

CATHEDRAL ORDINANCE 2013

AN ORDINANCE with respect to the Cathedral Church of St. Peter and matters incidental thereto.

WHEREAS it is expedient to make better provision for the administration and affairs of and pertaining to the Cathedral Church of St. Peter **NOW THE SYNOD HEREBY DETERMINES:**

PART 1 - PRELIMINARY

Title

1. This Ordinance may be cited as the “Cathedral Ordinance 2013”.

Arrangement

2. This Ordinance is divided into parts as follows:-

- PART I - PRELIMINARY (Sections 1 - 3)
- PART II - USE OF CATHEDRAL (Sections 4 - 8)
- PART III - THE CATHEDRAL CLERGY (Sections 9 - 13)
- PART IV - THE CATHEDRAL CONGREGATION (Section 14)
- PART V - THE CATHEDRAL COUNCIL (Sections 15 - 18)
- PART VI - THE CATHEDRAL COUNCIL OFFICERS AND COMMITTEES (Sections 19 - 22)
- PART VII - THE CATHEDRAL CHAPTER (Sections 23 – 28)
- PART VIII - CATHEDRAL PROPERTY (Sections 29 - 35)
- PART IX - MISCELLANEOUS (Sections 36 – 38)
- PART X - COMMENCEMENT AND TRANSITIONAL (Sections 39 and 40)

THE SCHEDULE

Definitions

3. In this Ordinance whenever the context so permits -

"Cathedral property" means the land described in the Schedule together with the buildings and fixtures thereon and any other land which the Synod may declare that it holds for the purposes of this Ordinance;

"Chapter" means the Cathedral Chapter constituted under Part VII of this Ordinance;

"Congregation" means the St. Peter's Cathedral Congregation registered in accordance with the provisions of this Ordinance;

"Dean" means the Dean of the Cathedral appointed in accordance with the provisions of this Ordinance;

"designated service" – see section 38;

"nomination committee" means the nomination committee constituted in accordance with the provisions of the Parochial Administration Ordinance 1985 having the powers and functions set out in this Ordinance.

PART II - USE OF CATHEDRAL

Worship in the Cathedral

4. Subject to the provisions of this Ordinance the Cathedral shall be used for the performance of Divine Service, the administration of the Sacraments and other rites and ceremonies of the Church according to the use of The Anglican Church of Australia.

Other denominations

5. The Cathedral may be used for the performance of the rites and ceremonies of other Christian denominations subject to the approval of the Bishop and the Dean.

Other uses

6. Subject to any directions of the Bishop the Cathedral may be used for such other purposes whether ecumenical, secular or otherwise as the Dean may approve.

The Bishop

7. The Bishop shall at all times have the right to enter and use the Cathedral for such purposes as the Bishop shall determine and may conduct, preside and preach at such services as the Bishop may determine upon giving to the Dean reasonable notice thereof. For such purposes the Dean, the clerical staff and all officers of the Cathedral shall make available to the Bishop such facilities and resources as may reasonably be required.

Ordering and conduct of services

8. Subject to section 7 and any directions of the Bishop, the ordering and conduct of services and other activities in the Cathedral shall be under the direction of the Dean.

PART III - THE CATHEDRAL CLERGY

Responsibility

9. Subject to the provisions of this Ordinance the Dean shall have responsibility for
 - (a) the life and ministry of the Cathedral;
 - (b) the conduct of all services and other activities within the Cathedral;
 - (c) determining who shall conduct services or activities within the Cathedral and who shall preach thereat;
 - (d) the pastoral care of and ministry to the Congregation; and
 - (e) such other functions as are specified in this Ordinance.

Appointment of the Dean

10. The Dean shall be appointed by the Bishop after consultation with the nomination committee.

Admission of the Dean

11. The Synod shall admit the person so appointed to the office of Dean and shall give effect to every sentence of suspension or withdrawal of licence by the Bishop which shall or may at any time be pronounced in accordance with the

terms of the licence given to the Dean by the Bishop or pursuant to any Ordinance.

Cathedral Clergy

12. The Dean with the approval of the Bishop and the Cathedral Council may appoint a senior assistant priest and such other assistant members of the clergy as may be necessary for the performance of the functions associated with the Cathedral.

Other officers

13. (1) The Dean shall have the right to appoint and to dismiss the organist, director of the choir, sacristan, servers, vergers and such other administrative and maintenance staff as may be necessary for the affairs of the Cathedral.
- (2) The Dean shall have the right to appoint the choristers after consulting the director of the choir and to dismiss them.
- (3) The Dean shall have the right to appoint and to dismiss or to concur in the appointment as the case may require of the captain of the bellringers.

PART IV - CATHEDRAL CONGREGATION

Legislation and Regulation

14. (1) St Peter's Cathedral congregation shall continue to be registered as a parish under the name of St Peter's Cathedral Congregation.
- (2) The provisions of the Parochial Administration Ordinance 1985 shall apply to the Congregation with the following exceptions and qualifications:
- (a) Where the context so permits, a reference to "parish" in the said Ordinance or in any other Ordinance shall refer to the Congregation;
- (b) For the purposes of the said Ordinance the Parish Priest shall be the Dean;
- (c) Any reference in the said Ordinance to the Parish Council shall mean the Cathedral Council;
- (d) Any reference in the said Ordinance to Parish Trust Property shall mean the Cathedral property;

- (e) The nomination committee referred to in the said Ordinance shall be a council of advice to the Bishop with respect to the appointment of the Dean in accordance with the provisions of this Ordinance;
- (f) The following provisions of the said Ordinance shall not apply to the Parish:
 - Part II Divisions II and III (sections 8-16), Section 38
 - Part III Divisions II and III (sections 41-46)
 - Section 52, 53 (1), 58, 59, 60 and 61
 - Parts VI, VII, VIII and IX (other than sections 84 and 85).

PART V - THE CATHEDRAL COUNCIL

Powers and functions

15. There shall be a Cathedral Council which subject to the provisions of this Ordinance:
- (a) shall have and may exercise all the functions of a Parish Council in relation to the congregation;
 - (b) shall be responsible for the management of the Cathedral property and the administration of the affairs of the Cathedral and the congregation; and
 - (c) shall be responsible for the management of the financial affairs of the Cathedral.

Authority of the Council

16. Notwithstanding the provisions of the Diocesan Council and Ministry Units Ordinance 2007, the Council shall act as delegate of the Synod to the extent authorised by this or any other Ordinance.

Accountability

17. (1) Subject to the provisions of this Ordinance, the Council shall have power to deal with all funds of the Cathedral and all matters relating to the Cathedral property and shall report to each annual session of the Synod on the use and application of all such funds.
- (2) The funds of the Cathedral are funds under and within the control of the Synod for the purposes of the Auditors Ordinance 1986.

Composition

18. (1) The Council shall consist of:
- (a) The Bishop;
 - (b) The Dean;
 - (c) The senior assistant priest appointed under section 12;
 - (d) One member of the Church appointed by the Bishop;
 - (e) One member of the Church appointed by the Diocesan Council;
 - (f) The Churchwardens;
 - (g) Six members of the Vestry who shall hold office for terms of two years, and of whom one shall be appointed by the Dean and two shall be elected by the Vestry at each Annual Vestry Meeting of the congregation; and
 - (h) Not more than three members of the Church appointed for a period of one year by the Council.
- (2) The member of the Council appointed by the Diocesan Council shall be appointed at the first meeting of the Diocesan Council held after the annual session of the Synod in each election year referred to in section 14 of the Constitution (hereinafter referred to as "an election year") and in accordance with the provisions of the Elections and Appointments Ordinance 1980.
- (3) The member of the Council appointed by the Bishop shall be appointed at any time after the annual session of the Synod held in an election year but not later than one month after the appointment of the member of the Cathedral Council by the Diocesan Council.
- (4) Of the members of the Council elected or appointed pursuant to paragraphs (d), (e) and (h) of subsection (1) not more than one shall be a member of the clergy.
- (5) All members of the Council appointed or elected shall hold office until their successors are appointed or elected.
- (6) Any vacancy in the membership of the Council shall be filled as soon as possible after the vacancy occurs and in the same manner as the occupant was appointed or elected and by the same authority. The person so elected or appointed shall hold office for the balance of the term of office of the person who caused the vacancy.
- (7) If any appointed or elected member is absent from three consecutive meetings of the Council without leave of absence, that member may, by resolution of the Council, be dismissed by it, in which case a vacancy shall occur and shall be filled in the manner provided for in this section.

PART VI - COUNCIL OFFICERS AND COMMITTEES*Appointments by the Cathedral Council*

19. The Council may appoint -
- (a) a Deputy Chair;
 - (b) Chairs of any committees;
 - (c) Secretary;
 - (d) Treasurer;
 - (e) Members of committees;

provided that the Deputy Chair and Chairs of any committees shall be appointed only from among the members of the Council.

Chair of Cathedral Council

20. The Dean shall chair all meetings of the Council at which he or she is present and willing to act. In the case where he or she does not act, the Deputy Chair or a member of Council elected at the meeting shall chair the Meeting.

Executive Committee

21. (1) There shall be an Executive Committee consisting of:
- (a) The Dean, or in the Dean's absence or inability to act, the senior assistant priest appointed under section 12;
 - (b) The Churchwardens;
 - (c) The Deputy Chair of the Council;
 - (d) One other member of the Council.
- (2) Not fewer than half of the membership of the Executive Committee shall constitute a quorum.
- (3) The Executive Committee shall carry on the business of the Council, execute its directions, and perform such functions and duties as the Council may from time to time determine.
- (4) All decisions of the Executive Committee shall be reported to the Council at its next meeting.

Other Committees

22. (1) The Council may establish and dissolve such Committees as it sees fit for the purpose of carrying out the work of the Council and each committee shall perform such functions and duties as the Council may from time to time determine.

- (2) Each committee shall be elected by the Council and may include members of the Church who are not members of the Council.
- (3) Committees shall report in writing to the Council on all meetings.

PART VII – THE CATHEDRAL CHAPTER*Constitution and role*

23. There shall be a Cathedral Chapter, the functions of which are:
- (a) to foster the work of the Cathedral in its mission as the mother church of the Diocese;
 - (b) to provide advice to the Bishop and Dean in regard to the mission of the Cathedral in the City of Adelaide and the Province and the State of South Australia;
 - (c) to encourage support for the maintenance of the fabric of the Cathedral; and
 - (d) to perform the functions referred to it in Part VIII.

Membership

24. The Chapter shall consist of:
- (a) the Bishop;
 - (b) the Dean;
 - (c) the Archdeacons of the Diocese;
 - (d) the senior assistant priest appointed under section 12 (who will be designated Canon);
 - (e) any Special Ministry Canon appointed under section 26;
 - (f) four clerical Canons appointed under section 27;
 - (g) the Churchwardens who shall be designated honorary Lay Canons for the duration of their appointment; and
 - (h) two lay Canons appointed under section 28.

Meetings

25. (1) The Chapter must meet not less than twice in a calendar a year.
- (2) At all meetings of the Chapter the Bishop or, in the Bishop's absence or inability to act, the Dean shall preside.
- (3) The Dean shall be the Executive Officer of the Chapter and shall convene meetings after consultation with the Bishop.
- (4) The Chapter shall have no authority in the administration of the Cathedral, except as provided in sections 29 and 33 of this Ordinance.

Special Ministry Canons

26. (1) The Bishop with the concurrence of the Dean and the Chapter may appoint not more than three members of the clergy as Special Ministry Canons.¹
- (2) A Special Ministry Canon, unless an assistant member of the clergy appointed under section 12 or unless otherwise determined, shall be an honorary appointment and shall be on such terms as are agreed by the Bishop, the Dean and the Chapter.

Clerical canons

27. (1) There shall be four clerical Canons who shall be licensed members of the clergy of not less than four years standing and who are resident in the Diocese.
- (2) Two of the clerical Canons shall be appointed by the Diocesan Council.
- (3) Two of the clerical Canons shall be appointed by the Bishop after consultation with the Diocesan Council.
- (4) Subject to subsection (5) a clerical Canon shall hold office for such period as the appointor shall in each case determine and shall be eligible for reappointment.
- (5) No clerical Canon appointed under this section shall hold office continuously for a period in excess of six years.
- (6) After consulting the Chapter, the Bishop may confer the title of Canon Emeritus on a clerical Canon who has retired from active ministry as a clerical Canon.
- (7) A Canon Emeritus shall not be a member of the Chapter.

Lay Canons

28. (1) In addition to the Churchwardens there shall be two honorary Lay Canons who must be lay members of the Church resident in the Diocese.
- (2) One of the Lay Canons shall be appointed by the Diocesan Council.

¹ These might be, for example, a Canon Pastor, a Canon Missioner or a Canon Theologian.

- (3) One of the Lay Canons shall be appointed by the Bishop after consultation with the Diocesan Council.
- (4) Subject to subsection (5), a lay Canon appointed under this section shall hold office for such period as the appointor shall in each case determine and shall be eligible for reappointment.
- (5) No Lay Canon appointed under this section shall hold office continuously for a period in excess of six years.

PART VIII – CATHEDRAL PROPERTY

Fabric and ornaments of the Cathedral

29. No alteration or removal of or addition to the fabric, furnishings, or ornaments of the Cathedral shall be made unless it is approved by:
 - (a) a resolution of a majority of members of the Cathedral Council voting on a motion of which not less than 30 days' notice has been given to the members; and
 - (b) a resolution of a majority of members of the Cathedral Chapter voting on a motion of which not less than 30 days' notice has been given to the members;

and unless the Bishop, on the application of the Dean, has issued a faculty for the alteration, removal or addition.

Other property

30. No building shall be erected on, altered, demolished, added to or removed from the Cathedral property without the consent of the Dean, the Cathedral Council and the Bishop.

Leasing

31. The Synod with the consent of the Cathedral Council shall be at liberty to let any land comprised in the Cathedral property other than land on which the Cathedral is erected and not for the time being required for use in connection with the functions of the Cathedral provided however that no such land shall be let for a period exceeding twenty-one years without the consent of the Bishop also being in each instance first had and obtained.

Mortgaging

32. The Synod with the consent of the Cathedral Council shall be at liberty to mortgage any land comprised in the Cathedral property other than the land on which the Cathedral is built upon such terms and conditions as shall seem fit to the Synod and the amount so raised on mortgage shall be applied for such purposes (being purposes either expressly stated in the resolution of the Synod or if no such purposes shall have been stated then purposes in connection with the extension or development of the work of The Anglican Church of Australia within the Diocese) as the Synod shall determine. Monies so raised on mortgage and applied not for any purpose expressly stated in the said resolution but for purposes in connection with the extension or development of the work of The Anglican Church of Australia within the Diocese selected by the Synod shall not be deemed to be "amounts borrowed by the Parish" within the meaning of section 29 of the Parochial Administration Ordinance 1985.

Sale or transfer

33. The Synod with the consent of the Cathedral Council and the Chapter shall be at liberty to sell or transfer any land comprising part of the Cathedral property other than land on which the Cathedral is built, for such amounts and on such terms and conditions as shall seem fit to the Synod. The purchase monies shall be applied for the purposes of the life and ministry of the Cathedral in such manner as the Cathedral Council shall determine.

Exercise of Powers by the Synod

34. The several rights, duties and powers conferred upon the Synod pursuant to sections 31, 32 and 33 of this Ordinance may be exercised by the Diocesan Council in accordance with the provisions of section 22 of the Constitution only if passed by a majority of two-thirds of the Diocesan Council.

Contracts by Cathedral Council

35. The Cathedral Council shall not enter into any agreement contract or arrangement at any time for the maintenance of the Cathedral property or for the erection of any building on Cathedral property for an amount in excess of the amount fixed from time to time by the Diocesan Council without the prior written consent of the Diocesan Council. Unless the Diocesan Council shall otherwise determine, the amount referred to in this section shall be the amount fixed from time to time for the purposes of section 85 of the Parochial Administration Ordinance 1985.

PART IX - MISCELLANEOUS*Assessment*

36. For the purposes of this Ordinance and the Assessment Ordinance 1985, the "assessable income" of the parish, namely the Cathedral congregation shall be the amount received by the Cathedral taken in or in connection with regular services in the Cathedral excluding however the collection taken at any designated service.

Diocesan Grant

37. In recognition of the Cathedral's place in the life and ministry of the Diocese the Synod shall in each year make a grant to the Cathedral. Such grant shall be payable in such amount or amounts and at such time or times as the Diocesan Council may determine and shall be reported to the Synod.

Designated Services

38. (1) For the purposes of this Ordinance and the Assessment Ordinance 1985, a "designated service" is a service conducted in the Cathedral and after consultation with the Dean designated as such by the Diocesan Council or the Bishop and at which service the collection is to be for the benefit of a particular Church body. There shall be a maximum of three such services in any one calendar year. Prior to the holding of any such service the Diocesan Secretary or the Bishop shall give written notice to the Dean that the service is a designated service.
- (2) As soon as possible after a designated service has been held, the Treasurer shall account and pay over without any deduction to the Diocesan Secretary an amount equal to the collection taken at that service.
- (3) The Diocesan Secretary shall forthwith pay the collection taken at that service to the particular Church body.

PART X - COMMENCEMENT AND TRANSITIONAL*Commencement*

39. This Ordinance shall take effect from a date determined by the Bishop and from that date the Cathedral Ordinance 1993 is repealed.

Transitional

40. Notwithstanding the provisions of section 39 –

- (a) all persons holding office under the repealed Ordinance shall continue in office under and subject to the provisions of this Ordinance; and
- (b) the repeal of the Cathedral Ordinance 1993 shall not affect any act performed or decision made under the repealed Ordinance and any such act and decision shall continue to have effect under the provisions of this Ordinance.

THE SCHEDULE

1. The whole of the land more particularly described and set forth in a certain Indenture bearing date the 9th day of August 1862 and made between the Reverend George Henry Farr therein described of the first part George Wright Hawkes therein described of the second part and Augustus Short therein described of the third part. (The Cathedral)
2. The whole of the land comprised in Certificate of Title Register Book Volume 557 Folio 174. (The Vicarage)
3. The whole of the land comprised in Certificate of Title Book Volume 4138 Folio 847 and Volume 2461 Folio 9. (The Lodge)
4. Any other land which is declared by Synod to be held under this Ordinance.

Passed 20 October 2013