

*"Cathedral Ordinance, 1935."*

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No. 13, 1935.

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

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 within the State of New South Wales and of all other powers vested in the said Synod ordains and rules as follows:—

PRELIMINARY.

SHORT TITLE.

1. This Ordinance may be cited as the "Cathedral Ordinance 1935."

REPEAL.

2. The provisions of "The Cathedral Ordinance of 1902" the unrepealed part of "The Cathedral (Amendment) Ordinance 1910" "The Cathedral (Amendment) Ordinance 1912" "The Cathedral Ordinance Further Amendment Ordinance 1923" "The Cathedral Ordinance (Amendment) Ordinance 1930" and "The Cathedral Ordinance of 1902 Amendment Ordinance of 1932" are hereby repealed.

3. Such repeal shall not affect or invalidate any act done property vested or appointment or regulations made under or by virtue of any of the Ordinances hereby repealed, and all persons appointed thereunder and holding office at the passing of this Ordinance shall remain in office as if this Ordinance had been in force at the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 and they had been appointed thereunder and this Ordinance shall apply to them accordingly.

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.

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ASSIGNING ECCLESIASTICAL DISTRICT TO THE  
CATHEDRAL.

5. Nothing contained in this Ordinance shall prevent the Archbishop of Sydney as Bishop of the Diocese if he shall so see fit from assigning to the Cathedral an Ecclesiastical District under the pastoral superintendence of the Dean of Sydney 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.

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 called "The Chapter of the Cathedral Church of St. Andrew Sydney" without prejudice however to the right of the Archbishop of Sydney to use the Cathedral for Ordinations and on all other occasions appointed by him and to officiate and preach in the Cathedral as he may at any time 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 of Sydney shall (subject to any Rules or Regulations made by the Chapter as provided in Clause 15) have and exercise if he so desire full control and authority 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 Guardian of the Spiritualities.

7. The Dean shall be appointed by the Archbishop of Sydney subject to the concurrence of the Chapter.

RIGHTS OF THE DEAN.

8. Subject to limitations and powers stated in this Ordinance and to the Rules and Regulations for the time being in force thereunder and to the rights and authority of the Archbishop of Sydney which shall be paramount the Dean shall have free access

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to the Cathedral at all such times as he shall think fit and may therein celebrate Divine Service administer the Sacraments and perform all other Rites and Ordinances of the Church of England within the State of New South Wales without any hindrance from any person whomsoever and shall for such purposes have keys of the Cathedral. And in the absence from the diocese of the Archbishop or at his request the Dean may in so far as he lawfully can so do exercise the rights and powers vested in the Archbishop by Clause 6. PROVIDED that in case he 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.

IN WHOM CATHEDRAL PROPERTY VESTED.

9. The fabric and site of the Cathedral and Deanery and all lands and property together with the revenues therefrom belonging to the Cathedral now vested in the Church of England Property Trust Diocese of Sydney shall continue to be so vested. And all lands and property together with the revenues therefrom belonging to the Cathedral and not vested in any Trustee or Trustees shall be and the same are hereby vested in the said Trust such vested property being subject nevertheless in all cases to the control of the Chapter as hereinafter provided.

CONSTITUTION OF CHAPTER.

10. The Chapter shall consist of The Archbishop of Sydney The Dean The Chancellor of the Diocese respectively ex officio eight Canons being licensed Clergymen of the Diocese in the Holy Order of Priesthood and resident in the Diocese now appointed or to be appointed and elected as hereinafter provided and nine Lay Canons being communicants of the Church of England resident within the Diocese and now elected or to be elected by the Synod as hereinafter provided.

The Bishop Coadjutor of Sydney shall by virtue of his office and while holding the same be a member of the Chapter with the duties rights and privileges of a Canon of the said Chapter and shall under this Ordinance take precedence next after the Dean of Sydney.

The Precentor holding office at the time of the passing of this Ordinance shall remain a member of the Chapter while holding the office of Precentor.

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VACATION OF SEAT BY FRESH APPOINTMENT.

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

PRESIDENT.

12. The Archbishop of Sydney shall be President of the Chapter and the Dean shall act as President in the absence of the Archbishop of Sydney. Should both be absent from any meeting the members present shall elect a President for such meeting.

DECLARATION TO BE SIGNED BY MEMBERS.

13. Each member of the Chapter 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 this Chapter."

14. 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. The President shall have a vote as a member of the Chapter but shall not have any second or casting vote.

POWERS OF CHAPTER GENERALLY.

15. The Chapter shall have power from time to time as occasion may require to make Rules and Regulations upon and in respect of all matters and things concerning the order and good government of the Cathedral and the management and disposal of all Cathedral property moneys and revenues subject however to any specific trust by which the same may be affected and shall also from time to time as occasion may require make Rules and Regulations for the performance conduct and arrangement of the services in the Cathedral and for the duties to be performed by the Clerical Canons and Lay Canons of the Chapter and the officers of the Cathedral.

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CONDUCT OF BUSINESS.

16. 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 election of any Canon and for securing the filling up by appointment or election in the manner hereinafter provided of any vacancy which may occur in the Chapter.

SALARIES OF OFFICERS.

17. The Chapter shall from time to time regulate the amount of the salaries of all Officers of the Cathedral hereinafter 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.

18. The Chapter shall annually lay before the Synod of the Diocese an account of receipts and expenditure made up to 31st March next preceding such Synod.

CLERICAL CANONS: HOW APPOINTED AND ELECTED.

19. There shall be eight Canons of whom three shall be appointed by the Archbishop of Sydney three shall be elected by the Clergy of the Diocese in manner hereinafter provided and two shall be elected by the Clergy summoned and Lay Representatives to the Synod in the manner following: that is to say the Dean shall summon in writing a meeting of such Clergy and Lay Representatives and the method of nomination and election shall so far as the same can be applied be the same as is hereinafter provided for the election of Canons by Clergymen and for this purpose the words Clergy and Clergymen in Clauses 22 to 28 inclusive shall be taken to mean and include the said Clergy summoned and Lay Representatives to the Synod. The Canons shall take rank among themselves according to the date of their appointment or election and when two or more Canons shall be 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 every Canon shall hold his office for life unless he resign or his seat be vacated or he become disqualified as hereinafter provided.

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20. The Stipends attached to the Canonries respectively shall be received by the present recipients thereof so long as they shall remain members of the Chapter and on any vacancy arising the amounts which would by custom be allocated to the Canon ceasing to be a member of the Chapter shall from and after the vacancy be allocated equally amongst the Clerical Canons members of the Chapter for the time being.

DISQUALIFICATION.

21. A Canon shall become disqualified by being absent from the Diocese for three months in succession without the permission of the Archbishop or by ceasing to hold a license as a Clergyman of the Diocese or unless with the approval of the Chapter through failure by physical inability to perform the usual duties of a Canon for twelve months in succession or by such a violation of the Ordinances Rules or of the Regulations of the Chapter as shall in the opinion of two-thirds of the Chapter notified to him in writing signed by them render him unfit to continue to act as a member of the Chapter.

ELECTION OF CANONS: PRELIMINARY PROCEEDINGS.

22. For electing Canons the Dean shall by the direction of the Archbishop of Sydney or if the Archbishop be absent from the State by the direction of his Commissary if any or if the See be vacant then by the direction of the Administrator of the Diocese and in such manner and for such place and time (being not less than fifteen days from the date of the summons) as to the Archbishop of Sydney or the said Commissary or the said Administrator shall seem convenient summon a Meeting of the Clergy being in the Holy Order of Priesthood being Licensed Clergy of the Diocese and having a separate cure of souls within the Diocese together with the Warden of St. Paul's College within the University of Sydney the Principal of Moore College the Precentor of the Cathedral the Head Master of The King's School and the Ministers in charge of Provisional and Parochial Districts and all Clergymen who holding the Archbishop's general license have at any former time been licensed to a separate cure of souls in the Diocese.

And the Dean shall preside as Chairman at all Meetings or Adjourned Meetings for the election of Canons but the Chairman shall not have any vote except in the case hereinafter specially

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provided Should the Dean be unable to act from any cause whatsoever or should such office be vacant it shall be lawful for the Archbishop of Sydney or his Commissary or the Administrator of the Diocese as the case may be to appoint in writing one of the Licensed Clergymen aforesaid to fulfil the duties imposed in this respect upon the Dean by this and the following clauses.

MEETING AND ADJOURNED MEETING.

23. So soon as fifteen Clergymen together with the Chairman shall be present at the time and place mentioned in the summons the Meeting may proceed to business but if fifteen Clergymen and the Chairman are not present within half an hour after the time appointed the Meeting shall stand adjourned for fourteen days the hour for the Adjourned Meeting being the same as that for which the Meeting was summoned. And so soon as at such Adjourned Meeting twelve Clergymen and the Chairman are present the Meeting may proceed to business but if twelve Clergyman and the Chairman are not present within half an hour after the time appointed the election of the Canon or Canons for which the Meeting was originally summoned shall lapse and the Archbishop of Sydney shall appoint such Canon or Canons as the case may be (who shall be considered as a Canon or Canons elected by the Clergy) or shall direct a fresh election to be held and meeting called in manner hereinbefore prescribed.

24. In case of the Meeting or Adjourned Meetings proceeding to business if the number of persons proposed for election does not exceed the number which the Meeting is authorised to elect the Meeting may elect the person or persons so proposed accordingly.

MODE OF VOTING.

25. In case of the Meeting or Adjourned Meeting proceeding to business if the number of persons proposed for election shall exceed the number which the Meeting is authorised to elect the Chairman shall adjourn or further adjourn the Meeting as the case may be to such day as to him may seem convenient being not less than fifteen days from the date of such adjournment and the Dean shall forthwith transmit to every Clergyman summoned as aforesaid a ballot paper containing a list of the names of the persons proposed for election together with a notice of the day

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to which the Meeting has been adjourned as aforesaid. And each Clergyman if he desires so to vote shall thereupon transmit to the Dean or as the case may be to the Licensed Clergyman appointed as aforesaid to fulfil the duties of Dean under a sealed cover the aforesaid ballot paper indicating the person or persons in favour of whom he desires to give his vote.

#### FINAL MEETING.

26.—On the day to which the Meeting has been so adjourned as aforesaid the Chairman shall in the first place take in writing the votes of the Clergymen present if any who have not given their votes in writing as hereinbefore provided and shall then lay before the Meeting unopened the sealed ballot papers received from Clergymen under the provisions hereinbefore contained. These papers shall then be opened and the person or persons who has or have the majority of votes shall be deemed to be duly elected as a Canon or Canons of the Cathedral and the Dean shall in the case of every election transmit through the Archbishop of Sydney or His Commissary or the Administrator as the case may be to the Chapter a certificate in writing of such election.

#### CHAIRMAN'S CASTING VOTE.

27. If in any case the votes given for any two or more persons shall be equal the Chairman shall give a casting vote.

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 Parliamentary Electorates and Elections Act 1912-1929 and the Dean of Sydney shall for the purpose of such election be deemed to be the Returning Officer and have a casting vote accordingly and all the preceding clauses of this Ordinance so far as inconsistent with the provisions of the said Act shall be deemed to be superseded by the provisions aforesaid.

28. In the event of the Dean of Sydney being absent or unable to act under the provisions aforesaid for election of Canons the Archbishop or his Commissary or the Administrator as aforesaid 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.

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LAY CANONS—HOW ELECTED .

29. The Laymen qualified as hereinbefore mentioned shall be elected as Lay Canons of the Chapter by the Synod of the Diocese the Clergy and Representative Members of the Synod for this purpose voting collectively. The Lay Canons of the Chapter shall take rank as among themselves according to the aggregate lengths of the tenure of office and when two or more Lay Canons have the same length of tenure the Lay Canons elected shall take rank according to the earliest elections. And every elected Lay Canon shall unless becoming disqualified as hereinafter provided hold his 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.

DISQUALIFICATION.

30. An elected Lay Canon shall become disqualified by being absent from the meetings of the Chapter for six months in succession without the permission in writing of the Chapter or by the commission of any act which in the opinion of two-thirds of the Chapter notified to him in writing signed by them shall render him unfit to continue to act as a member of the Chapter and he shall thereupon cease to hold office and the Chapter shall report to the next meeting of the Synod the vacancy caused by such disqualification. In the event of any vacancy being caused in the number of elected Lay Canons of the Chapter through death resignation or disqualification then if the Synod be not in Session the remaining members of the Chapter may proceed to fill such vacancy by the election of a duly qualified Layman who shall hold office until the Session of the Synod next ensuing.

CATHEDRAL OFFICERS.

31. There shall be attached to the Cathedral the following Officers namely a Precentor who shall be a Clergyman in Priest's Orders and be appointed by the Chapter as many Minor Canons being Clergymen not exceeding four in number as may be appointed by the Archbishop of Sydney with the concurrence of the Chapter an Organist who shall be appointed by the Chapter Choristers who shall be appointed by the Precentor and such other Officers as the Chapter may from time to time consider requisite for the due management of the Cathedral.

CONTROL OF CHAPTER.

32. 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.

33. The Precentor shall—

- (a) Superintend the Choral Services.
- (b) Select, subject to the approval of the Chapter and in consultation with the Organist, the Choral Services and Music to be used by the Choir.
- (c) Select and remove Choirmen and Choristers and supply vacancies in the Choir, subject, however, in each instance, to the determination of the Organist as to vocal qualification.
- (d) Be responsible for the safe keeping of all books and music to be used by the Choir.
- (e) Be and act as the Head Master of the Cathedral Choir School.

Or otherwise as the Chapter by regulation may from time to time provide.

DUTIES OF MINOR CANONS.

34. The duty of Minor Canons, if any, shall be to assist the Archbishop of Sydney Dean or canons in the performance of such services as may be prescribed and arranged by the Chapter.

ORGANIST.

35. The Organist shall—

- (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 for its safe-keeping 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.

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- (d) Be responsible 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.

Or otherwise as the Chapter by regulation may from time to time provide.

DUTIES OF CHORISTERS.

36. 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.

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

R. C. ATKINSON,  
Chairman of Committees.

We certify that this Ordinance was passed this Twenty-seventh day of September, 1935.

S. H. DENMAN  
HARINGTON B. COWPER } Secretaries of  
the Synod.

I assent to this Ordinance.

HOWARD SYDNEY.

30th September, 1935.