Cathedral (Amending) Ordinance 2007

No 2, 2007

Long Title

An Ordinance to provide for the use and governance of St Andrew's Cathedral.

Preamble

The Standing Committee of the Synod of the Diocese of Sydney Ordains as follows.

PART A

(comprising amendments to be made to the Cathedral Ordinance 1969)

1. Amendments

The *Cathedral Ordinance* 1969 is amended by:

(a) the omission of the Table of Provisions and the sentence which follows that table;

(b) the substitution of the following for the Long Title:

"An Ordinance to provide for the use and governance of St Andrew's Cathedral.";

(c) the substitution of the following for the Preamble -

"The Standing Committee of the Synod of the Diocese of Sydney, in the name and place of the Synod, ordains as follows:"; and

(d) the insertion of the following clauses numbered 1 to 25 (and their headings) for clauses 1 to 38 of that Ordinance -

"PART 1 – INTRODUCTION

1. Name

This Ordinance is the *Cathedral Ordinance* 1969.

2. Purpose of this Ordinance

The purpose of this Ordinance is to provide for the use and governance of the Cathedral Church of St Andrew, Sydney, having regard to the following:

(a) The Cathedral is the teaching seat of the Archbishop.

(b) The Cathedral is the parish church of the Diocese.

(c) The Cathedral is the chapel of St Andrew's Cathedral School.

(d) The Cathedral is a centre of ministry to Sydney.

3. Definitions

In this Ordinance:

Annual Meeting of the Cathedral Congregations means the meeting of that name in the *Cathedral Regulations* 2007.

Archbishop means:

1. the Archbishop of Sydney; or

2. in the absence of the Archbishop – such person as he may have last appointed to exercise his functions generally or under this Ordinance; or

3. in a vacancy in the office of Archbishop – the person authorised by ordinance of the Synod to exercise the functions of the Archbishop of the Diocese.

Cathedral means the Cathedral Church of St Andrew, Sydney.

Cathedral School means St Andrew's Cathedral School.

Chapter means Chapter constituted by clause 9.

Diocese means the Diocese of Sydney.

eligible clergy means a member of clergy licensed or authorised to act or officiate by the Archbishop, but does not include a member of clergy employed by Chapter.

Standing Committee means the Standing Committee of the Diocese.

Synod means the Synod of the Diocese.

the Dean means the person appointed for the time being under clause 10.

PART 2 – THE ARCHBISHOP

4. Right to use, officiate and preach

The Archbishop has the right to use the Cathedral, and to officiate and preach in the Cathedral, as he sees fit.

PART 3 – THE PARISH CHURCH OF THE DIOCESE

5. The diocesan church

The Cathedral is the place of meeting on those occasions of significance for the Diocese when the people and churches of the Diocese come together.

6. General management and government of the Cathedral

(1) Subject to the rights of the Archbishop, the responsibility for the management and government of the Cathedral is vested in a diocesan body known as Chapter of the Cathedral Church of St Andrew, Sydney which is constituted by this Ordinance.

(2) Chapter's responsibility for the management and government of the Cathedral includes responsibility for the ministry of the Cathedral.

(3) Chapter may take reasonable steps to fulfil its responsibilities under this clause, provided that Chapter may not require the Dean to act contrary to his oaths of office or the terms of his licence from the Archbishop.

7. Property of the Cathedral

Without limiting clause 6, Chapter has the control and management of the property of the Cathedral.

8. Accounts

Chapter must comply with the Accounts, Audits and Annual Reports Ordinance 1995.

9. Members of Chapter

(1) The members of Chapter are:

(a) the Archbishop;

(b) the Dean;

(c) 4 lay persons who, at the time of election, are members of one of the cathedral congregations elected at the Annual Meeting of the Cathedral Congregations;

(d) 4 lay persons, who are eligible to vote at a vestry meeting of another church of the diocese elected by the lay members of the Synod;

(e) 4 eligible clergy elected by the clerical members of the Synod;

(f) 2 eligible clergy appointed by the Archbishop; and

(g) 2 lay persons appointed by a decision of the majority of the members referred to in paragraphs (b)-(f), inclusive, with the concurrence of the Archbishop.

(2) A member of clergy appointed or elected to Chapter shall be known as a clerical canon for as long as the member of clergy remains a member of

Chapter.

(3) A lay person appointed or elected to Chapter shall be known as a lay canon for as long as the lay person remains a member of Chapter.

(4) Nothing in this clause affects the operation of the *Canons Emeritus Ordinance* 1944.

PART 4 – THE DEAN AND MINISTRY TO SYDNEY

10. The Dean

The Dean is appointed by the Archbishop with the concurrence of Chapter.

11. Acting Dean

(1) An Acting Dean may be appointed by the Archbishop with the concurrence of Chapter to act as the Dean during any absence from office, or vacancy in office, of the Dean.

(2) A person while so acting has the rights and responsibilities of the Dean.

12. The Dean's rights – generally

(1) Subject to this Ordinance, the Dean:

(a) shall lead the ministry of the Cathedral;

(b) may exercise a wide discretion in his leadership of the ministry of the Cathedral;

(c) has the right to use the Cathedral, and to officiate and preach in the Cathedral, as he sees fit;

(d) has control and authority for all services and related activities that take place within the Cathedral; and

(e) is, in the Cathedral, next in seniority to the Archbishop.

13. The Dean's accountability

(1) Subject to this Ordinance, the Dean:

(a) is accountable to Chapter for his leadership of the ministry of the Cathedral and his functions under this Ordinance; and

(b) is to report to Chapter in relation to his leadership of the ministry of the Cathedral and his functions under this Ordinance at such times and in such manner as Chapter may reasonably require.

14. Appointment of staff

(1) Subject to this clause, the Dean may appoint the staff of the Cathedral if the appointment is within the terms of the budget adopted by Chapter.

(2) The Music Director and all full-time pastoral staff shall be appointed by Chapter on the recommendation of the Dean.

15. The Dean's pastoral superintendence of certain ecclesiastical districts

(1) The Archbishop may assign an ecclesiastical district to the Cathedral.

(2) During the period of its assignment, the ecclesiastical district is, subject to this Ordinance, under the pastoral superintendence of the Dean.

(3) An ecclesiastical district that is a separate cure of souls does not cease to be a separate cure of souls during the period of its assignment.

(4) A parishioner of a church within, or a member of a congregation of, an ecclesiastical district does not, as such a parishioner or member, acquire any rights in or control over the Cathedral as a consequence of the assignment.

(5) The Archbishop may revoke any such assignment at any time.

PART 5 – THE CHAPEL OF ST ANDREW'S CATHEDRAL SCHOOL

16. Use of the Cathedral as the School's chapel

Subject to this Ordinance, the Cathedral School may use the Cathedral as its chapel by agreement with the Dean.

PART 6 – FURTHER PROVISIONS CONCERNING THE MEMBERSHIP AND MEETINGS OF CHAPTER

17. Term of office of members

(1) A member of Chapter who is elected or appointed holds office for a term of 4 years from the date of the member's election or appointment.

(2) A member of Chapter, if qualified in accordance with clause 9, is eligible for re-election or re-appointment.

18. Casual vacancies

(1) A member of Chapter who is elected or appointed pursuant to clause 9 of this Ordinance ceases to hold office if the person:

(a) dies;

(b) resigns by instrument in writing to the Archbishop and the Archbishop accepts the resignation;

(c) ceases to be qualified in accordance with clause 9 to be eligible for election or appointment as a member of Chapter;

(d) is absent from 3 consecutive meetings of Chapter without the leave of Chapter;

(e) is certified by the Archbishop to be incapable of performing the duties of office;

(f) is declared by resolution of the Standing Committee to be unfit by reason of the person's conduct to be a member of Chapter, on proper cause being shown, and after the person has been given a reasonable opportunity by the Standing Committee to explain in writing why the resolution should not be passed; or

(g) becomes insolvent under any law relating to the administration of the affairs of insolvent persons.

(2) All casual vacancies under clause 9(1)(c) - (e) shall be filled by Chapter.

(3) A casual vacancy under clause 9 (1)(f) of this Ordinance shall be filled by the Archbishop.

(4) A casual vacancy under clause 9 (1)(g) of this Ordinance shall be filled by Chapter, provided that the Archbishop concurs in the appointment.

(5) A person who fills a casual vacancy holds office for the balance of the predecessor's term of office.

19. Meetings

Subject to this Ordinance:

(1) Chapter shall meet when required by the *Cathedral Regulations* 2007; and

(2) Chapter may conduct its business in such manner as it thinks fit, and notwithstanding any vacancy in its number.

20. Quorum

Nine members of Chapter, being three members of the eligible clergy and six lay persons, constitute a quorum at a meeting of Chapter.

21. Chairman

(1) The Archbishop, or in his absence the most senior member of the eligible clergy of Chapter, is the chairman at meetings of Chapter.

(2) The chairman has a deliberative vote only.

22. Decisions

A decision of the majority of the members of Chapter at which a quorum is present is a decision of Chapter.

23. Regulations

(1) Chapter may make regulations, not inconsistent with this Ordinance, for or with respect to any matter relating to the use or governance of the Cathedral.

(2) Chapter may amend or repeal any such regulation.

(3) This clause has no application to regulations made under clause 24 of this Ordinance.

PART 7 - CATHEDRAL SCHOOL

24. The objects of the Cathedral School

The objects of the Cathedral School include -

(a) the education of students who are enrolled at the Cathedral School in accordance with the doctrines and principles of the Anglican Church of Australia in force in the Diocese of Sydney; and

(b) the provision, from students enrolled at the Cathedral School, of choristers for the Cathedral.

(1) For the purposes of this clause, clause 25 and the Schedule, the term "regulations" means -

(a) the regulations contained in the Schedule; and

(b) any additional regulations pertaining to the Cathedral School as Chapter may prescribe pursuant to this clause.

(2) Chapter may by resolution amend or revoke any regulations or prescribe new regulations pertaining to the Cathedral School, provided that any such resolution of Chapter:

(a) is supported by at least two-thirds of the members of Chapter; and

(b) is subsequently approved by resolution of the Standing Committee.

(3) Any such resolution of Chapter shall take effect on and from the date on which such approval is given.

25. The Government and Management of the Cathedral School

The government and management of the School shall be the responsibility of the St Andrew's Cathedral School Council, hereinafter called "the Council", constituted with the powers, authorities, duties and functions contained in the regulations in the Schedule.

(1) The Council shall govern, manage and control all land, buildings, plant and equipment, other than such thereof as are fixtures, and all books and moveable records of the Cathedral School.

(2) Nothing contained in this Ordinance shall entitle or be deemed to entitle the Council to govern, manage or control the whole or any part of the land described in the First and Second Schedules to the *St Andrew's Cathedral Site Development Ordinance* 1970."

PART B

(comprising transitional provisions that will not appear in the Cathedral Ordinance 1969 as amended by Part A of this Ordinance)

2. Commencement

This Ordinance commences on the date of assent.

3. Constitution of Chapter

(a) "Clause" in this clause means a clause of the *Cathedral Ordinance* 1969 as amended by this Ordinance and "Schedule" in this clause means the schedule to this Ordinance.

(b) Notwithstanding anything to the contrary, on the commencement of this Ordinance the members of Chapter shall be those persons listed in the Schedule.

(c) The expiry of the initial term of office of the persons listed in the Schedule (c) - (g) shall be as stated in the Schedule.

(d) A person who has completed the person's initial term of office pursuant to the Schedule (c) – (g), and is qualified in accordance with clause 9, is eligible for re-election or re-appointment.

(e) Each person listed in the Schedule (c) – (g) shall be deemed to be duly elected or appointed under the corresponding paragraphs in clause 9 (1)(c) – (g), with the proviso that only one of those persons listed in the Schedule (c)(iv) and (v), the Schedule (d)(iv) and (v) and the Schedule (g)(ii) and (iii) respectively, can be re-elected or re-appointed under clause 9 (1)(c), (d) and (g) respectively when their initial terms of office expire in 2010.

4. The Dean

Subject to the *Cathedral Ordinance* 1969 as amended by this Ordinance, the person holding office as the Dean immediately before the commencement of this Ordinance continues, on and from that commencement, to hold the office of the Dean on the same terms and conditions on which the office was held immediately before that commencement.

5. Staff

A person holding an office or position as a member of the staff of the Cathedral immediately before the commencement of this Ordinance continues, on and from that date, to hold the same office or position on the same terms and conditions on which the office or position was held immediately before that commencement.

6. General savings

The repeal of a provision of the *Cathedral Ordinance* 1969 by this Ordinance does not affect anything lawfully done under the provision and having force or effect immediately before the repeal and any such thing continues to have such force or effect, subject to this Ordinance.

SCHEDULE

(a) the Archbishop;

(b) the Dean;

(c) (i) Dr John Bishop - Initial term of office expires on May 31, 2007.
(ii) Mr John Scott - Initial term of office expires on May 31, 2008.
(iii) Mr Kel Richards - Initial term of office expires on May 31, 2009.
(iv) Mr Denis Player - Initial term of office expires on May 31, 2010.
(v) Mr James Davis – Initial term of office expires on May 31, 2010.

(d) (i) Dss Margaret Rodgers - Initial term of office expires on October 31, 2007.
(ii) Mr David Gold - Initial term of office expires on October 31, 2008.
(iii) Peter Grogan AJ - Initial term of office expires on October 31, 2009.
(iv) Mr Neil Cameron - Initial term of office expires on October 31, 2010.

(v) Dr Alex Churches - Initial term of office expires on October 31, 2010.

(e) (i) Ven Terry Dein - Initial term of office expires on October 31, 2007.

(ii) Rev Canon Dr John Woodhouse - Initial term of office expires on October 31, 2008.

(iii) Rev Canon Jim Ramsay - Initial term of office expires on October 31, 2009.

(iv) Rev Canon John Bales - Initial term of office expires on October 31, 2010.

(f) (i) Bishop Peter Tasker - Initial term of office expires on June 30, 2008.

(ii) Bishop Rob Forsyth - Initial term of office expires on June 30, 2010.

(g) (i) Mr Phillip Heath - Initial term of office expires on June 30, 2008.

(ii) Dr Boyo Ockinga - Initial term of office expires on June 30, 2010.

(iii) Mr Peter Kaldor - Initial term of office expires on June 30, 2010.

I Certify that the Ordinance as printed is in accordance with the Ordinance as reported.

PG KELL
Chairman of Committees

I Certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on 19 February 2007.

R WICKS
Secretary

I Assent to this Ordinance.

PETER F JENSEN
Archbishop of Sydney
21/2/2007