

Why the delays in appointing Australia's Bishops?

Bishops for the Australian mission

From 1788, when the First Fleet sailed into Botany Bay, until 31 March 2016, seventeen popes have entrusted the pastoral care of Australia's Catholics to 214 bishops. Until 1976 the popes had also designated Australia a 'mission' territory and placed it under the jurisdiction of the Sacred Congregation de Propaganda Fide which largely determined the selection of its bishops.

The first five bishops never set foot on Australian soil. All English, they shepherded from afar, three from London, and two from the Cape of Good Hope in South Africa where, from 1820 to 1832, they tendered their flock in distant New Holland and Van Diemen's Land via priest delegates.

The selection and appointment in 1832 of Australia's first resident bishop, English Benedictine John Bede Polding, as Vicar Apostolic of New Holland and Van Diemen's Land, was the result of long and delicate political and ecclesiastical negotiations between Propaganda, the British Home Secretary, the Vicars Apostolic of the London District and Cape of Good Hope, the English Benedictines, and the senior Catholic clerics in NSW. The process was repeated until English candidates were no longer available and the majority Irish Catholic laity in Australia had made it clear that they wanted Irish bishops.

The first Irish bishop, Francis Murphy, was appointed by Pope Gregory XVI in 1842, and by 1900, another 30 Irish bishops had been appointed. Propaganda's selection process was heavily influenced by Irish bishops in Ireland and Australia and the predominantly Irish senior priests in the Australian dioceses. Cardinal Paul Cullen, the Archbishop of Dublin and former Rector of the Irish College in Rome (1830-50), also had a direct hand in the selection of at least nine bishops.

Although Propaganda's policy favoured locally-born candidates, many of the Irish bishops lacked confidence in Australian-born priests and by 1900 only two had been appointed, Patrick Vincent Dwyer to Maitland, and William Bernard Kelly to Kimberley/Broome and Geraldton. By 1937, when the 4th Australasian Plenary Council was convened, just 12 Australian-born, but 54 Irish-born priests, had been ordained to Episcopal rank. However, after that synod, where the bishops had sidelined the senior priests and wrested almost complete control over the Episcopal selection process, Rome became more insistent on promoting the Australian-born, and from 1938 until 31 March 2016 another 107 Australian-born priests were appointed bishops, with just 6 more Irish-born.

A multinational hierarchy

From 5 April 1842, when the Catholic hierarchy was established in Australia, until 31 March 2016, its members have been born in 18 countries: Australia (119), Belgium (1), Canada (1), England (8) [including one non-bishop Prelate], France (1), Germany (2), India(1), Indonesia (1), Iraq (2), Ireland (60) [another was appointed, but not consecrated], Italy (3) [3 others were appointed but did not take up appointment], Lebanon (7), Malta (1), Spain (6) [including 3 non-consecrated abbots], Syria (1), Ukraine (1), USA (1) and Vietnam (1). The

few French, German, Spanish and Italian bishops appointed early on were dedicated almost exclusively to evangelizing Australia's Aboriginal peoples.

Until the 1950s, the preponderance of bishops of Irish background reflected the nation's Catholic heritage. Since then, bishops from other significant Catholic migrant and ethnic groups have been appointed and, to date, 11 bishops have been appointed for the five Eastern Catholic Churches now established in Australia - Ukrainian (since 1958), Maronite (1973), Melkite (1987), Chaldean (2006), and Syro-Malabar (2013) – and the first Vietnamese bishop was appointed in 2011.

As a rule, particular churches are established on a territorial basis as dioceses – Australia has 28 – but the pope, after consulting the local Episcopal Conference, can set up other particular churches based on rite (eparchies) or other criteria (military and personal ordinariates) which are not territorial. The process for selecting bishops for these churches may differ somewhat from the standard process of the Latin Church.

Current process of selecting bishops

Each year, throughout the Latin Church, the Pope usually appoints some 150 new bishops, selected according to a process set out in Canons 377-380 of the Code of Canon Law. It requires all the bishops of a province or nation, consulting jointly and in secret, to prepare lists of suitable candidates at least every three years, which are forwarded to the Holy See via the Apostolic Nuncio.

When a new diocesan bishop (ordinary) is to be appointed, the Nuncio draws up his own list of three preferred candidates (*ternus*) and sends it to the Congregation for Bishops in Rome. That list and attached advice are based on the Nuncio's own knowledge, the views of the bishops of the province to which the new bishop will belong, the advice of the president of the national Episcopal Conference, and the views of selected priests, religious, laypersons, and former bishops. The Nuncio also prepares a report on the condition and needs of the diocese where the bishop is being replaced, and the qualities most desirable in the replacement bishop. He also takes account of information supplied by the incumbent Ordinary or Administrator, the views of the diocesan consultors, council of priests, diocesan pastoral council (if any), religious institutes, and other official diocesan entities. The Nuncio can also seek the views of other priests, religious and laity of the diocese, either individually or collectively.

In Rome, the Congregation for Bishops examines the Nuncio's *ternus* and advice at one of its regular fortnightly meetings where it can approve or reject the Nuncio's *ternus*, add or delete names, change the order of recommendations, or request an entirely new *ternus*. When the Congregation's views are presented to the pope, they will include a preferred order of candidates, any doubts and questions, and minority opinions. The Pope may disregard those views and appoint whomever he wishes, but more likely he will accept the Congregation's recommendations and make his decision known within days. Once received, the Congregation notifies the Nuncio who, in turn, contacts the candidate and asks if he will accept. If the invitee accepts, it is made public; if he declines, there is no announcement, and the process continues.

Priests being considered for first appointment are carefully scrutinized. The Nuncio usually sends a detailed questionnaire, individually and in confidence, to a small number of persons (perhaps 20-30) who know the candidates well. They can be priests, religious or laypersons, recommended or chosen at will. For auxiliary bishops, the *ternus* is usually prepared from lists drawn up by the bishops of a province after consultation with selected priests and laity of the diocese concerned. Candidates must be priests of outstanding faith, good morals, piety, zeal for souls, wisdom, prudence, human virtues and a good reputation. They must be at least 35 years old, ordained for at least 5 years, and have a recognized higher degree in a sacred science, or at least expertise in one. The Nuncio likewise forwards the *ternus* for these appointments, with his own advice, to the Congregation for Bishops.

The delay factor

Since 1842, a total of 183 diocesan bishops (ordinaries) have needed to be replaced, 120 prior to the 1983 Revised Code, and 63 subsequent to it. Before 1983 it took an average 40 days to select and appoint a replacement bishop; since 1983 it has taken an average 129 days, but since 2008, an average 495 days.

A replacement bishop is needed when the incumbent dies, resigns, retires, is transferred, or is removed. Prior to 1983 death was the major reason for replacements (75), and in 31 of these cases the deceased was replaced by a coadjutor with the right of succession. Since 1983 only 7 diocesan bishops have died in office and just 5 replaced by a coadjutor. Transfers to other dioceses have been very common in Australia, and to date there have been 33, or 18 per cent of all replacements. Of the 38 ordinaries who retired, only 8 did so before 1983, and of the 29 who resigned, 16 did so before 1983. Just one has been removed (forced to resign).

Vatican II's recommendation (*Christus Dominus*, n.21) that bishops tender their resignation to the Pope when they complete their 75th year has had a major impact on replacements in Australia. Moreover, since the pope is entitled to 'make provision after he has examined all the circumstances' (Canon 401), in the period 2008-2016, this has led to significant delays in appointing replacement bishops, and those delays have grown steadily longer. From 1 January 2008 to 31 March 2016, 22 of the nation's 28 territorial dioceses have needed 24 replacement ordinaries (twice in Sale and Parramatta) due to age-related resignations (16), death (2), transfers (5), or removal (1). Taking the starting date as the bishop's 75th birthday, it has taken an average 495 days (1.4 years) to replace 18 Ordinaries, with 6 still outstanding (Table 1). Sometimes the incumbent is left in office for years after his resignation, at other times the office is left vacant.

In the case of unforeseen death, illness, removal or resignation for grave reason, and even transfers, some delay is understandable, but not 734 days (2 years) as is now the case in Townsville, or 1767 days (4.8 years) as was the recent case in Wilcannia-Forbes. Where age-related resignations can be anticipated, long delays are not helpful, and certainly not 1216 days (3.3 years) as is the current case in Lismore. Quality succession planning should obviate such delays altogether.

Table 1: Days taken to replace 24 Ordinaries¹ of Australia's 28 Territorial Dioceses: 1 January 2008- 31 March 2016

Diocese	Ordinary to be replaced	Date of death, or resignation, transfer, retirement or removal	New Replacement Ordinary	Number of days until Replacement Ordinary appointed
Armidale	Luc Matthys	3.5. 2010 (resigned-age)	Michael Kennedy	583 (7.12. 2011)
Ballarat	Peter Connors	6.3. 2012 (resigned-age)	Paul Bird	146 (1.8.2012)
Bathurst	Patrick Dougherty	21.11.2006 (resigned-age)	Michael McKenna	875 (15.4. 2009)
Brisbane	John Bathersby	9.11. 2011 (resigned-age)	Mark Coleridge	144 (2.4.2012)
Broken Bay	David Walker	13.11.2013 (resigned-age)	Peter Comensoli	372 (20.11.2014)
Canberra & Goulburn	Mark Coleridge	2.4.2012 (transferred to Brisbane)	Christopher Prowse	527 (to 12.9.2013)
Darwin	Eugene Hurley	21.4.2015 (resigned-age)	Still in office	345 (to 31.3.2016)
Geraldton	Justin Bianchini	28.1.2016 (resigned-age)	Still in office	63 (to 31.3.2106)
Hobart	Adrian Doyle	16.11.2011 (resigned-age)	Julian Porteous	610 (19.7.2013)
Lismore	Geoffrey Jarrett	1.12.2012 (resigned-age)	Still in office	1216 (to 31.3.2016)
Maitland-Newcastle	Michael Malone	4.4. 2011 (resigned-personal)	William Wright	0 (4.11.2011)
Parramatta	Kevin Manning	2.11.2008 (resigned-age)	Anthony Fisher	432 (8.1.2010)
Parramatta	Anthony Fisher	18.9.2014 (transferred to Sydney)	Vacant	560 (to 31.3.2016)
Perth	Barry Hickey	14.4.2011 (resigned-age)	Timothy Costelloe	311 (20.2.2012)
Port Pirie	Eugene Hurley	7.7. 2007 (transferred to Darwin)	Gregory O'Kelly	650 (15.4.2009)
Rockhampton	Brian Heenan	4.8.2012 (resigned-age)	Michael McCarthy	555 (to 10.2.2014)
Sale	Jeremiah Coffey	21.1.2008 (resigned - age)	Christopher Prowse	502 (18.6.2009)
Sale	Christopher Prowse	12.9.2013 (transferred to Canberra & Goulburn)	Patrick O'Regan	451 (to 4.12.2014)
Sandhurst	Joseph Grech	23.12.2010 (died)	Leslie Tomlinson	407 (3.2.2012)
Sydney	George Pell	24.2.2014 (transferred to Vatican)	Anthony Fisher	202 (18.9.2014)
Toowoomba	William Morris	1.5.2011 (removed)	Robert McGuckin	377 (14.5.2012)
Townsville	Michael Putney	28 March 2014 (died)	Vacant	734 (to 31.3.2016)
Wilcannia-Forbes	Christopher Toohey	9.6.2009 (resigned-personal)	Columba Macbeth-Green	1767 (to 12.4.2014)
Wollongong	Peter Ingham	19.1.2016 (resigned-age)	Still in office	72 (to 31.3.2106)
22 Dioceses in need of new Ordinary	24 Ordinaries need to be replaced		18 new Ordinaries appointed by 31 March 2016	Total of 11,901 days so far taken (to 31.12. 2015) to replace 24 Ordinaries

Note: Starting date of delay is taken as the 75th birthday of the incumbent when he must tender his resignation to the pope (C. 401).

Long delays can be harmful to local churches and everything possible should be done to avoid or minimize them. Canons 379 and 382 both stress urgency when a new bishop is to be consecrated and take possession of his diocese. A similar urgency should prevail for selecting and appointing replacement bishops.

The *Acts of the Apostles* ((1:15-26) records that within 43 days of the death of Judas Iscariot, Peter had called for his replacement, and within 53 days Mathias had been selected and confirmed as one of the Twelve. Between 1958 and 2013, six replacement bishops for the Diocese of Rome were needed due to the death or resignation of the incumbent, and all were selected in an average 17.7 days. Pope Francis was selected in just 13 days. Every diocese deserves the same degree of urgency and the avoidance of delay.

What causes the delay?

To understand why is it taking so long for new and replacement bishops to be selected and appointed in Australia, one or more of the following reasons are probably in play:

- Very poor succession planning, especially in the case of age-related resignations.
- The present small *episcopabili* pool of probably no more than 100 priests (diocesan and religious). Of the some 1600 priests currently in active ministry in the territorial

dioceses, most are aged over 60, many lack permanent or long-term residency, and others lack all the canonical requirements.

- Previous (as far back as the 1950s) poor processes for recruiting and selecting candidates for the priesthood and deficient seminary formation programs .
- Ecclesiastical politics, in Australia and Rome, with lobbying and jousting for preferred candidates and dioceses.
- The increasing use of transfers, even though diocesan bishops are meant to be wedded to their diocese for life - hence the Episcopal ring, the symbol of fidelity. Pope Callistus II called bishops who broke this bond 'spiritual adulterers' and Cardinal Josef Ratzinger said that being a bishop 'should not be a career with a number of steps, moving from one seat to another'. Under recent popes, however, transfers have become commonplace, and frequently used as stepping stones to more important dioceses or higher rank.
- Inadequate diocesan pastoral planning and lack of accurate and up-to-date reporting on the state and needs of the diocese. This inevitably leads to time-consuming reviews and delay in selecting a replacement suited to the needs.
- Offers of Episcopal appointment being declined, especially given the current damaged reputation of the Australian hierarchy. In February 2016, Cardinal Ouellet, Prefect of the Congregation for Bishops, confirmed that it was no longer 'exceptional' for priests to turn down an appointment (*The Swag*, Autumn 2016, p. 40).

Improving the selection process

A key item for improving the selection process must be the identification of those characteristics needed for bishops today. Pope Francis has already outlined what he has in mind and the Australian lists, already prepared, will need to be reviewed to ensure they are aligned. Better long term planning would also suggest that priests with the desired characteristics be identified early, afforded suitable post-graduate education, and given quality mentored pastoral experience.

Far better succession planning is also needed, especially where age-related resignations can be anticipated. This will demand regular reporting on the current state of the various ministries and needs of each diocese, regularly updated, fully transparent and accountable, and readily available to all members of the diocese, both clerical and lay. Active, co-responsible and cooperative governance of each diocese requires this, and regular reporting should significantly facilitate and determine which candidates are put forward for Episcopal office.

Another most important consideration for the selection process is how to involve all the faithful of the diocese. This calls for bold and creative thinking, not just by the pope and bishops, but by all sectors of God's people. It has to be a communal project.

During 2016 there will likely be 12 opportunities for Australian Catholics to participate in the selection of their local bishops, to exercise their right and duty to speak out, and to take a co-responsible role in the governance of their diocese. One can only hope that these opportunities will not be allowed to slip by.

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