

Fourth Plenary Council of Australia and New Zealand, 4-12 September 1937

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This is Part 2 of the article on the 1937 4th Plenary Council of Australia and New Zealand, the seventh in the series on the particular councils of the Catholic Church in Australia held between 1844 and 1937. It examines the preparation, proceedings and decrees of the Council, the decisions which followed it, and the efforts to evangelize Australia's Aboriginal peoples.

New Norcia Abbey Mission, WA

In 1905 the Benedictine mission at New Norcia was flourishing. It had 18 priests, 38 religious brothers, and 11 religious sisters, as well as 5 churches and 3 schools educating 180 Aboriginal and other children. In 1902 Abbot Torres had set up a special Australian College at the El Miracle Priory in Spain to supply a continuous stream of Benedictine missionary priests and brothers to New Norcia. In 1903 Propaganda, with the support of Bishop Gibney of Perth, had added extra territory to the abbey-diocese and transferred four Perth parishes to its jurisdiction.

After Episcopal ordination in Rome in 1910, Abbot Bishop Torres secured the Marist Brothers to staff the new St Ildephonus College for boys, the Australian Sisters of St Joseph of the Sacred Heart to teach at St Gertrude's College for Aboriginal girls and young European ladies, and the Spanish Teresian Sisters to take charge of St Joseph's Orphanage for Aboriginal girls.

Between 1910 and his premature death in 1914 Torres, as Vicar Apostolic of the Kimberley Vicariate and Abbot of New Norcia, opened new churches at Bindoon, Gillingarra, Moora and Goomalling, as well as a Josephite convent and parish school at Moora, and a Presentation Sisters convent and parish school at Goomalling. He also purchased large tracts of land which has previously been leased, to give the Benedictine community financial security, and cleared hundreds of acres for cultivation and planting.

St Gertrude's College, originally planned for Aboriginal girls, was opened in 1907 with one wing as a boarding college for European girls. However, its superior reputation grew so quickly that, in a short time, all the Aboriginal girls were moved to another building to make way for the young white ladies arriving from all over WA and overseas. By 1915, they numbered 115. This situation was repeated with St Ildephonus. By 1920 it had 204 white male boarders from throughout WA.

St Joseph's Orphanage for Native Girls was an enclosed institution initially run by the Spanish Teresian Sisters until 1912, then by the Oblate Benedictine Sisters. Its first intake was the Aboriginal girls who had been moved out of St Gertrude's, then others, mainly half-caste girls. It could accommodate 44 boarders, and by 1937 some 500 had been raised and trained at the orphanage. They left St Joseph's when they married or secured employment.

St Mary's Orphanage for Native Boys, built in 1847, was replaced in 1914 with a new building, and the first Aboriginal boys were accepted in 1924 under the care of the Benedictine community. In the late 1930s there were 24 boarders.

When Abbot Torres died in 1914, World War I was already underway and the normal process to elect a successor abbot was postponed. In 1915, the Abbot Visitor, Dom Anselm Catalan, who had been appointed to preside over the election, was himself chosen as the new abbot, and he attended the 1937 Plenary Council.

Drysdale River Benedictine Mission (Kalumburu), 1905-1937

Abbot Torres's offer to establish a new mission in the Kimberley Vicariate with '*nullius*' jurisdiction and annexed to New Norcia, was approved by the 1905 Council. In 1906 Torres found a suitable site, uncontaminated by European or other traders, at Drysdale River, obtained a 50,000 acre native reserve from the WA Government and, with the Holy See's approval, established a priory mission at Pago in 1910 (moved to Kalumburu in 1971) with its primary goal the "conversion of the wild tribes around them".



Image: Benedictine Aboriginal Mission at Kalumburu, WA, transferred from Drysdale River (Pago) in 1971

Initially, the local tribes were hostile and in 1913 attacked the missionaries twice, injuring several but killing none. The Queeni, one of four local tribes, was responsible and they, in time, called themselves "the Mission's boys".

By 1914 friendly relations between the missionaries and Aborigines had developed, aided by a constant supply of fresh food. But this also created dependence. The Benedictines added a further 100,000 acres on lease to the original native reserve, but the WA Government provided nil financial support. All expenses were borne by the New Norcia community.

By 1937, the Drysdale River Mission was on a solid footing with adequate food supplies for the missionaries and Aborigines, provided by a secure agricultural base. Catechetical instruction was the missionaries' main ministry with the first baptisms administered in 1921.

Aboriginal missions in the Diocese of Victoria and Palmerston, NT, 1905-1937

Australian-born Bishop William Kelly of Geraldton had asked to be relieved of the administration of the vacant (since 1888) Diocese of Victoria and Palmerston (NT) at the

1905 Plenary Council. He was given this responsibility in 1898 when the Jesuits could no longer support their Aboriginal missions. After the last Jesuit left the diocese in 1902, Kelly stationed one of his priests there for a time, but when he returned to Geraldton the small local Catholic community had to rely on priests passing through.

At the 1885 Plenary Council, the Missionaries of the Sacred Heart (MSC), with charge of the Vicariate Apostolic of Melanesia and Micronesia, had sought and received approval to establish a missionary seminary in Sydney and in 1904, a novitiate at Douglas Park (NSW). In 1906 they established an Australian province and German-born Fr Francis Xavier Gsell MSC was appointed apostolic administrator of the Victoria and Palmerston Diocese (NT). It was intended that he would resume the former Jesuit mission to the Aboriginals at Daly River and expand Catholic ministry in Darwin.

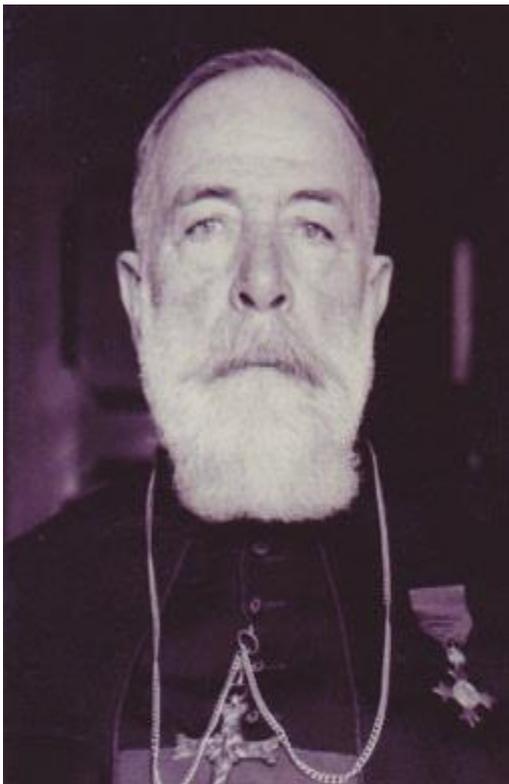


Image: Bishop Francis Xavier Gsell MSC (1872-1960). Source: missionaries.griffith.edu.au

In 1911 the MSC congregation was offered the Pallotine Beagle Bay Mission in the Kimberley Vicariate, but turned it down. Gsell preferred to open a mission to the Aboriginal people on Bathurst Island instead and the same year organised a multinational group of MSC missionaries for the Tiwi Mission. Unlike the Pallotines, Gsell could rely on a good supply of Australian-born missionaries from the Sydney seminary, and were not subjected to the same strict surveillance during the war years.

Gsell's mission policy on marriage closely followed that of the Jesuits: Aboriginals should not marry Asians, whether Macassans, Japanese or Filipinos. When racial conflict erupted at Caledon Bay in the 1930s, Gsell became fearful for the Tiwi mission. He sought and obtained permission to open new missions at Port Keats (later moved to Wadeye) in the Daly River district in 1935, at Alice Springs (Little Flower Mission, later Santa Teresa Mission) in 1935, and at Tennant Creek (a Pine Creek parish opened in 1907 had languished) in 1936.

Gsell attended the 1937 Plenary Council as Apostolic Administrator of Victoria and Palmerston Diocese.

Queensland Vicariate Apostolic for Aboriginals

After Brisbane Bishop Quinn had expelled the Sisters of St Joseph, who were caring for Aboriginal orphans in Mackay, from his diocese in 1880, no further serious attempt to evangelize the Aboriginal peoples of Queensland was undertaken until the 1920s. The Vicariate Apostolic of Queensland had been renamed the VA of Cooktown in 1887, but confusion remained. Quinn's successor, Bishop Robert Dunne (1882-1917), was unsure whether his diocese was coextensive with the Queensland Vicariate, and in 1927 Apostolic Delegate Cattaneo was still referring to the Queensland Vicariate for the Aboriginals.

In 1918, after a cyclone had devastated the Aboriginal Reserve at Hull River near Tully, the Queensland Government created a new Reserve on Great Palm Island. Prior to 1918 few Aborigines were living there and, on establishment, the Government ignored all tribal distinctions and brought Aborigines from all over North Queensland and beyond, even from the NT. By 1926 the Reserve had 600 residents, many making their livelihood from tourism. But it had also become a 'dumping ground' for Aborigines with social and health problems, and soon, part of the Reserve had become a quasi penal colony with nearby Fantome Island set up as a 'lock hospital' for those with venereal disease. The population grew, but deaths surpassed births.

Between 1918 and 1924 priests from Rockhampton diocese visited Palm Island on the tourist steamer, and ministered to those Aborigines who had been baptised elsewhere. When the steamer service ceased in 1924, the parish priest of Ingham visited by launch. In 1926 Rockhampton Bishop Joseph Shiel (1913-31) sought permission from the Queensland Government to establish a mission for the Aborigines on Palm, but was refused. The next year a small freehold property on the island was purchased but, as there were insufficient priests to permanently staff a mission, pastoral responsibility passed to the parish priest of Halifax and Catholic life was kept alive by two Aboriginal leaders, Emily Prior and Louie Bamfield, who gathered the faithful each week to recite the Rosary.

When the Diocese of Townsville was established in 1930, one of the first acts of the new bishop, Terence McGuire (1930-38), was to visit Palm Island and ask a visiting priest, Fr Paddy Molony MSC, to give a 4-day mission to the 15 Catholics among the 1,100 population. Moloney, feeling guilty for his personal neglect of the indigenous Australians, returned the following year, stayed for 18 months and dedicated a new Mission to St Anne. By 1933 there were 262 baptised Catholics, a transformation which caused sectarian jealousy, hostility, and accusations of subterfuge.



Image: St Ann's Catholic school and convent of the Sisters of Our Lady Help of Christians, Palm Island, QLD

The St Anne's Mission was promoted as a missionary concern for the whole Catholic Church in Australia, though Townsville Diocese made special efforts. In 1933 Archbishop Kelly of Sydney sent his diocesan Sisters of Our Lady Help of Christians to work at the Mission, and in 1934 blessed their new convent. They focused on hygiene, family visitation, sewing, catechesis, and education and, with Kelly's financial help, opened St Michael and the Holy Angel's School for some 100 students. Bishop McGuire attended the 1937 Plenary Council.

Plenary Council proposal and preparation

The Australian bishops found many excuses to delay holding another plenary council, including World War I and the 1930s Great Depression. At a plenary meeting of the bishops of Australasia held in Melbourne in 1922, Apostolic Delegate Cattaneo proposed holding a plenary council to bring all the decrees of the previous plenary councils into line with the new 1917 *Code of Canon Law*. The bishops agreed, and the plenary council was set for 1925 in Sydney. Cattaneo also proposed a special committee of archbishops and bishops to draw up a *schema*, but no substantive action followed.

At the same meeting, the bishops agreed to have triennial plenary meetings, as well as a bishops' standing committee which would meet annually to discuss important or urgent matters, and have authority to speak and act for all the bishops when circumstances called for unified action. It was a defiant decision by the bishops, for they were already feeling that the Apostolic Delegate was attempting to control them, by convoking and presiding at their meetings, and referring matters to the Holy See on his own initiative. They were also aware that Propaganda was drawing up special plans for Australia.

In 1925, instead of the proposed plenary council taking place, the bishops held their first triennial plenary meeting, at which Delegate Cattaneo insisted on presiding. The bishops

yielded, but passed a motion that “as a matter of principle the Apostolic Delegate [who is held in esteem] should not attend or preside at the ordinary meetings of the hierarchy unless specifically invited”.

No further plenary council proposal surfaced until 1932, when Archbishop Kelly proposed holding a Sydney provincial council. His seven suffragan bishops, however, advised that a plenary council would be more appropriate and, when consulted, the other metropolitan archbishops agreed.

Kelly then requested the Holy See, through the Apostolic Delegate, for permission to convene a plenary council and it was granted. Cattaneo was appointed Papal Legate to preside at the council, and instructed to commence the preparations and to appoint a committee to prepare a *schema* for the ‘issues to be discussed’ and ‘the decisions to be taken’, subject to approval by the Holy See.

In 1933 Cattaneo was replaced by Archbishop Philip Bernardini (1933-35), who saw his first priority as ‘upholding the dignity of the Apostolic Delegation’. In practical terms this meant taking personal and full control of drafting the plenary council’s *schema* and dismissing the five provincial committees which Cattaneo had specifically set up for that purpose. By 1934 Bernardini had personally completed the draft *schema* and sent it to the bishops for their approval, explaining that it was intended to ‘follow the order of the *Code* as far as possible’, not that of the 1905 Plenary Council, as Kelly had wanted.

For Bernardini the *schema* was more important than the holding of the Council, and its focus was on clerical discipline, the selection of bishops, and diocesan visitation. The bishops, on the other hand, were more concerned about common pastoral action than the Plenary Council, and when Bernardini learnt they were planning a bishops’ plenary meeting for May 1935, he objected, saying that such a meeting required the approval of the Holy See. The bishops’ response, drafted by Mannix, stated that they were not proposing a ‘legislative body’, but only trying to organise Catholic Action and the Lay Apostolate, as requested by the new Pope, Pius XI (1922-39). Nevertheless, Propaganda insisted that such plenary meetings of the bishops required the Holy See’s approval and, in 1935, the next Apostolic Delegate, Archbishop Giovanni Panico (1935-48), immediately sought clarification on the bishops’ meetings. He was instructed that he had the right to be present, to be notified in advance of their time, place and agenda and, if not in attendance, sent a copy of all decisions.¹

In September 1936 a slightly amended *schema* for the Plenary Council was approved by the Holy See and, at their meeting in Adelaide, the bishops decided to hold it in Sydney in September 1937. But they had already concluded it was a council outside their control and not worth their time deliberating on it.

The Council

¹ Note: This tension between the authority and governance of the local hierarchy and the Holy See’s official representative continued until Vatican II (1962-65), when local Episcopal conferences were formally endorsed and legislated.

By June 1937 Apostolic Delegate Panico had completed the preparations for the Council and, as Papal Legate, called the bishops of Australia and New Zealand to attend. He also advised that they could each bring a personal 'theologian consultant', and one other priest from their diocese elected by the diocesan clergy. Vicars and administrators apostolic, as well as the superiors of clerical religious congregations, were also invited to attend.

The Council was to be celebrated from 4-12 September 1937. There was to be one preliminary meeting, three public sessions - opening and closing and promulgation of the decrees - in St Mary's Cathedral with the prescribed solemn Masses, homilies and formalities, seven meetings of 'Fathers' only, and two general meetings of bishops and priests.

The 32 Fathers present at the Council, including Papal Legate Panico, were: the 7 Australian Archbishops - Kelly (Sydney), Duhig (Brisbane), Mannix (Melbourne), Killian (Adelaide), Prenderville (Perth), Simonds (Hobart) and Gilroy (Coadjutor, Sydney); the 17 Australian Bishops - Carroll (Lismore), Foley (Ballarat), McCarthy (Sandhurst), Dwyer (Wagga Wagga), Ryan CM (Sale), Barry (Goulburn), Norton (Bathurst), Byrne (Toowoomba), Coleman (Armidale), Gleeson CSsR (Maitland), O'Collins (Geraldton), McGuire (Townsville), Farrelly (Coadjutor, Lismore), Fox (Wilcannia-Forbes), Hayes (Rockhampton), Raible PSM (Kimberley), Henschke (Auxiliary, Wagga Wagga); 1 Abbot - Catalan OSB (New Norcia); 2 priests - Gsell MSC (Administrator, Victoria & Palmerston) and Clune (Vicar Capitular, Port Augusta); 1 New Zealand Archbishop - O'Shea SM (Wellington); and 3 New Zealand Bishops - Brodie (Christchurch), Liston (Auckland) and Whyte (Dunedin).

While the Fathers included 9 Australian-born (2 archbishops and 7 bishops), the Irish-born dominated (5 archbishops, 8 bishops, and 1 Vicar Capitular). Other nationalities included 2 New Zealanders, 1 Italian, 1 German, 1 American, 1 Spanish, 1 English, 1 USA, and 1 French.

Also present were 53 priests, including 22 theologian consultants to the bishops, 14 superiors of clerical religious congregations, and just 17 diocesan priests from the 28 dioceses and vicariates.

At their private meetings the bishops did little more than read the 685 draft decrees in the *schema*, propose some small modifications, and approve them. Of all the draft decrees, dealing with faith, clerics, religious, laity, the sacraments, sacred places and times, liturgy, teaching and education, over a quarter were either repeats of canons in the 1917 *Code* (117 or 17%), or referrals to canons in the *Code* (59 or 9%). Many were trivial or impractical for the Australian context. Yet, despite this, at the two general meetings of the bishops and priests, all 685 draft decrees were read without any substantive debate or open discussion, and unanimously approved with only three suggested amendments. This was a clear recognition by the Fathers and priests that the Council's agenda and decrees, which had been drawn up by the Apostolic Delegate in collaboration with Propaganda, was outside the Council's control, as was its direction and outcome, and that blanket acceptance was the only option.

[INSERT IMAGE OF 1937 PLENARY COUNCIL HERE]

The three suggested amendments were: 1) that parish priests should consider their assistant priests as 'co-workers' and to be vigilant for them; 2) that the latitude permitted

by the *Code* regarding mixed marriages should take precedence over the previous harsh policy and practice; and 3) that the prohibition on listening to sermons of non-Catholic ministers not extend to hearing them on radio broadcasts. The Fathers also insisted that their concerns regarding the decrees on fast and abstinence be accurately conveyed to the Holy See.

Aside from these interventions, the only signs of local autonomy were the decisions of the bishops to elect a small committee of three archbishops to draft the usual Plenary Pastoral Letter, and to meet together on the day after the close of the Council to plan for a general catechism, a convalescent home for priests, chaplains for the Knights of the Southern Cross, and initiatives for Catholic Action.

Approval of Council decrees

After the close of the Council, Papal Legate Panico sent the Council's *Acta et Decreta* to the Holy See and, after the usual review and some non-substantive amendments, Pius XI approved the decrees on 13 March 1938 with the Decree of Recognition (approval) issued the following day. Panico had the *Acta et Decreta* printed, and promulgated them on 25 March 1939 to take effect on 25 September 1939.

With their promulgation, Decree # 4 effectively abrogated all 371 decrees legislated by the previous Plenary Councils, except those few 'explicitly or implicitly contained in the new decrees'. In one stroke, almost all the laws developed with 93 years of synodal effort to suit the local Australian context with its unique culture, climate and vast distances, were abrogated. They were replaced by a Euro-centric *Code of Canon Law* via a Council planned and orchestrated by the Holy See's Australian-based Apostolic Delegate.

Australian bishops' failure

Ian Waters (2006) is convinced that 'the Australian bishops must bear part of the blame' for the 1937 Plenary Council's agenda not being set by the local Church in Australia. 'The bishops had been urged repeatedly to prepare for a plenary council, but they kept procrastinating. If they had accepted the invitation, firmly taken control, and actively determined the agenda and procedure, an Apostolic Delegate would have found it much more difficult to have a Rome-centred and controlled Council'.

Moreover, when Delegate Cattaneo set up the 5 provincial committees in 1933 for the preparatory work of the Council, the bishops acquiesced to his imposition of 'grave secrecy' on all the members, and a year later they showed no opposition to Delegate Bernardini dismissing all the provincial committee arrangement as 'too difficult to implement'.

Also, whereas at previous councils the priest members had played an active role in the various committees drafting the decrees, in 1937 there was no encouragement for priests to be present, and those who were present were not appointed to council committees. They were little more than token participants and passive observers.

The decrees of the 1937 Council reflected little of the pastoral vision and governance of the Australian bishops.

Pastoral Letter of the Plenary Council

As at previous councils, the bishops issued a Joint Pastoral Letter. In it they acknowledged the vast changes that had taken place since 1905, highlighted some significant events - the establishment of an Apostolic Delegation, the 1928 and 1934 International Eucharistic Congresses in Sydney and Melbourne, and the opening of the completed St Mary's Cathedral in Sydney – but their main focus was on the growing influence of atheistic Communism, its threat to the total subversion of Christian civilization, and the need for 'a sincere renewal of private and public life according to the principles of the Gospel'.

The Letter warned that Communism 'strikes at the very foundations of society, ...aims at the overthrow of religion, ... robs human personality of all its dignity, ... makes man a mere cogwheel in its system, ... denies parents the right to educate their children according to the dictates of their conscience, ... and denies children any right to a knowledge of God'.

While they recognized that the effects of Communism were not yet present in Australia and New Zealand, its effects in Russia, Mexico and Spain should put youth and working men on their guard against its crafty propaganda, especially as the national and state governments were asleep and silent. The views of the bishops in the Letter were almost certainly influenced by the *Catholic Worker*, a broadsheet started in February 1936 by the young Campion Society law graduate of Melbourne University, Bob Santamaria.

Catholic Action

Probably the most significant decision of the bishops in 1937, taken immediately after the Plenary Council, was the establishment of the Australian National Secretariat of Catholic Action (ANSCA). It was proposed by Archbishop Mannix, funded by the Australian hierarchy, based in Melbourne, and had Santamaria as its first deputy-director.

In a very short period ANSCA had established four separate organizations which would have a huge and lasting influence on Australian Catholic youth: the Young Christian Workers (YCW), the Young Christian Students' Movement, the National Catholic Girls' Movement, and the National Catholic Rural Movement. All flourished, particularly in Victoria, and made a generation of young Catholics acutely aware of justice and equity in their world of work and in society at large. But the Secretariat also exposed a division between Melbourne and Sydney on how Catholic Action should be structured and to what extent it should be under episcopal and clerical control. Sydney preferred parish and diocesan lay organizations controlled by the clergy; Melbourne wanted the laity to have more initiative and autonomy.

*Acknowledgment: In preparing this article many primary and secondary sources were consulted. However, special acknowledgment is given to the original research of Dr Ian B Waters published in his article "The Fourth Plenary Council of Australia & New Zealand" in *Annuario Historiae Conciliorum*, Vol. 38 (2006) No. 2, pp. 451-466.*

