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*Cathedral Ordinance 1969*

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No. 45, 1969

AN ORDINANCE to amend and consolidate the Ordinances regulating the Constitution of the Chapter of St. Andrew's Cathedral.

WHEREAS it is expedient to amend and consolidate the provisions made for regulating the Constitution of the Chapter of St. Andrew's Cathedral NOW the Synod of the Diocese of Sydney in pursuance of the powers in that behalf conferred upon it by the constitutions for the management and good government of the Church of England in Australia within the State of New South Wales and of all other powers vested in the said Synod HEREBY DECLARES, DIRECTS, ORDAINS AND RULES as follows:—

SHORT TITLE

1. This Ordinance may be cited as the "Cathedral Ordinance 1969".

REPEAL

2. The provisions of "The Cathedral Ordinance 1935" and "The Cathedral Ordinance 1935 Amendment Ordinance, 1938" are hereby repealed.
3. Such repeal shall not affect or invalidate any act done properly vested or appointment or regulations made under or by virtue of the ordinances hereby repealed, and all persons appointed thereunder and holding office at the passing of this Ordinance shall remain in office as if this Ordinance had been in force at the time they were appointed or elected and they had been appointed or elected thereunder and this Ordinance shall apply to them accordingly.

NAME OF CATHEDRAL

4. The Cathedral shall be called or known by the name of "The Cathedral Church of Saint Andrew, Sydney" and shall be held to be the Parish Church of the entire diocese.

ASSIGNING ECCLESIASTICAL DISTRICT  
TO THE CATHEDRAL

5. Nothing contained in this Ordinance shall prevent the Archbishop of Sydney (hereinafter called "the Archbishop") as Bishop of the Diocese if he shall see fit from assigning to the Cathedral an ecclesiastical district under the pastoral superintendence of the Dean of Sydney (hereinafter called "the Dean") for the time being to the intent that such district may be a separate cure of souls in the Diocese within the meaning of the constitutions contained in the Church of England Constitutions Act Amendment Act of 1902 PROVIDED nevertheless that the inhabitants of any such district shall not as such acquire any special rights in or any control over the Cathedral.

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### GENERAL GOVERNMENT OF THE CATHEDRAL AND RIGHTS OF THE ARCHBISHOP

6. The general management and government of the Cathedral shall be vested in a body of persons to be known as "The Chapter of the Cathedral Church of St. Andrew Sydney" (hereinafter called "the Chapter") without prejudice however to the right of the Archbishop or his Commissary to use the Cathedral for ordinations and to the right of the Archbishop to use the Cathedral on all other occasions appointed by him and to officiate and preach in the same as he shall see fit PROVIDED ALWAYS that in all matters concerning the performance conduct and arrangement of all services in the Cathedral including the appointment of preachers the Archbishop shall subject to any Rules or Regulations made by the Chapter have and exercise as he shall desire full control and authority in respect thereof and his decision shall be final and for such purposes he shall have keys of the Cathedral. PROVIDED FURTHER that whenever the See of Sydney shall be vacant the rights, powers and privileges vested in the Archbishop under this Ordinance shall be held exercised and enjoyed by the person who shall have been appointed for the purpose by an ordinance of Synod or in default of such an ordinance by the person who shall then be the next in ecclesiastical rank or degree in the diocese and resident therein until the assumption of office by his successor.
7. The Dean shall be appointed by the Archbishop subject to the concurrence of the Chapter.

### RIGHTS OF THE DEAN

8. Subject to the rights of the Archbishop and to the limitations and powers set out in Clause 6 hereof and to any Rules or Regulations made by the Chapter the Dean:—
  - (a) Shall have free access to the Cathedral at all such times as he shall think fit and shall have keys thereof.
  - (b) May celebrate in the Cathedral divine service administer the sacraments and perform all other rites and ordinances of the Church of England in Australia within the State of New South Wales without any hindrance from any person whomsoever.
  - (c) Shall have and exercise full control and authority in all matters concerning the performance conduct and management of all services in the Cathedral including the appointment of preachers PROVIDED ALWAYS that such appointment shall be made by and with the consent of the Archbishop except in respect of persons holding the Archbishop's licence to preach.
  - (d) In the absence from the diocese of the Archbishop or at his request the Dean may in so far as he lawfully can do so exercise the rights and powers and enjoy the privileges vested in the Archbishop by Clause 6 hereof

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PROVIDED FURTHER that in case the Dean shall cease to hold the office of Dean he shall thereupon ipso facto forfeit and be absolutely deprived of all and singular his rights in or respecting the said Cathedral.

### CONTROL OF CATHEDRAL PROPERTY

9. The Cathedral and the Chapter House and their fabric together with the revenues therefrom shall be under the control and management of the Chapter as hereinafter provided.

### CONSTITUTION OF CHAPTER

10. The Chapter shall consist of:—
- (a) The Archbishop, the Dean, the Chancellor of the Diocese.
  - (b) Two Bishops Coadjutor to be appointed by the Archbishop.
  - (c) Eight Canons being licensed clergymen of the Diocese in the Holy Order of Priesthood and resident in the diocese of whom:—
    - (i) three shall be appointed by the Archbishop;
    - (ii) three shall be elected by the clergy of the diocese summoned to the Synod and other licensed clergymen of the Diocese in the Holy Order of Priesthood and resident in the Diocese;
    - (iii) two shall be elected by the clergy and lay representatives summoned to the Synod who, for this purpose shall vote collectively.
  - (d) Twelve Lay Canons being communicants of the Church of England in Australia resident within the diocese of Sydney of whom:—
    - (i) one shall be appointed by the Archbishop;
    - (ii) one shall be appointed by the Dean; and
    - (iii) ten shall be elected by the Synod of the Diocese and for this purpose clergy summoned to the Synod and lay representatives summoned to the Synod shall vote collectively.

### VACATION OF SEAT BY FRESH APPOINTMENT

11. Whenever any member of the Chapter shall accept any office or appointment to which a seat in the Chapter is attached, the seat in Chapter previously held by him shall ipso facto be vacated and the vacancy thus created shall be filled according to the circumstances of each case.

### SENIORITY

12. In the Cathedral the Dean shall be next in seniority to the Archbishop and thereafter the Bishops Coadjutor and the

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Canons and the latter shall take rank amongst themselves according to the date of their appointment or election and when two or more Canons shall have been appointed or elected at the same time the Canons so appointed or elected shall take rank according to their seniority as clergymen of the diocese, and Lay Canons shall take rank among themselves according to the aggregate lengths of the tenure of their office and when two or more Lay Canons have the same length of tenure they shall take rank according to the earliest appointment or election PROVIDED that for the purpose of this clause a reference to Bishops Coadjutor includes all the Bishops Coadjutor in the diocese with seniority according to the date of their appointment to be Bishops Coadjutor in the Diocese.

13. Every Bishop Coadjutor shall hold his office on the Chapter only during the tenure of his appointment as Bishop Coadjutor.
14. Every Canon shall hold his office until he resigns or his seat be vacated or he becomes disqualified.
15. A Lay Canon whether appointed or elected shall, unless he resigns or his seat be vacated or he otherwise becomes disqualified, continue in office for six years or, if at the end of that term, the Synod of the Diocese be not in session then until the session of the Synod next ensuing and if not otherwise disqualified shall be capable of being re-appointed or re-elected.

### CANONS

16. The function of the Canons is to assist the Archbishop and the Dean in the ministry of the Cathedral.
17. The stipends attached to the Canonries shall be allocated equally amongst the Canons of the Chapter for the time being.

### DISQUALIFICATION

18. A Canon shall become disqualified:—
  - (a) subject to the provisions of the Sydney Diocesan Retirements Ordinance, 1969, upon attaining the age of seventy years;
  - (b) by ceasing to hold a licence as a clergyman of the Diocese of Sydney; or
  - (c) unless with the approval of the Chapter, through failure by physical inability to perform his usual duties of a Canon for 12 calendar months in succession;  
and a Canon or a Lay Canon shall become disqualified:—
    - (d) by being absent from the meetings of the Chapter for six months in succession without the permission of the Chapter; or
    - (e) as the result of a finding or judgment of any tribunal or Court whether ecclesiastical or civil adjudging him guilty of any act which in the opinion of two-thirds of the members of the Chapter notified to him in writing by the Secretary

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of the Chapter shall render him unfit to continue to act as a member of the Chapter; and he shall thereupon cease to hold office.

**CASUAL VACANCIES**

19. Whenever any Bishop Coadjutor Canon or Lay Canon ceases to be a member of the Chapter through death, resignation or disqualification pursuant to the provisions of this Ordinance or if his seat be vacated pursuant to Clause 11 hereof the Chapter shall declare a vacancy to exist and at the same time shall also declare how the vacancy occurred and also whether the vacancy exists among the appointed or elected members and in the latter case whether under paragraph (c) (ii) or (c) (iii) or (d) (iii) of Clause 10 hereof.
20. (a) Whenever the Chapter declares a vacancy to exist among the appointed Bishops Coadjutor or Canons the Archbishop shall appoint a Bishop Coadjutor or a Canon to fill the vacancy in like manner as provided by paragraphs (b) and (c) (i) of Clause 10 hereof.
- (b) Whenever the Chapter declares a vacancy to exist among the elected Canons an election shall be held to fill the vacancy in like manner as provided by either paragraph (c) (ii) or (c) (iii) of Clause 10 hereof as the case may require and in that event the following rules shall apply:—
- (i) The Secretary of the Chapter shall forthwith cause to be posted to the persons entitled to vote in accordance with the provisions of paragraphs (c) (ii) or (c) (iii) of Clause 10 hereof as the case may be, a notice that a vacancy has been declared and that nominations to fill the vacancy are called for and drawing attention to such provisions of this Ordinance as relate to the making of such nominations.
  - (ii) Nominations shall open seven days after the day on which the Chapter declares a vacancy to exist and close at 4.00 p.m. fourteen days after the day on which such nominations open.
  - (iii) Nominations shall be delivered to the Secretary of Chapter and such nominations shall declare the address and designation of the person nominated and shall be signed by six persons qualified to vote at such election one of whom shall certify that the person nominated has consented to nomination as a Canon.
  - (iv) If the nominations are not in excess of the number of Canons required to be elected the Secretary of Chapter shall inform the Dean who at the next meeting of the Chapter shall declare the person or persons nominated to be duly elected as a Canon or Canons but whenever they are in excess of the number of persons required to be elected the election of such person or persons to be a Canon or Canons shall be by secret postal ballot.

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- (v) Papers for such ballot shall be circulated by the Secretary of the Chapter to the persons entitled to vote in accordance with the provisions of paragraphs (c) (ii) and (c) (iii) of Clause 10 hereof as the case may be within 14 days of the close of nominations.
  - (vi) The election of Canons under this Ordinance so far as voting ballot papers counting the votes and the result thereof are concerned shall as nearly as possible be in accordance with the provisions of the New South Wales Parliamentary Elections Act 1912-1952 and the Dean shall for the purpose of such election be deemed to be the Returning Officer and have a casting vote accordingly.
  - (vii) In the event of the Dean being absent or unable to act under the provisions aforesaid for election of Canons the Archbishop may appoint some other person to perform the functions hereinbefore mentioned in the place of the Dean and such person shall perform the same in accordance with the provisions aforesaid.
  - (viii) The Dean or other person acting for him under the provisions of paragraph (vii) hereof shall forthwith notify the person or persons so elected and shall also report the result of the election to the Archbishop who shall cause notice thereof to be exhibited in the Cathedral.
- (c) Whenever the Chapter declares a vacancy to exist among the appointed Lay Canons the Archbishop or the Dean as the case may be shall appoint a Lay Canon to fill the vacancy in like manner as provided by paragraphs (d) (i) or (d) (ii) of Clause 10 hereof and where the office of an appointed Lay Canon becomes vacant before the expiration of his term of service the term of service of the Lay Canon appointed to fill such casual vacancy shall expire at the date of expiration of the term of service of the Lay Canon whose seat he is appointed to fill.
- (d) Whenever the Chapter declares a vacancy to exist among the elected Lay Canons, then if the Synod be not in session the remaining members of the Chapter voting together may proceed to fill such vacancy by the election of a duly qualified layman who shall hold office until the session of Synod next ensuing, and if then elected by Synod or if some other layman is elected in his stead, the term of service of the person so elected shall expire at the date of the expiration of the term of service of the Lay Canon whose seat he was elected to fill.

**CHAIRMAN**

21. The Archbishop shall be the Chairman at meetings of the Chapter but in his absence the Dean shall be the Chairman.

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Should both be absent from any meeting the members present shall elect a Chairman for such meeting.

### DECLARATION TO BE SIGNED BY MEMBERS

22. Each member of the Chapter appointed or elected after the passing of this Ordinance shall on the first occasion of his being present at a meeting of the Chapter and before taking part in the business of the meeting sign the following Declaration:—
- "I, A.B. do hereby solemnly promise that I will duly observe and keep the Ordinances Rules and Regulations for the time being in force and affecting me as a member of the Chapter of the Cathedral Church of St. Andrew Sydney."

### QUORUM

23. Five members of the Chapter of whom two at least shall be Clerical Canons and two at least shall be Lay Canons shall form a quorum.

### POWERS OF CHAPTER GENERALLY

24. The Chairman shall have a vote as a member of the Chapter but shall not have any second or casting vote.
25. The Chapter may make Regulations prescribing all matters which by this Ordinance are required or permitted to be prescribed or which are necessary or convenient to be prescribed concerning the performance conduct and arrangement of the services in the Cathedral and things concerning the order and good government of the Cathedral and the conduct of the St. Andrew's Cathedral School and the management and control of all Cathedral property moneys and revenues or for carrying out of duties of the Canons Lay Canons Wardens and Officers of the Cathedral.
26. The Chapter may from time to time make Rules for the conduct of all business coming before it and for determining the validity of the elections of any Canon or Lay Canon and for securing the filling by appointment or election in the manner hereinbefore provided of any vacancy which may occur in the Chapter.

### SALARIES OF OFFICERS

27. The Chapter shall from time to time regulate the amount of salaries of all Officers of the Cathedral herein specified and shall have power to suspend or dismiss any Officer of the Cathedral for any cause which in the opinion of the Chapter shall warrant such suspension or dismissal.

### ANNUAL ACCOUNTS

28. The Chapter shall annually lay before the Synod of the Diocese

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an account of income and expenditure made up to 31st March next preceding such Synod.

### CATHEDRAL OFFICERS

29. There shall be attached to the Cathedral the following Officers, namely:—
- (a) A Precentor who shall be a Clergyman in Priest's Orders and shall be appointed by the Chapter.
  - (b) As many Minor Canons being Clergymen not exceeding four in number as may be appointed by the Archbishop with the concurrence of the Chapter.
  - (c) A Headmaster of the St. Andrew's Cathedral School who shall be appointed by the Chapter.
  - (d) An Organist who shall be appointed by the Chapter.
  - (e) Choristers of the St. Andrew's Cathedral School and choir-men who shall be appointed by the Precentor, and
  - (f) Such other Officers including an Assistant Organist as the Chapter may from time to time consider requisite for the due management of the Cathedral.
30. All Officers of the Cathedral shall in respect of the performance of their duties be subject to the general superintendence and control of the Chapter.

### PRECENTOR

31. The Precentor shall subject to the powers of the Archbishop, the Dean and the Chapter:—
- (a) Superintend the Choral Services.
  - (b) Select, in consultation with the Organist, the Choral Services and Music to be used by the Choir.
  - (c) Select and remove at any time Choirmen and Choristers and supply vacancies in the Choir, subject to paragraph (c) of clause 33 hereof.
  - (d) Be responsible to the Chapter for the safe keeping of all books and music to be used by the Choir, and
  - (e) Perform such other duties as the Chapter by Regulations may from time to time provide.

### MINOR CANONS

32. The duty of Minor Canons shall be to assist the Archbishop Dean or Canons in the performance of such services as may be prescribed and arranged by the Archbishop the Dean or the Chapter.

### ORGANIST

33. The Organist shall:—



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- (a) Play the Organ on all occasions when required so to do by the Archbishop the Dean or the Precentor.
- (b) Have charge of the Organ and be responsible to the Chapter for its safekeeping and also for the preservation of all Cathedral property connected with the organ.
- (c) Determine the fitness as regards vocal qualification only of men and boys to become or remain members of the Choir.
- (d) Be responsible to the Chapter for the musical education of all the boys and for this purpose attend not more than one hour and a half each week day on which the School is ordinarily open.
- (e) Conduct the Choir practices of men and boys at least once a week at such hour as may be most convenient.
- (f) Have the advantage of taking pupils who will be permitted to use the organ subject to Regulations as to times or otherwise made by the Chapter, and
- (g) Perform such other duties as the Chapter by Regulations may from time to time provide.

**CHORISTERS**

34. The Choristers shall in all respects be under the control of the Precentor and shall be subject to such Rules and Regulations as the Precentor shall with the approval of the Chapter from time to time prescribe. In the absence of the Precentor or if there is no Precentor for the time being the Choristers shall in all respects be under the control of the Dean or some other person appointed by the Dean to act for the time being.

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

ATHOL RICHARDSON,  
Chairman of Committees.

We certify that this Ordinance was passed this 17th day of October, 1969.

W. L. J. HUTCHISON,  
K. N. SHELLEY,  
Secretaries of Synod.

I assent to this Ordinance.

MARCUS LOANE,  
Archbishop of Sydney.

17/10/1969.