

**STATUTES
OF
THE NATIONAL FRATERNITY
OF THE SECULAR FRANCISCAN ORDER IN AUSTRALIA**

INTRODUCTION

We, the National Fraternity of the Secular Franciscan Order in Australia, under the patronage of Lady Jacoba dei Settesoli, are called to follow Christ in the footsteps of St. Francis of Assisi, in order to provide for the life of the Order and specifically for its organisation and function, do establish and adopt these Statutes.

CHAPTER 1 - THE NATIONAL FRATERNITY

1.1 COMPOSITION

The National Fraternity of the Secular Franciscan Order of Australia is the organic union of the Catholic Local Fraternities of the Secular Franciscan Order existing within Australia, and which are joined and coordinated (*cf.* GC 65.1) through the Regional Fraternities of:

- * New South Wales and Australian Capital Territory
- * Queensland
- * South Australia
- * Tasmania
- * Victoria
- * Western Australia

1.2 COMPETENCY

The National Fraternity has the competency to conduct its activities in accordance with the:

- a) Rule;
- b) General Constitutions;
- c) Ritual;
- d) Statutes of the International Fraternity (FIOFS) (*cf.* GC 6.1);
- e) National Statutes (*cf.* GC 6.2)

1.3 CIVIL LEGAL IDENTITY

- 1.3.1 The National Fraternity has civil legal identity through appropriate incorporation as a public association (*cf.* GC 1.5; CCL 301.3).¹
- 1.3.2 The Minister of the National Council is the legal representative of the incorporated body (*cf.* GC 67.2d).

1.4 GOVERNING BODIES

The governing bodies of the National Fraternity are:

- the National Elective Chapter (*cf.* GC 68.1);
- the National Non-Elective Chapter (*cf.* GC 68.1) [formerly called National Council];
- the National Council (*cf.* GC 65.3, 66) [formerly called National Executive].

¹ **Footnote to 1.3.1:** The National Fraternity has obtained civil juridical personality for the Order, effective throughout Australia, by virtue of Certificate of Incorporation No: Y 14127-46 "Secular Franciscan Order Inc." pursuant to the Association Incorporation Act 1984 (NSW) and Certificate of Registration ARBN 123 822 962 "Secular Franciscan Order" pursuant to the Corporations Act 2001 (Commonwealth). (*cf.* GC 29.2).

1.5 COMMITTEES

At all levels, the Council may constitute Committees and appoint them to work on particular tasks and to report to the Council on their progress.

1.6 QUORUM

- 1.6.1 The base of the calculation of the quorum is the total number of those who should be present. In non-elective voting, this number shall include the Spiritual Assistants. For elections and economic matters, it shall be calculated without the Spiritual Assistants.
- 1.6.2 At all levels, the necessary quorum at a meeting of a Chapter or Council shall be more than half of all the designated members of the Chapter or Council.

CHAPTER 2 - NATIONAL CHAPTERS AND ASSEMBLIES

2.1 NATIONAL CHAPTERS

- 2.1.1 The National Chapter is the representative organ of the fraternities in Australia.

2.2 COMPOSITION

- 2.2.1 The National Elective Chapter is composed of:
 - a) the outgoing National Council;
 - b) each Regional Minister;
 - c) delegates from each Regional Fraternity equal to the number of Local Fraternities in the Regional Fraternity. These delegates are to be elected by the Local Fraternities. In the event of a Local Fraternity being unable to provide a delegate, the election shall be made by the Regional Council in accordance with the Regional Statutes.
 - d) Regional Assistants equal to the number of Regional Fraternities.
 - e) National representative of YouFra (if it exists) who votes if he/she is professed.
- 2.2.2 The National Non-Elective Chapter is composed of:
 - a) the National Council [formerly called National Executive];
 - b) each Regional Minister;
 - c) another delegate from each Regional Fraternity, elected by the Regional Elective Chapter;
 - d) Regional Assistants equal to the number of Regional Fraternities.
 - e) National representative of YouFra (if it exists) who votes if he/she is professed
- 2.2.3 When more than one Regional Assistant assist a Regional Fraternity, they shall elect their delegate.

2.3 COMPETENCY

- 2.3.1 The National Elective Chapter is competent to make legislative and deliberative decisions, give norms valid for Australia and elect the National Council (*cf.* GC 68.1).
- 2.3.2 The National Non-Elective Chapter is competent to make legislative and deliberative decisions and to give norms valid for Australia (*cf.* GC 68.1).

2.4 CONVOCATION

- 2.4.1 The National Elective Chapter shall be convened by the National Minister every three years (*cf.* GC 67.2a) in conformity with GC 76, giving at least three months' written notice to all participants.
- 2.4.1.1 **Provisions** (*cf.* GC 66.2):
- a) the National Council decides the place, the day, and the time of the election (GC76.1);
 - b) the National Minister requests the General Minister to preside in person or to appoint a delegate (*cf.* GC76.2);
 - c) the Conference of National Assistants requests the Conference of General Assistants to delegate the Witness of the communion with the First Order (*cp.* GC76.2);
 - d) the National Minister sends the Letter of Convocation at least one month in advance (*cf.* GC76.1), and, later, the Agenda after consultation with the National Council (*cf.* GC67.2);
 - e) the Liturgy Committee plans the liturgy and composes a booklet for the Chapter;
 - f) the Secretary finalises booking arrangements with the venue and prepare name tags and personal folders;
 - g) the Treasurer attends to the financial provisions.
- 2.4.2 The National Chapter shall be convened by the National Minister once a year at a time determined by him/her, except that it need not meet in the year in which a National Elective Chapter is held (*cf.* GC 67.2a).
- 2.4.3 Extraordinary National Chapters may be convened by an absolute majority of the National Council and should be held within two months of the decision to convene (*cf.* GC 67.2a). Such extraordinary chapters may deal only with topics indicated in the letter of convocation.

2.5 NATIONAL ASSEMBLIES

National Assemblies are meetings in which all Secular Franciscans of the National Fraternity are invited to participate in order to promote its own unity, life and apostolate. These assemblies may be convened by the National Council as required.

CHAPTER 3 - THE NATIONAL COUNCIL

3.1 COMPOSITION

- 3.1.1 The National Council shall consist of the:
- a) National Minister;
 - b) National Vice-Minister;
 - c) National Secretary;
 - d) National Treasurer;
 - e) National Formator;
 - f) National Promotions Officer
 - g) International Councillor (Statutes of International Fraternity 5.1);
 - h) Substitute International Councillor (Statutes of International Fraternity 5.2), to be elected from among the National Councillors;
 - i) National Spiritual Assistants
 - j) National representative of YouFra
- 3.1.2 Other offices may be added according to the needs of the National Fraternity (*cp.* GC 49.1). These offices must be specified in the National Statutes. The

amended statutes need to be adopted (*cf.* 12.1.2) and approved (*cf.* 12.2.2) before the added Councillors can be elected.

3.2 COMPETENCY

- 3.2.1 The National Council is competent to carry out the decisions and directions of the National Chapter and to execute the duties enumerated in GC 66.2 and in the National Statutes 3.3.1.

3.3 DUTIES

- 3.3.1 The National Council, in addition to the duties enumerated in GC 66.2, has the following duties:
- a) to animate and guide the National Fraternity (*cf.* GC 65.3), direct and coordinate the activities at the national level (*cf.* GC 67.2b), co-responsibly with the National Minister (*cf.* GC 67.1) and in consultation with the Regional Ministers;
 - b) to see that the decisions of the National Chapters are carried out (*cp.* GC 31.4);
 - c) to provide practical and pastoral interpretations and to clarify specific points in the National Statutes, with validity until the next meeting of the National Chapter (*cp.* Nat. Stats.12.3.2);
 - d) to resolve urgent problems which may arise that were not encompassed in the General Constitutions or National Statutes, until the next meeting of the National Chapter (*cp.* GC 66.2 m);
 - e) to intervene to resolve serious and urgent problems in a spirit of reconciliation when requested by a Regional Council or on the National Council's own initiative (*cp.* GC 66.2 j);
 - f) to hear appeals from decisions of Regional Councils (*cp.* GC 59);
 - g) to establish and direct committees deemed necessary to achieve the goals and objectives determined by the National Chapter (*cp.* GC 66.2m);
 - h) to administer the financial affairs of the National Fraternity of Australia -, including events not foreseen in the annual budget approved at the annual National Chapter, such as extraordinary (non-budgeted) expenditures (*cp.* GC 66.2k);
 - j) to ensure that any motion sought by a Regional Fraternity be heard at the meeting of the next National Council.
- 3.3.2 The duties of the National Councillors shall be as follows:
- a) National Minister - refer to GC 67;
 - b) National Vice-Minister - refer to GC 52.1;
 - c) National Secretary - refer to GC 52.2;
 - d) National Treasurer - refer to GC 52.4;
 - e) National Formator - refer to GC 52.3;
 - f) National Promotions Officer – refer to 3.3.6
 - g) International Councillor – refer to GC 75 and Statutes of International Fraternity 7;
 - h) Substitute International Councillor – as in g.
 - i) The duties of possible additional National Councillors shall be determined by the National Elective Chapter that establishes these offices.
- 3.3.3 The provisions regarding the rights and duties of the Minister, Vice-Minister, Secretary, Treasurer and Formator apply, with the appropriate adaptations, to all levels (*cp.* GC 52.5).
- 3.3.4 The National Treasurer, in addition to the duties specified in GC 52.4 has the following duties:
- a) to ensure the timely deposit of all funds of the National Fraternity which may

come into the hands of the National Treasurer into such bank accounts in the name of the Secular Franciscan Order Inc. as the National Council shall designate;

- b) to ensure the payment of monies as the business of the National Fraternity may require, as approved in the annual budget or by the National Council. No payments are to be made in cash.
- c) to submit an annual budget to the National Council for its review, and to the National Chapter for its review and approval.
- d) to be responsible for the financial books and records of the National Fraternity of Australia.
- e) to provide the National Council with financial reports of receipts, expenditures, and balances in its treasury throughout the year.
- f) to arrange for the National Fraternity's financial and real estate (if any) situation to be audited by an independent and professional auditor (*cf.* GC 66.2 (l)) before the term of office is finished.
- g) to issue receipts for all money received.

3.3.5 The National Formator, in addition to the duties specified in GC 52.3 has the following duties:

- a) to make known and promote Franciscan spirituality, programs of formation, training, information, encouragement, advice, support and help throughout the National Fraternity;
- b) to distribute Formation material to Regional Formators;
- c) to coordinate and promote formation programs for Formators.

3.3.6 The National Promotions Officer has the following duties:

- a) to support and coordinate Regional Promotions Officers in activities that promote Secular Franciscan vocations (GC Art 45.2, NS 1.5)
- b) to collect, coordinate and distribute promotional resources to Regional Promotions Officers

3.4. MEETINGS

3.4.1 The National Council shall be convened by the National Minister as often as required, but at least four times a year, to provide for:

- a. the life of the National Fraternity
- b. its apostolic activities
- c. the purposes enumerated in the General Constitutions (*cp.* GC 31.4).

3.4.2 In between meetings, the National Council may conduct business electronically (i.e., via e-mail, fax, etc.), provided that any decisions and determinations made in this way are reviewed and ratified at the next regular meeting of the National Council.

3.5 VACANT OFFICES

Vacant offices shall be filled as follows:

- a) The National Minister - refer to GC 81.1;
- b) The National Vice-Minister - refer to GC 81.2;
- c) The National Councillors - refer to GC 81.3. When the office of a Councillor becomes vacant as a result of death, accepted resignation, removal, absence or other substantive impediment, the National Council shall proceed to substitute a professed member until the next meeting of a National Chapter, which shall then make an appointment by simple voting, but must obtain the written confirmation of the General Minister, which shall be valid until the next National Elective Chapter (*cf.* GC 81.3).
- d) The International Councillor – refer to Statutes of International Fraternity 8.1.
- e) The Substitute International Councillor – as in d).

3.6 RELATIONSHIP WITH OTHER LEVELS OF FRATERNITY

- 3.6.1 Having in mind that the National Council animates and co-ordinates the activities of the Regional Councils (*cf.* GC 66.2e and 33.2), there shall be effective communication between the National Council and Regional Councils.
- 3.6.2 The National Council shall allocate liaison National Councillors to the Regional Fraternities to facilitate mutual communication and input.
- 3.6.3 There shall be effective communication from the National Council to the International Council and its Presidency.
- 3.6.4 The National Council shall carry out the programs of the International Council so far as they relate to Australia.

3.7 RELATIONSHIP WITH THE CHURCH AND OTHERS

- 3.7.1 The National Council shall establish effective communication with the National Conferences of Bishops and any National Councils of religious throughout Australia, for the purposes of:
 - a) involvement in apostolates of the Church (*cf.* GC 17), particularly evangelisation and ministry to the poor (*cf.* GC 19);
 - b) participating in ministries of the Word and Liturgy (*cf.* GC 101); and
 - c) collaborating with and supporting the local Church (*cf.* GC 102).
- 3.7.2 The National Council encourages all Fraternities to establish and to maintain fraternal relations with non-Catholic associations inspired by St Francis (*cf.* GC 103.2).

CHAPTER 4 - REGIONAL FRATERNITIES

4.1 CONSTITUTION

The National Council may constitute a Regional Fraternity (*cf.* GC 61.2) when:

- a) there are two or more fraternities within the proposed Regional Fraternity;
- b) there is a request to do so from the fraternities within the proposed Regional Fraternity;
- c) there is agreement on the provision of spiritual assistance.

4.2 COMPETENCY

The Regional Fraternity has the competency to conduct its activities in accordance with the:

- a) Rule;
- b) General Constitutions;
- c) Ritual;
- d) National Statutes (*cf.* GC 6.2);
- e) Regional Statutes (*cf.* GC 6.3).

4.3 CIVIL LEGAL IDENTITY

- 4.3.1 Regional fraternities should obtain civil legal identity through appropriate registration in their country, territory or state if any of the following circumstances apply:
 - a) where the fraternity has real estate or other substantial property at its disposal (*cf.* GC 54.1);
 - b) where the activities of the fraternity include carrying on business of a commercial nature, that the business be dedicated to an independent body;
 - c) where there is the need to cover child protection issues; each State or Territory differs in requirements;
 - d) where, for both efficiency and prudence, the general nature of the

fraternity's activities shall so require.

- 4.3.2 Where civil legal identity is acquired by a Fraternity, the Fraternity shall render an account for the administration of its assets in accordance with the particular civil laws applicable to the jurisdiction. Upon cessation of that civil legal identity, the assets previously held by it shall be transferred to the next higher level of fraternity with civil legal identity, to be applied towards the general charitable or religious purposes thereof. Appropriate instructions, therefore, shall be included in the documents that formally constitute the Fraternity as a civil legal identity (*cf.* GC 54.2).

4.4 GOVERNING BODIES

The governing bodies of the Regional Fraternity are the:

- Regional Elective Chapter;
- Regional Non-Elective Chapter (formerly called Regional Council);
- Regional Council (formerly called Regional Executive).

CHAPTER 5 - REGIONAL CHAPTERS AND ASSEMBLIES

5.1 REGIONAL CHAPTERS

5.1.1 The Regional Chapter is the representative organ of the Regional Fraternity.

5.1.2 Composition

5.1.2.1 The Regional Elective Chapter is composed of:

- a) the outgoing Regional Council;
- b) each Local Fraternity Minister;
- c) a number of elected Local Fraternity delegates as determined by a Regional Chapter
- d) Regional representative of YouFra (if it exists) who votes if he/she is professed.

5.1.2.2 The Regional Non-Elective Chapter is composed of:

- a) the Regional Council;
- b) each Local Fraternity Minister;
- c) at least one elected delegate of each Local Fraternity, the actual number to be determined by the Regional Statutes.
- d) Regional representative of YouFra (if it exists) who votes if he/she is professed.

5.1.3 Duties

5.1.3.1 The Regional Elective Chapter has elective and deliberative power (*cf.* GC 64) and shall elect the Regional Minister and Regional Councillors.

5.1.3.2 The Regional Non-Elective Chapter has deliberative power.

5.1.4 Convocation

5.1.4.1 The Regional Minister shall convene the Regional Elective Chapter every three years (*cf.* GC 63.2a) in conformity with GC 76.

5.1.4.2 The Regional Minister shall convene the Regional Chapter at least once a year but not in the year of the Regional Elective Chapter.

5.1.4.3 Extraordinary Regional Chapters may be convened by an absolute majority of the Regional Council and should be held within four weeks of convocation.

5.1.5 Elections

5.1.5.1 The form of elections shall follow the same procedures as provided for in GC 76-80.

5.2 REGIONAL ASSEMBLIES

Regional Assemblies are meetings in which all Secular Franciscans of the Regional Fraternity are invited to participate in order to promote its own unity, life and apostolate. The Regional Council may convene a Regional Assembly as required.

CHAPTER 6 - REGIONAL COUNCILS

6.1 COMPOSITION

6.1.1 The Regional Council shall consist of the:

- a) Regional Minister
- b) Regional Vice-Minister
- c) Regional Secretary
- d) Regional Treasurer
- e) Regional Formator
- f) Regional Promotions Officer
- g) Regional Spiritual Assistants
- h) Regional representative of YouFra

6.1.2 Other offices may be added according to the needs of the Regional Fraternity (*cp.* GC 49.1). The amended Statutes need to be adopted and approved before the added Councillors can be elected.

6.2 COMPETENCY

6.2.1 The Regional Council is competent to carry out the decisions and directions of the Regional Chapter and to execute the duties enumerated in GC 62.2.

6.3 DUTIES

6.3.1 The duties of the Regional Council shall be as stated in GC 62.2.

6.3.2 The duties of the Regional Minister shall be as stated in GC 63.

6.3.3 The duties of the Regional Vice Minister, Secretary, Treasurer and Formator shall be as stated in GC 52.

6.3.4 The Regional Promotions Officer has the following duties:

- a) to support and coordinate Local Promotions Officers in activities that promote the Secular Franciscan vocation (GC 45.2).
- b) to collect and distribute promotional resources to Local Promotions Officers.

6.3.5 The Regional Treasurer shall render an account of his or her administration of all funds and property to the Regional Council and to the Regional Chapter at least once a year (*cp.* GC 52.4c).

6.3.6 That duties of possible additional Regional Councillors shall be determined by that Regional Elective Chapter that establishes these offices.

6.4 CONVOCATION

The Regional Minister shall convene the Regional Council (*cf.* GC 63.2a) at least twice a year in addition to the Regional Chapter.

6.5 TERM OF OFFICE

The Councillors of the Regional Council shall be elected for a term of three years, such elections being held at the Regional Elective Chapter in accordance with GC 79.1-3.

6.6 VACANT OFFICES

Vacant offices shall be filled as follows:

- a) Regional Minister - refer to GC 81.1;
- b) Regional Vice-Minister - refer to GC 81.2;
- c) Regional Councillor - refer to GC 81.3. When the office of a Councillor becomes vacant as a result of death, accepted resignation, removal, absence or other substantive impediment, the Regional Council shall proceed to substitute a professed member until the next meeting of a Regional Chapter, which shall then make an appointment, by simple voting, but must obtain the written confirmation of the National Minister, which shall be valid until the next Regional Elective Chapter.

6.7 RELATIONSHIP WITH OTHER LEVELS OF FRATERNITY

- 6.7.1 Having in mind that the Regional Council coordinates the local Fraternities (*cp.* GC 62.2b), there should be effective and frequent communication between the Regional Council and Local Fraternity Councils.
- 6.7.2 The Regional Council shall allocate liaison Regional Councillors to the Local Fraternities to facilitate mutual communication and input.
- 6.7.3 The Regional Council shall communicate effectively with the National Council.
- 6.7.4 The Regional Council carries out the decisions and implements the programs of the National and International Council, adapting them when necessary (*cf.* GC 33.2).

6.8 RELATIONSHIP WITH THE CHURCH AND OTHERS

The Regional Council should establish effective communication with the local bishop(s) within the territory of the Regional Fraternity, for the purpose of:

- a) involvement in apostolates of the Church (*cf.* GC 17), particularly Evangelization and Ministry to the Poor (*cf.* GC 19);
- b) participation in Ministries of the Word and Liturgy (*cf.* GC 101);
- c) collaboration with and supporting the local Church (*cf.* GC 102).

6.9 The Regional Council encourages all Fraternities to establish and to maintain fraternal relations with non-Catholic associations inspired by St Francis (*cf.* GC 103.2).

CHAPTER 7 - LOCAL FRATERNITIES

7.1 GENERAL

- 7.1.1 The brothers and sisters gather in local fraternities established according to the General Constitutions (*cf.* GC 28.3).

7.2 MEMBERSHIP

Local fraternities are the primary cells of the one OFS. Entry into the Order is made through a Local Fraternity, and every Secular Franciscan must have membership of such a fraternity in order to be in fraternal communion with the brothers and sisters as required by the General Constitutions (*cf.* GC 28.1).

7.3 ESTABLISHMENT

- 7.3.1 Local fraternities shall be established in conformity with the General Constitutions (*cf.* GC 28.3, 46, 47).
- 7.3.2 Application for establishment shall be made to a major Superior of the Franciscan First Order, with the preliminary consent of the Regional Council, which shall ensure that all the requirements of the General Constitutions and its own Regional Statutes are met.
- 7.3.3 Where there is no relevant Regional Council, application for establishment shall be made to the National Council.

7.4 CIVIL LEGAL IDENTITY

- 7.4.1 Local fraternities should obtain civil legal identity through appropriate registration in their locality if any of the circumstances listed in 4.3.1 of these statutes apply.
- 7.4.2 Where civil legal identity is acquired by a Fraternity, the Fraternity shall render an account for the administration of its assets in accordance with the particular civil laws applicable to the jurisdiction. Upon cessation of that civil legal identity, the assets previously held by it shall be transferred to the next higher level of fraternity with civil legal identity, to be applied towards the general charitable or religious purposes thereof. Appropriate instructions, therefore, shall be included in the documents that formally constitute the fraternity as a civil legal identity (*cf.* GC 54).

7.5 FRATERNITY COUNCILS

- 7.5.1 **Composition** - The composition of the Local Fraternity Council shall be as stated in the General Constitutions (*cf.* GC 49.1). Other offices may be added according to the needs of the Local Fraternity (*cp.* GC 49.1). The amended Statutes need to be adopted and approved before the added Councillors can be elected. The local representative of YouFra is also a member of Local Council, and he/she votes if is a professed person (*cf.* GC 97.4).
- 7.5.2 **Duties** - The duties of Fraternity Councillors shall be in accordance with the General Constitutions (*cf.* GC 51, 52). In addition, the Fraternity Treasurer shall render an account of his or her administration to the Fraternity Council at least once a year.
- 7.5.3 **Vacant Offices** shall be filled as follows:
- a) The Minister - refer GC 81.1
 - b) The Vice-Minister - refer to GC 81.2;
 - c) The Councillor - refer to GC 81.3. When the office of a Councillor becomes vacant as a result of death, accepted resignation, removal, absence or other substantive impediment, the Council shall substitute a professed member by simple voting, but must obtain the written confirmation of the Regional Minister, which shall be valid until the next Local Elective Chapter.

7.6 MEMBERS

- 7.6.1 Participation in fraternal life is essential for membership in the OFS (*cf.* GC 53.3), both with the regular presence at the meetings of the local Fraternity and with the contribution to the financial needs of the Fraternity according to his or her means.
- 7.6.2 Justifiably absent members are professed members who are unable to participate in fraternity life for valid reasons, e.g., of health, family, work or distance.
- 7.6.3 The Fraternity Council shall make specific provisions for the unity and care of these brothers and sisters, which shall include provision for correspondence, visitation, and formation (*cf.* GC 53.3).
- 7.6.4 The Council of a Fraternity with professed members who are not justifiably absent shall take both pastoral and juridical action in accordance with GC 56-58.

7.7 COMMON INTEREST GROUPS

- 7.7.1 Certain Local Fraternity members who share particular needs, common interests or the same choices, may form into sections or groups (*cp.* GC 34) within the one Local Fraternity while at the same time remaining faithful to the unity and needs of their particular Local Fraternity. The criteria for the formation and functioning of such sections or groups shall include the following:
- a) the particular Local Fraternity Council shall guide their objectives and activities;

- b) the Spiritual Assistant for the fraternity shall provide the spiritual guidance for the section or group;
 - c) the members of the section or group shall continue to attend the meetings of the particular Local Fraternity whereat they shall submit reports on its activities (*cf.* GC 34).
- 7.7.2 Fraternities should welcome any person, whether a member of the Secular Franciscan Order or not, who wishes to participate in the Fraternity's experience of prayer. Attendance by such a person does not entitle him or her to participate in any elective or deliberative process of the Fraternity which concerns its own governance (*cp.* GC 53.5 and 103.1)

CHAPTER 8 - ELECTIONS AND VOTING

8.1 ELECTIONS

- 8.1.1 Elections at all levels of fraternity shall be held every three years in the order national, regional and local. If possible, elections should be held in the same calendar year.
- 8.1.2 Those who have the right to vote at an election have active voice and those able to be elected have passive voice.
- 8.1.3 Only professed Secular Franciscans enjoy active voice in elections (*cf.* GC 77.1). On the local level, also the temporarily professed members have active voice, but not passive voice.
- 8.1.4 Only perpetually professed Secular Franciscans enjoy passive voice in elections (*cf.* GC 77.2).
- 8.1.5 The required majority and procedure of election of the Minister, Vice Minister and the Councillors at all levels shall be as stated in the General Constitutions (*cf.* GC 78.1-4).
- 8.1.6 An absolute majority vote shall mean the number of ballots that is more than half the number of persons present with active voice (*cf.* CCL 119).
- 8.1.7 A relative majority vote shall mean a greater number of ballots cast in favour of a particular candidate than for any of the other candidates.
- 8.1.8 Even if someone has a right to vote in his or her own name by reason of a number of titles, that person may cast only one vote (CCL 168).
- 8.1.9 A perpetually professed Secular Franciscan can vote for himself/herself ²

8.2 VOTING

- 8.2.1 At all levels, voting on any item of business at a Chapter, and at meetings of a Council, shall be successfully carried if an absolute majority of the votes cast by those present who have the right to vote are cast in favour of such an item of business.
- 8.2.2 Each member who has the right to vote shall be entitled to one vote only.
- 8.2.3 Voting by proxy shall not be permitted.
- 8.2.4 Postal and electronic voting may be permitted and guided by the Council at all levels in situations other than for elections.

CHAPTER 9 - LIFE IN FRATERNITY

9.1 ENTRANCE INTO THE ORDER

The steps for entry and incorporation into the Order are as follows:

² **Footnote to 8.1.9:** The Prohibition of Canon 170 of the 1917 Code of Canon Law is omitted in CCL 1983.

- a) Time of initiation (GC 38);
- b) Admission to the Order (*cf.* GC 39);
- c) Time of initial formation (*cf.* GC 40);
- d) Profession (*cf.* GC 41).

9.2 TIME OF INITIATION

- 9.2.1 The time of initiation, being a time of discernment prior to admission to the Order, should continue for a period normally of not less than three months (*cf.* GC 38.1-2);
- 9.2.2 In exceptional circumstances including:
 - a) extended prior association with the OFS or
 - b) prior membership in the Franciscan Family, or
 - c) other reasons deemed appropriate by a Local Fraternity Council, the time of initiation may be reduced or even dispensed (*cf.* GC 38.3).
- 9.2.3 During the time of initiation, the inquirer shall examine, with the assistance of the fraternity, the Formator and the Spiritual Assistant, the evangelical life and commitment of a Secular Franciscan and shall look for clear signs of vocation to the Order. The inquirer shall attend meetings of the particular Local Fraternity and meet any other requirements determined by the Fraternity Council (*cf.* GC 38.2).

9.3 ADMISSION

- 9.3.1 Through the Act of Admission, an inquirer is received into the Secular Franciscan Order as a candidate and the time of initial formation begins (*cf.* GC 40.1).
- 9.3.2 The requirements for admission include:
 - a) completion of a time of initiation unless otherwise dispensed with;
 - b) a request, in writing, by the prospective candidate, presented to the Minister of the particular Local Fraternity to which he or she seeks admission (*cf.* GC 39.1);
 - c) the prospective candidate professes the Catholic faith and is in full communion with the Church.
 - d) to be of good moral standing, and to show clear signs of a vocation (GC 39.2).
- 9.3.3 The form of the ceremony of admission, conducted by the local Minister or by his or her delegate, shall be taken from the Ritual. It is fitting that the rite of admission take place within an appropriate celebration of the Word of God (OFS Ritual, Chapter One, 3).
- 9.3.4 The Act of Admission is to be registered and preserved in the Fraternity Register (*cf.* GC 39.4).

9.4 TIME OF INITIAL FORMATION

- 9.4.1 The time of initial formation begins with admission and shall continue for a period of between one and two years (*cf.* GC 40.1). This period may be extended, when appropriate, for a further period of one year (*cf.* GC 41.3).
- 9.4.2 The period of initial formation may be shortened only when the Fraternity Council agrees that impending death warrants such shortening. Should the member survive, the period of initial formation should be completed.

9.5 PROFESSION

- 9.5.1 Profession fully incorporates the candidate into the Order (*cf.* GC 42.2). It is, by its nature, a perpetual commitment and profession of evangelical life. The requirements of profession include:
 - a) satisfactory completion of the required time of initial formation;
 - b) a request, in writing, by the candidate, submitted to the Minister of the particular Local Fraternity;

- c) acceptance of such request by the Fraternity Council in secret ballot;
 - d) attainment of the age of eighteen years (*cf.* GC 41.1-2).
- 9.5.2 Temporary profession may precede a perpetual profession and may be renewed annually for not more than three years (*cf.* GC 42.2). The conditions of temporary profession shall be the same as for perpetual profession.
- 9.5.3 It is the function of the Minister of the Local Fraternity or of his or her delegate to accept the profession in the name of the Church and the OFS (*cf.* GC 42.3). This profession is a public and ecclesial act carried out in accordance with the Ritual and, if possible, in conjunction with celebration of the Mass. The Spiritual Assistant is to witness the profession on behalf of the Church and of the religious Franciscan Order to which the spiritual care of the fraternity belongs (Ritual, Preface, n.16).
- 9.5.4 The act of profession, whether perpetual or temporary, is to be registered and preserved in the Fraternity Register (*cf.* GC 42.5).

9.6 FRANCISCAN SIGN

The distinctive sign and symbol of membership in the OFS National Fraternity of Australia shall be a form of the "TAU" (*cf.* GC 43).

9.7 FINANCIAL CONTRIBUTIONS

The brothers and sisters shall make contributions to the fraternity fund according to each one's means. Each fraternity shall make its financial contribution to the fraternities at higher levels in accordance with the rate determined by the higher level Councils (Rule 25; GC 30.3).

9.8 FRATERNAL AND PASTORAL VISITS

The provisions of Articles 92 to 95 of the General Constitutions, concerning the fraternal and pastoral visitations to fraternities at all levels, apply, as does Article 14 of the Statutes for Spiritual and Pastoral Assistance.

9.9 REIMBURSEMENT

- 9.9.1 The Local Fraternity will present to the Regional Minister or his or her delegate a reimbursement appropriate to the journey made and the length of stay required at the time of the fraternal visit, and also on the occasion of presiding over elections.
- 9.9.2 The Regional Fraternity will present to the National Minister or his or her delegate a reimbursement appropriate to the journey made and the length of stay required at the time of the fraternal visit, and also on the occasion of presiding over elections.
- 9.9.3 The National Fraternity will present to the General Minister or his or her delegate a reimbursement appropriate to the journey made and the length of stay required at the time of the fraternal visit, and also on the occasion of presiding over elections.

CHAPTER 10 - FRANCISCAN YOUTH AND CHILDREN

10.1 GENERAL

- 10.1.1 Franciscan Youth are those young persons who, wishing to discern their vocation, come together in groups and are assisted by Franciscan religious and the Secular Franciscan Order.
- 10.1.2 Franciscan Youth shall be aged between 14 and 30 years completed.
- 10.1.3 Franciscan Youth groups, besides the local level, shall be organised, where appropriate, on a regional and national basis with competency to formulate their own statutes, which are then to be given to the respective OFS Council for its consideration and approval. These statutes shall provide for their spiritual and

vocational needs together with an appropriate organisational structure (*cf.* GC 96.5).

10.2 FORMATION

10.2.1 Formation should include, besides others:

- * Scripture
- * Franciscan values
- * the OFS Rule
- * other appropriate forms of Christian spirituality.

10.2.2 After a suitable period, Franciscan Youth, in accordance with the General Constitutions and their statutes, confirm by personal pledge their membership of Franciscan Youth (*cf.* GC 96.3).

10.2.3 Franciscan Youth may also become members of the OFS and those who seek to do so shall engage in the formation programs of the Local Fraternity in which they seek membership.

10.3 RECIPROCITY

Although membership of Franciscan Youth may not necessarily lead to membership of the OFS, there shall nevertheless be a linkage between the two fraternities. As a minimum, this linkage shall take the following form:

- a) at least two members of the National Council of the Franciscan Youth must be professed Secular Franciscan youth (*cf.* GC 97.3);
- b) a representative of Franciscan Youth shall be designated by his or her Council to form part of the OFS Councils at national, regional and local levels. For voting rights, the representative must be a professed Secular Franciscan (*cf.* GC 97.4);
- c) there shall be representation of the OFS on Franciscan Youth Councils at national, regional and local levels. Franciscan Youth statutes should provide for such representation (*cf.* GC 97.4).
- d) the OFS Fraternities shall give a Fraternal Animator to the YouFra Fraternities (*cf.* GC 97.2).

10.4 FRANCISCAN CHILDREN

OFS and YouFra fraternities endeavor to create groups of children and adolescents, educating them to a simple and joyful family life, at school and in their environments, and introduce them to the knowledge and love of San Francis and the Franciscan life (*cf.* Cons. OFS 25).

CHAPTER 11 - SPIRITUAL ASSISTANCE

11.1 RESPONSIBILITY

11.1.1 It is the responsibility of the major superior of the Franciscan First Order that canonically established a Local Fraternity to provide spiritual assistance and pastoral care to that fraternity (*cf.* GC 86.1 and SSA 5.1-2).

11.1.2 A Local Fraternity may pass to the spiritual assistance and pastoral care of another religious Franciscan Order (*cf.* GC 47.2), by agreement, in writing, between the competent religious major superiors.

11.2 PARTICIPATION

The Spiritual Assistant is by right a voting member of the Council and the Chapter of the Fraternity to which he or she gives assistance and collaborates with it in all activities. Only in economic matters and in elections at any level does he or she not enjoy the right to vote (SSA. 12.3; GC 90.2, 77.1-2).

11.3 COLLEGIAL ACTION

With regard to the spiritual assistance and pastoral care of the regional fraternities and of the

National Fraternity, the religious major superiors with jurisdiction in the territory of these fraternities act collegially (*cf.* GC 88.5 and SSA 16.2), provided that their Order assists at least one Local Fraternity in the territory.

11.4 REQUESTS

11.4.1 The Local Fraternity Council shall request a suitable and prepared Spiritual Assistant from the competent major superior of the Franciscan First Order that canonically established the Local Fraternity (*cf.* GC 91.1).

11.4.2 The Regional Councils and the National Council shall request suitable and prepared Regional or National Assistants from the competent major superiors of the Franciscan First Order (*cf.* GC 91.1) through the Conference of National Spiritual Assistants (SSA. 19.1-3).

11.5 STIPEND

11.5.1 Included in the costs for the life of the Fraternity at the various levels (*cf.* GC 30) is the stipend for the Spiritual Assistant, whether religious or secular. This stipend is for services rendered to the Fraternity.

11.6 REIMBURSEMENT

11.6.1 The Local Fraternity will present to the Local Assistant a reimbursement appropriate to the journey made at the time of the meeting of the Local Fraternity and of the Local Fraternity Council.

11.6.2 The Local Fraternity will present to the representative of the Conference of Regional Spiritual Assistants a reimbursement appropriate to the journey made and the length of stay required at the time of the pastoral visit, and also on the occasion of his or her witnessing elections.

11.6.3 The Regional Fraternity will present to the Regional Assistant a reimbursement appropriate to the journey made at the time of the Regional Council and Chapter.

11.6.4 The Regional Fraternity will present to the representative of the Conference of National Spiritual Assistants a reimbursement appropriate to the journey made and the length of stay required at the time of the pastoral visit, and also on the occasion of his witnessing elections.

11.6.5 The National Fraternity will present to the National Assistant a reimbursement appropriate to the journey made at the time of the National Council and Chapter.

11.6.6 The National Fraternity will present to the representative of the Conference of General Spiritual Assistants a reimbursement appropriate to the journey made and the length of stay required at the time of the pastoral visit, and also on the occasion of his or her witnessing elections.

CHAPTER 12 – ESTABLISHMENT, ADOPTION, APPROVAL AND INTERPRETATION OF STATUTES

12.1 ESTABLISHMENT AND ADOPTION

12.1.1 Establishment and adoption of Regional Statutes are within the competency of the Regional Chapter.

12.1.2 Establishment and adoption of the National Statutes are within the competency of the National Chapter.

12.2 APPROVAL

12.2.1 Approval of Regional Statutes and of any amendments is within the competency of the National Council (*cf.* GC 6.3).

12.2.2 Approval of the National Statutes and of any amendments shall be obtained from the Presidency of the International Council (*cf.* GC 6.2; Statutes of the International Fraternity 13.1g).

12.3 INTERPRETATION

12.3.1 The Regional Council, acting on behalf of the Regional Chapter, and until the next meeting of the Regional Chapter, has the right to interpret the Regional Statutes with validity (*cp.* GC 5.3).

12.3.2 The National Council, acting on behalf of the National Chapter, and until the next meeting of the National Chapter, has the right to interpret the National Statutes with validity (*cp.* GC 5.3).

12.3.3 The Statutes and its amendments must be approved by the CIOFS Presidency.

12.3.4 After the approval of the CIOFS Presidency, the statutes become executive after 15 days from its promulgation by the National Minister.

Approved by
National Non-Elective Chapter: 15th September, 2018



Lola Kelly ofs
National Minister of the
Secular Franciscan Order in Australia

Confirmed by: The International Presidency: Date.....