuse of office. Your decision to ignore these permissions/dispensations may result in both civil and canonical penalties.

## 12.7 Marriage Dispensations needed after preparation

12.7.1. In the extraordinary situation whenever an impediment is discovered after everything has already been prepared for the wedding or convalidation, and the delay would most likely cause serious harm, **you may** dispense from all ecclesiastical matrimonial impediments which the local ordinary has the power to dispense (c. 1080).

12.7.2. You must notify the Bishop's Office of any dispensations granted on the basis of this Faculty in addition to entering them into the parish marriage register (c. 1081). You cannot dispense from the ones listed in sections 12.8 and 12.9.

## 12.8 Marriage dispensation/permission reserved

12.8.1. **You may not** give either the permission or dispensation if the marriage requires:

12.8.1.1. a dispensation from the Canonical Form of marriage, or

12.8.1.2. permission for a marriage outside a sacred place, or

12.8.1.3. a convalidation.

These dispensations /permissions must be given by the local ordinary through the local Inter-Diocesan Tribunal Office.

## 12.9 Marriage Dispensations Restricted

12.9.1. Dispensations which are reserved to the Apostolic See, i.e.:

12.9.1.1. from the impediments arising from sacred orders (c. 1087)

12.9.1.2. from a public perpetual vow of chastity in a pontifical religious institute (c. 1088) and,

12.9.1.3. *crime*, anyone who with a view to entering marriage with a certain person has brought about the death of that person's spouse or of one's own spouse (c. 1090).

The following can never be dispensed due to divine law (see cc. 1085, 1091, 1078, §3) i.e:

12.9.1.4. the impediment of *ligamen*, a prior bond (c. 1085)

12.9.1.5. the impediment of consanguinity in the direct line (i.e., parent-child) and,

12.9.1.6. the impediment of consanguinity in the second degree of the collateral line (i.e., brother-sister).

The following cannot be dispensed due to ecclesiastical law:

<sup>33</sup> Can. 102 §1, Domicile is acquired by that residence within the territory of a certain parish or at least of a diocese, which either is joined with the intention of remaining there permanently unless called away or has been protracted for five complete years. §2. Quasi-domicile is acquired by residence within the territory of a certain parish or at least of a diocese, which either is joined with the intention of remaining there for at least three months unless called away or has in fact been protracted for three months.

<sup>34</sup> Who is baptised? See ACBC, Bishops Commission for Ecumenism and Inter-religious Relations, The Recognition of Baptism, <https://www.catholic.org.au/acbc-media/downloads/all-downloads/bishops-1/handbook-1/1389-recognition-of-baptism-1/file>, (17-Dec-16).

- 12.9.1.7. the impediment of consanguinity in the third degree of the collateral line (i.e., uncle-niece or aunt-nephew).

## 13. ECUMENISM

### 13.1 Sacramental Sharing Non-Catholic

- 13.1.1. Observing the conditions of canon 844 §4, **you may** administer the sacraments of penance, Eucharist, and anointing of the sick to validly baptised non-Catholics who:
- 13.1.1.1. are in danger of death
  - 13.1.1.2. who live in areas or institutions where they do not have regular access to a minister of their own
  - 13.1.1.3. who ask for the sacrament on their own and,
  - 13.1.1.4. who manifest Catholic faith in the sacrament.

### 13.2 You **have the Faculty** by law (c. 844 §3) to administer the sacraments of penance, Eucharist, and anointing of the sick to members of the Eastern Orthodox churches that do not have full communion with the Catholic Church, if:

- 13.2.1. these persons ask on their own for the sacrament and,
- 13.2.2. these persons are properly disposed.

Please remember that some of these churches prohibit their members from sharing in the sacraments of other churches. The same applies to members of other churches which, in the judgment of the Apostolic See, are in a condition equal to the Eastern Orthodox churches in reference to the sacraments [what are they].

### 13.3 In case of doubt regarding the proper disposition, **you should** encourage the person to make an act of perfect contrition before receiving Holy Communion or the anointing of the sick. In case of doubt as to whether the person has the necessary faith in the sacrament, you should ask for an explicit manifestation of faith in these or similar words, as recommended by the Holy See: "Do you accept the faith in the sacrament of (penance, the Eucharist, or anointing of the sick) as Christ instituted it and as the Catholic Church has handed it down?"<sup>35</sup>

### 13.4 These Faculties listed in 13.1 and 13.2 **may be** used anywhere in the world on behalf of someone in danger of death.

### 13.5 Preaching Non-Catholic

On exceptional occasions and for a just cause **you may** permit a member of another church or ecclesial community to address the congregation during Eucharist.<sup>36</sup>

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<sup>35</sup> Instruction *In quibus rerum circumstantiis*, On Admitting Other Christians to Eucharistic Communion in the Catholic Church, Secretariat for Promoting Christian Unity, 1 June 1972, section 5, <http://www.ewtn.com/library/CURIA/PCCUCOM2.HTM> (18-Dec-16).

<sup>36</sup> Directory for the Application of Principles and Norms on Ecumenism (=DAPNE), Pontifical Council for Promoting Christian Unity, 25 Mar 1995, sections 118 and 126, [http://www.vatican.va/roman\\_curia/pontifical\\_councils/chrstuni/documents/rc\\_pc\\_chrstuni\\_doc\\_25031993\\_principles-and-norms-on-ecumenism\\_en.html](http://www.vatican.va/roman_curia/pontifical_councils/chrstuni/documents/rc_pc_chrstuni_doc_25031993_principles-and-norms-on-ecumenism_en.html), (18-Dec-16).

### 13.6 Reader at Mass Non-Catholic

On exceptional occasions and for a just cause, if you are presiding at the Eucharist, **you may** permit a validly baptised member of a non-Catholic church or ecclesial community to be a reader at the Eucharistic celebration.<sup>37</sup>

### 13.7 Penance Non-Catholic

**You may** absolve any baptised non-Catholic, observing canon 844, §§ 3-4. This Faculty may be used anywhere in the world.<sup>38</sup>

### 13.8 Baptism Participation of Non-Catholic Minister

13.8.1. For pastoral reasons, in particular circumstances, **you may** invite a minister of another church or ecclesial community to take part in the celebration of baptism by reading a lesson, offering a prayer, or the like. The actual baptism is to be celebrated by the Catholic minister alone.<sup>39</sup>

13.8.2. This Faculty would be used typically at the baptism of an infant of parents in a mixed marriage when the non-Catholic party is active in his or her own denomination, or if the non-Catholic minister is a friend or relative of the couple.

### 13.9 Baptism Participation in a Non-Catholic Baptism

13.9.1. DAPNE also states, "*Reciprocity is possible only if a baptism celebrated in another community does not conflict with Catholic principles or discipline.*"

13.9.2. Thus **you should not** participate in the baptism of another church or ecclesial community if either parent of the one being baptised is Catholic (cc. 1125, 1366) or if the baptism of that community is invalid.

### 13.10 Marriage Mixed in a Non-Catholic Church

13.10.1. **You may attend or participate** in the celebration of a mixed marriage outside a Catholic Church or oratory when a dispensation from canonical form has been given. If invited to do so by the non-Catholic minister, **you may:**

- 13.10.1.1. offer prayers
- 13.10.1.2. read from the scriptures
- 13.10.1.3. give a brief exhortation and,
- 13.10.1.4. bless the couple.

13.10.2. However, **you may not** perform the Rite of Asking for and Receiving Consent of the parties.<sup>40</sup>

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<sup>37</sup> DAPNE, 133.

<sup>38</sup> RCIA 280, PCS 276.

<sup>39</sup> DAPNE 97.

<sup>40</sup> DAPNE 157.

### 13.11 Marriage Participation of Non-Catholic Minister

- 13.11.1. Upon the request of the couple, and if you have the Faculty to assist at marriage, even by special delegation, **you may** invite the minister of the party of the other church or ecclesial community to participate in the celebration of the marriage by<sup>41</sup>:
- 13.11.1.1. reading from scripture
  - 13.11.1.2. giving a brief exhortation and,
  - 13.11.1.3. blessing the couple.
- 13.11.2. This person **may not** ask for and receive the consent of the parties.

### 13.12 Marriages Mixed Involving Other Christians at Eucharist

- 13.12.1. Because of problems concerning Eucharistic sharing that may arise from the presence of non-Catholic witnesses and guests, a mixed marriage between a Catholic and an Anglican or Protestant ordinarily **should not** take place during the Eucharistic liturgy.<sup>42</sup> For a just cause, however, **you may** permit the celebration of the Eucharist, provided:
- 13.12.1.1. the non-Catholic party comes from a Eucharistic tradition and truly agrees to it, and
  - 13.12.1.2. after informing both parties that the non-Catholic guests may not be invited to Holy Communion.
- 13.12.2. If the non-Catholic party wishes to receive communion, permission **must be** requested from the local ordinary, who cannot give such permission unless there is “a grave spiritual need” of the individual non-Catholic and not simply because the wedding is a special occasion.
- 13.12.3. The Order of Celebrating Matrimony does **not permit** a Nuptial Mass when a Catholic is marrying an unbaptised person.<sup>43</sup>
- 13.12.4. The words, “*provided the non-Catholic party truly agrees to it,*” are important for ecumenical sensitivity, because frequently the Catholic party or his or her family requests the Eucharist without considering the wishes of the non-Catholic party and his or her family and guests. A “just cause” for celebrating the Eucharist would be better shown if the non-Catholic party comes from a Eucharistic tradition and personally desires a Nuptial Mass.

### 13.13 Funeral Non-Catholic

- 13.13.1. **You may** permit the celebration of the Church’s funeral rites, including Mass, for a validly baptised member of a non-Catholic church or ecclesial community provided the minister of the deceased is not available and provided that such an arrangement is not contrary to the will of the deceased (c. 1183, §3). In such celebrations, the rites in the Order of Christian Funerals should be used and appropriately adapted to the special ecumenical situation.
- 13.13.2. The minister may be “morally” unavailable as well as physically unavailable – for example, if there is a church of the deceased person’s denomination, but he or she was unknown to the minister there, or the spouse or next of kin of the deceased is Catholic and wishes a Catholic funeral rite for the deceased person.

## 14. Blessings General

- 14.1 **You may** impart blessings, except those reserved to the Roman Pontiff and Bishops (c. 1169, §2).

### 14.2 Blessings by Lay Persons

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<sup>41</sup> DAPNE 158.

<sup>42</sup> OCM 8.

<sup>43</sup> OCM 8.

- 14.2.1. **You may** permit competent lay ministers to celebrate blessings from the Book of Blessings that are not reserved to a priest or deacon, provided sufficient clergy are unavailable.
- 14.2.2. The term “competent” refers to someone who is exercising a parish apostolate, such as religious education, or visits to the sick, and who has been instructed on the celebration of the appropriate blessings. Those who preside at meetings of parish organizations may also give blessings. An example of a reserved blessing is that of the ashes used on Ash Wednesday. While lay people may assist in the distribution of the ashes, the actual blessing of them is reserved to a priest or deacon.<sup>44</sup>

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<sup>44</sup> Book of Blessings (=BB), 1987 (ICEL), 1989 (USA), section 1659.

## SECTION II: Faculties Granted by Universal Law to Parish Priests

Section II applies only to Parish Priests (or as they are canonically described as the proper pastor - *parochus*).<sup>45</sup>

### 15. Pastoral Care Parish Priest

As the proper pastor (*parochus*) the parish priest is to exercise the pastoral care of the community entrusted to him under the authority of the diocesan bishop with the cooperation of other presbyters or deacons and the assistance of lay members of Christ's Faithful, in accord with the law of the Church (c. 519). The parish administrator enjoys the same rights as the parish priest unless the diocesan bishop determines otherwise (c. 540).

### 16. Baptism Parish Priest

Within the territory of their parish, by virtue of their office, parish priests are entrusted to administer baptism (c. 530).

### 17. Scrutinies Dispensation Parish Priest

Parish priests, for a serious reason, **may** dispense a catechumen from participating in one scrutiny or, in extraordinary circumstances, from two. The extraordinary circumstances for granting the dispensation from two scrutinies are those mentioned in the Faculty (18) for the abbreviated catechumenate (RCIA 20, 34 §3).

### 18. Catechumenate Abbreviated in Exceptional Circumstances Parish Priest

18.1 Parish priests **may** permit the abbreviated rite for the initiation of an adult in the exceptional circumstances envisioned in the law; sickness, old age, change of residence, long absence for travel, or a depth of Christian conversion and a degree of religious maturity in the catechumen.

18.2 In all other cases, the permission of the local ordinary is necessary to use the abbreviated rite (c. 851, 1<sup>o</sup>; RCIA 312-332).

### 19. Temporal Goods Parish Priest

In all juridic matters, the parish priest **is to act** in the person of the parish to ensure that the parish goods are administered in accordance with cc. 1281-1288 (c. 532).

### 20. Mass for the People Parish Priest

20.1 The parish priest is obliged to apply a Mass for the people entrusted to him on each Sunday and holy day of obligation while in his diocese. If he is legitimately impeded from this celebration, however, he is to apply it on the same days through another<sup>46</sup>, or on other days himself (c.534 §1).

20.2 A parish priest who has the care of several parishes is bound to apply only one Mass for the entire people entrusted to him on the days mentioned in 20.1 (c. 534 §2).

20.3 A parish priest who has not satisfied the obligation mentioned in 20.1 and 20.2 is to apply as soon as possible as many Masses for the people as he has omitted. (c. 534 §3).

### 21. Confessions Parish Priest

Within the territory of their parish, a parish priest **has the habitual Faculty** to hear confessions (c. 968).

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<sup>45</sup> Those appointed under canon 517 §2 to a vacant parish have their Faculties listed in - Volume 3 Faculties and Instructions for Parish Lay Leaders and Parish Lay Leadership Teams.

<sup>46</sup> While the parish priest cannot take a Mass offering for this obligation, if he gets another priest to say the Mass obligation for him he must provide that priest with the appropriate Mass offering from his own resources.

## 22. Mass Holy Thursday Parish Priest

22.1 The Holy Thursday Mass **may not** begin before 5 p.m. without the express permission of the local ordinary in a case of genuine necessity. Parish priests may celebrate or permit a second Mass of the Lord's Supper on Holy Thursday under the following conditions:

- 22.1.1. there are too many faithful to accommodate at one Mass on Holy Thursday
- 22.1.2. you have the care of more than one parish and coming together at a single church is not possible or pastorally useful and,
- 22.1.3. Mass is celebrated in more than one language and having a multi-cultural celebration is not feasible.

## 23. Good Friday Parish Priest

If a parish has more than one Church the parish priest **may** allow the authorised lay liturgical leader to preside at the Good Friday Services in those other Churches.

## 24. Holy Communion Extraordinary Ministers

24.1 Only a parish priest is **delegated**<sup>47</sup> to appoint suitably instructed lay persons for a term of two years to serve as extraordinary ministers of Holy Communion, both at Mass and outside Mass, whenever it is necessary for the pastoral benefit of the faithful and sufficient ordinary ministers are lacking or unavailable.

24.2 The presiding priest **may** commission them for their ministry after the homily at a Sunday Eucharist in accord with the Rite of Commissioning Special Ministers of Holy Communion, in the Book of Blessings.

24.3 For clarity, the Instruction cited in footnote 44 revokes previous law (for instance, Book of Blessings, #1873). This Faculty (24.1) grants the delegation to parish priests. With regard to the term of service, the minister may be reappointed to successive terms at the Parish Priest's discretion.

## 25. Marriage Parish Priest

25.1 The universal law of the Church grants to a parish priest the **Faculty** of assisting at marriages within his own parish, provided that at least one of the parties is of the Latin rite.

25.2 A parish priest can delegate the Faculty to assist at marriages within his parish to other priests and deacons. For validity, the delegation to assist at a particular marriage **must be** given expressly to a specified priest or deacon; and for validity, a general delegation to assist at all marriages within the parish must be granted to a priest or deacon in writing. (cc. 1109, 1110, 1111), for clergy in the ecclesiastical province of Sydney see 12.1.2.

25.3 Within the territory of their parish, parish priests validly assist at the marriages of their subjects and non-subjects, provided one of the parties is of the Latin Rite (cc. 1109 and 1110). In matters pertaining to Eastern Catholics, the Chancery Office is to be consulted.<sup>48</sup>

## 26. Marriage Delegation Parish Priest

26.1 Within the territory of their parish, parish priests can delegate priests and deacons the Faculty, even the general Faculty, to assist at marriages (c. 1111 §1).

26.2 *General delegation* is the granting of delegation to a specific priest or deacon to assist at all marriage within the territory. It may be given by the local ordinary or by the parish priest

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<sup>47</sup> *Ecclesiae de mysterio*, Instruction on Certain Questions Concerning the Cooperation of the Lay Faithful in the Ministry of Priests, Congregation for the Clergy et al., 1997, art. 8, [http://www.vatican.va/roman\\_curia/congregations/ccclergy/documents/rc\\_con\\_interdic\\_doc\\_15081997\\_en.html](http://www.vatican.va/roman_curia/congregations/ccclergy/documents/rc_con_interdic_doc_15081997_en.html), (= EM), (18-Dec-16).

<sup>48</sup> See footnote 8.

and must be in writing. If it is not given in writing, it is presumed not to have been granted (see 12.1.2 and 26.4).

- 26.3 *Specific delegation* is that granted to a specific priest or deacon for a specific marriage. Such delegation need not be given in writing, yet the fact must be noted in the marriage register. (c. 1111 §2).
- 26.4 The bishops of the Ecclesiastical Province of NSW have extended the delegation to all clergy in good standing to assist at Marriages (see 12.1.2). **You must** delegate permission to those clerics from outside the NSW province.
27. Marriage Place Celebration Parish Priest
- 27.1 Within the territory of their parish, a parish priest **can permit** a marriage to be celebrated in another (Catholic) church or oratory rather than the parish church (c. 1118, §1).
- 27.2 Permission for marriage to be celebrated in some other suitable place (see 12.3.4) is reserved to the local ordinary (c. 1118, §2).
- 27.3 A marriage between a Catholic party and a non-baptized party can be celebrated in a church or in another suitable place (c. 1118, §3).
28. Anointing of the Sick Communal Celebration Parish Priest
- 28.1 Parish priests, administrators, or chaplains **may** decide when it is fitting to celebrate the anointing of the sick for several of the sick together in a sacred place or other suitable place, provided there is previous instruction on the eligibility requirements for the sacrament, in particular, that the recipients must be seriously ill or notably weakened due to old age.
- 28.2 They **may** also designate other priests in good standing to anoint at these times (c. 1002; PCS, 108).
29. Vows Dispensation Parish Priest
- 29.1 Within the territory of their parish and for a just reason, a parish priest **may** dispense from private vows their own subjects and also *peregrini*, provided no injury is done to the acquired rights of others (c. 1196).
- 29.2 Within the territory of their parish and for a just reason, a parish priest **may** commute to a lesser good what has been promised by a private vow (c. 1197).
- 29.3 Parish priests have the **Faculty**, in the same measure, to suspend, dispense or commute a promissory oath. However, this Faculty **may not** be exercised if the dispensation from the oath would prejudice those who refuse to remit its obligation (c. 1203).
30. Obligations Dispensation Parish Priest
- A parish priest, in individual cases and for a just reason, has the **Faculty** to dispense those who belong to his parish or are visiting within the boundaries of his parish from the obligation of observing a Sunday, HolyDay, Day of Penance, or to commute the obligation into some other pious works (c. 1245).

### SECTION III: Faculties Granted by or Reserved to the Diocesan Bishop

31. Clergy **have permission** to assist at *Matrimonium Mixtum* (c. 1124). The correct form must be completed that grants the permission and filed in the marriage papers.<sup>49</sup>

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<sup>49</sup> You MUST grant the dispensation by stating the fact and recording the date with your signature, otherwise the assumption will be that the dispensation was not granted.

32. Dispensations for Disparity of Cult (c. 1086) and Canonical Form (c.1108) are **expressly reserved** to the local ordinary and/or his duly authorized delegate, except for danger of death cases (cc. 1079, §2 and 4).
33. In the administration of the sacraments of initiation, special note must be given to the law of the Church concerning proper preparation for the sacraments; and the guidelines of the Diocese in this regard are to be carefully followed.<sup>50</sup> Except in exceptional circumstance there must have been prior catechesis.
34. All presbyters of the diocese in good standing **may** confirm when baptising one who is no longer an infant or admitting one already baptised into the full communion of the Catholic Church, c. 883 2/, (see section 1.15).
35. Communion under Both Kinds:  
By Diocesan particular law Holy Communion (Bishop Malone ad clerum) is **to be** administered under both kinds at every parish Sunday Mass. This means that the faithful shall be well instructed and an adequate number of ministers prepared and available. By implication, at any other Mass at which you preside, communion may be administered under both kinds, unless the parish priest or other priest in charge of the community determines that it is not appropriate given the circumstances.<sup>51</sup>
36. In accordance with the provisions of canon 952 §1, the Bishops of the Province of Sydney and the Archdiocese of Canberra & Goulburn decreed on 8 March 2001 that, for the whole of the Province the offering made for the celebration and application of Mass is \$10.00, except for the cases of the celebration and application of Masses requested in legacies and for November offerings, when the offering is \$20.00 (see article 6.4.4)<sup>52</sup>.
37. If one *binates* or *trinate* Masses on the same day the other offerings are to be transmitted to the diocesan Bishop, via the bishop's office, for deposit into the Pious Foundation for the Education of Students for Ordination (see article 6.4.2).
38. Priests from a Church *Sui iuris*, or an *Ordinariate*, or diocesan equivalent, are required to utilise Latin Rite law and customs (including liturgical) when exercising ministry in the Diocese of Maitland-Newcastle.
39. Leave and Supply<sup>53</sup>
- 39.1 For all clergy in our diocese **you must:**
- 39.1.1. inform in writing (email or post) the Bishop's office of the dates of your absence from the parish and the purpose i.e. Annual leave, sabbatical, retreat, etc. (c.533)
- 39.1.2. the names of supply clergy and the dates of their supply and,
- 39.1.3. the dates and purpose of any visiting clergy to your parish ONLY if they are celebrating a public Mass or giving a public presentation.

<sup>50</sup> <http://www.mn.catholic.org.au/agencies-services/childrens-ministries/sacramental-preparation>.

<sup>51</sup> General Instruction of the Roman Missal (=GIRM), section 283c.

<sup>52</sup> This needs a reference

<sup>53</sup> See the Diocesan Instruction on Canon 533 of 16 July 2016.

## SECTION IV: Faculties reserved to the Holy See

40. Absolution from the following censures is **expressly reserved** to the Holy See, save when the penitent is in danger of death (c. 976):
- 40.1 desecration of the consecrated species (c. 1367)
  - 40.2 use of physical force against the Roman Pontiff (c. 1370)
  - 40.3 an attempted absolution of a partner in a sin against the Sixth Commandment (c. 1378)
  - 40.4 a bishop who consecrates someone a bishop or a person who receives such a consecration without a pontifical mandate (c. 1382) and,
  - 40.5 direct violation of the seal of confession (c. 1388).

## SECTION V: Other canonical issues

41. Diocesan particular law and instructions **are to be** followed. An up-to-date set of particular laws, instructions, etc. can be found on the diocesan website at <http://www.mn.catholic.org.au/about/office/bishops-office> (c. 8 §2).
42. Commonwealth and State legalisation **is to be** complied with, according to the processes detailed in diocesan particular law and instructions (c. 22).
43. Australian Catholic Bishops Conference requires Public Juridic Persons accountable to the Diocesan Bishop to:
- 43.1 utilise the services of the Catholic Insurance Company
  - 43.2 utilise the services of their local Catholic Development Fund, or the Fund recommended by their bishop and,
  - 43.3 utilise the established Diocesan Clergy Fund and to follow said funds Statues.
44. The Diocesan Bishop is the authentic interpreter of the intent, meaning, and praxis of these faculties.

## Acknowledgements

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## Appendix One

Canons changed by the Apostolic Letter issued *Motu Proprio, De concordia inter Codices*, modifying some norms of the Code of Canon Law, 31 May 2016. Unofficial translation.

Art. 1. CIC canon 111 is entirely substituted by the following text, in which is added a new paragraph, and some expressions are changed:

para. 1: To the Latin Church through reception of baptism there is ascribed the child of parents, who both belong to the child, or if the child would not belong to one or the other of them, agree by shared act of will that the offspring is to be baptised in the Latin Church; but if such shared will is lacking, the child is ascribed to the Church *sui iuris* to which the father belongs.

para. 2: If indeed only one of the parents is Catholic, the child is ascribed to the Church to which this Catholic parent belongs.

para. 3: Any person who is baptised who has completed the fourteenth year of age is able to choose freely that he or she be baptised in the Latin Church or in another Church *sui iuris*; in which case he or she would belong to that Church which he or she will have chosen.

Art. 2. CIC canon 112 is entirely substituted by the following text, in which is added a new paragraph and some expressions are changed:

para. 1: After having received baptism, those will be ascribed to another Church *sui iuris*:

n. 1: who will have obtained the permission of the Apostolic See

n. 2: the spouse who, when entering into marriage or during the marriage, will have declared that he or she is transferring to the Church *sui iuris* of the other spouse; when the marriage has become dissolved however, the spouse is able freely to return to the Latin Church.

n. 3. the children of those mentioned in numbers 1 and 2, before completing the fourteenth year of age, and likewise in a mixed marriage, the children of the Catholic party who will have legitimately transferred to the other Church *sui iuris*, are able, once they have arrived at this age, to return to the Latin Church.

para. 2: The custom, no matter how prolonged, of receiving the sacraments according to the rite of another Church *sui iuris*, does not bring with it ascription to that Church.

para. 3: Every transfer to another Church *sui iuris* has force from the moment when the declaration has been made before the Ordinary of that Church or before the proper pastor or before a priest delegated by either of them and two witnesses, unless a rescript of the Apostolic See establishes otherwise; also this is to be noted in the baptismal register.

Art. 3. The second paragraph of CIC canon 535 is entirely substituted by the following text:

para. 2: In the baptismal register there are to be noted the ascription to the Church *sui iuris* or the transition to the other Church, also Confirmation, and likewise what pertains to the canonical status of the Christian faithful, by reason of marriage, retaining the prescript of canon 1133, by reason of adoption, by reason of reception of Holy Orders, and also perpetual profession made in a religious institute; such notations are always to be referred to in a document of reception of baptism.

Art. 4. The second number of the first paragraph of CIC canon 868 is entirely substituted by the following text:

para. 1, n. 2: There is to be a founded hope of upbringing in the Catholic religion, retaining para. 3; if this is entirely lacking, the baptism is to be deferred according to the precepts of particular law, the parents having been informed of the reason.

Art. 5. CIC canon 868 will have a third paragraph afterwards as follows:

para. 3: The infant of non-Catholic Christians is baptised licitly if the parents or at least one of them or the person who legitimately holds the place of them asks for it and if it is physically or morally impossible for them to have access to their own minister.

Art. 6. CIC canon 1108 will have a third paragraph afterwards as follows:

para. 3: Only a priest assists validly at a marriage between Oriental parties or between a party who is Latin and a party who is Oriental, whether Catholic or non-Catholic.

Art. 7. CIC canon 1109 is entirely substituted by the following text:

The Local Ordinary and the pastor, unless they will have been through a sentence or a decree excommunicated or interdicted or suspended from office or declared such, by power of office, within the limits of their territory, validly assist at marriages not only of subjects but also non-subjects, as long as at least one party would be ascribed to the Latin Church.

Art. 8. The first paragraph of CIC canon 1111 is entirely substituted by the following text:

para. 1: The Local Ordinary and the pastor, as long as they enjoy office validly, are able to delegate within the boundaries of their territory the Faculty to assist at marriages, even the general Faculty, to priests and deacons, retaining however that which is prescribed in canon 1108, para. 3.

Art. 9. The first paragraph of CIC canon 1112 is entirely substituted by the following text:

para 1: Where priests and deacons are lacking, the diocesan Bishop is able, with the previous favourable vote of the conference of Bishops and having obtained the permission of the Holy See, to delegate lay persons who would assist at marriages, retaining the prescription of canon 1108, para. 3.

Art. 10. CIC canon 1116 will have following it a third paragraph, as follows:

para. 3: In the same circumstances, which are spoken of in para. 1 nos. 1 and 2, the Ordinary of the place is able to confer the Faculty upon any Catholic priest to bless the marriage of Christian faithful of an Oriental Church which would not have full communion if they ask for this spontaneously, and as long as there is no obstacle to valid or licit celebration. The same priest (sacerdos), always with the necessary prudence, is to make this known to the competent authority of the non-Catholic Church.

Art. 11. The first paragraph of CIC canon 1127 is entirely substituted by the following text:

para 1: In what pertains to the form to be used in mixed marriage, there are to be observed the precepts of canon 1108; if however a Catholic party contracts marriage with a party who is a non-Catholic of an Oriental rite, the canonical form of celebration is to be observed for liceity only; however for validity there is required the intervention of a priest, observing the other things which are to be observed concerning the law.