



# CANON LAW SOCIETY OF AUSTRALIA AND NEW ZEALAND

3 June 2021

## STATEMENT REGARDING

### **Pope Francis** **Apostolic Constitution *Pascite Gregem Dei* – Tend the flock of God**

On Monday, 1 June 2021 at 7.30 pm AEST, at the Vatican Press Office, Archbishop Iannone and Bishop Arrieta, respectively President and Secretary of the Pontifical Council for Legislative Texts, presented the Apostolic Constitution *Pascite Gregem Dei* – Tend the Flock of God of Pope Francis and the new legislation relating to the penal system of law of the Church. Pope Francis promulgated the new legislation on Pentecost Sunday, 23 May 2021, and it will come into force on 8 December 2021.

The legislation comprises Book VI of the Code of Canon Law promulgated by St John Paul II on 25 January 1983 that came into force on 27 November 1983, and governs Penal Sanctions in the Church.

In his Apostolic Constitution, Pope Francis recalled the need the Church has for a penal system of law to address the restoration of the demands of justice, the amendment of the offender and the reparation of scandals which damage the faith and life of the people of God. The process of review of Book VI of the Code of Canon Law has been in progress a number of years, during which time Popes John Paul II, Benedict XVI and Francis have introduced changes. The process of review, including wide-ranging consultation as Pope Francis noted, has led to the promulgation of a body of law which presents the legislation for the Church throughout the world.

Although the law is common to the whole Church, it is to be applied in a diversity of religious, cultural, social and political settings. What is also common, as Pope Francis said, is the responsibility incumbent on bishops and superiors to apply the law. The reluctance in the past to impose punishment on offenders must be replaced by an understanding “on the part of the pastors and the superiors, it is necessary to apply the penalties”.

The new legislation incorporates the recent offences introduced by the Popes, but refines some of the existing legislation and introduces new crimes. For example, canonical crimes relating to minors and a person who habitually has an imperfect use of reason or with one to whom the law recognises equal protection are established in a specific canon. These crimes, which now include grooming, apply not only to clerics and members of religious institutes and societies of apostolic life, but also to “any one of the faithful who enjoys a dignity or performs an office or function in the Church”. If a person is required by canon law to report an offence, the failure to do so will constitute a crime. Also among new crimes are ones that relate to malfeasance in regard to ecclesiastical goods, such as stealing or being gravely negligent in administering ecclesiastical goods.

Although the new legislation retains previous legislation, the challenge for bishops and superiors is to acquire a knowledge of the law and how it is to be applied. In like manner, the task for canon lawyers is to undertake an in-depth study of the new law taking account of the development of the new law from its beginnings which are found not only in legal texts of the 1983 Code of Canon Law but the teaching of the recent Popes.

For further information, please contact:

Ken Cafe ofm  
President  
[president@clsanz.catholic.org.au](mailto:president@clsanz.catholic.org.au)

