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# St Michael's Provisional Cathedral Wollongong Ordinance 1969

(Reprinted under the Interpretation Ordinance 1985.)

The St Michael's Provisional Cathedral Wollongong Ordinance 1969 as amended by the St Michael's Provisional Cathedral Wollongong Amendment Ordinance 1970, the Area Deanery Ordinance 1985, the Interpretation Ordinance 1985, the Miscellaneous Amendments Ordinance 1986, the Diocesan Officers (Retirement) Ordinance 1987, the Assisted Provisional Parishes Ordinance 1988, the Diocesan Officers (Retirement) Ordinance Amendment Ordinance 1988, the Retirements Ordinance 1993, the Committee Membership Amendment Ordinance 1995 and the Accounts, Audits and Annual Reports Ordinance 1995.

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### Long Title

An Ordinance to name the parish church of Saint Michael at Wollongong as a Provisional Cathedral to constitute a Chapter as a body for its administration and control and for purposes incidental thereto.

### Preamble

<sup>1</sup> Whereas due to the rapid increase in population of a certain area of the Diocese of Sydney at and adjacent to the City of Greater Wollongong the Synod of the Diocese of Sydney has by resolution determined that provision should be made for the future establishment of a separate diocese or additional centre of diocesan administration for such area as may be further specifically defined And Whereas it is expedient that one of the parish churches in such area be now selected and designated as the Provisional Cathedral for such proposed new diocese or additional centre of diocesan administration and that such church be placed under the control of a Chapter and the title of the incumbent of such church be designated And Whereas it is proposed to select the Church of Saint Michael at Wollongong as the Provisional Cathedral in such area Now the Synod of the Diocese of Sydney in accordance with powers vested in it by the Constitutions for the order and good government of the Anglican Church of Australia in the Diocese of Sydney Hereby Ordains Declares Directs and Rules as follows.

### Name of the Provisional Cathedral

1. The parish church of Saint Michael at Wollongong shall henceforth be known as the Provisional Cathedral of Saint Michael at Wollongong.

### **Functions of the Provisional Cathedral**

- <sup>2</sup> 2. The said Provisional Cathedral shall continue to be the parish church of the parish in which it is situated and the provisions of the Church Grounds and Buildings Ordinance 1990, the Church Administration Ordinance 1990, the Trustees and Glebe Lands Ordinance 1990 and the Parishes Ordinance 1979 (or any amendments thereof) shall continue to apply to it and to any other church or churches which are or may become associated with it within such parish except in so far as such provisions are contrary to the express provisions of this Ordinance.

### **Provisions of the Presentation and Exchange Ordinance**

- <sup>1</sup> 3. The provisions of the Presentation and Exchange Ordinance 1988 shall not apply to the said Provisional Cathedral or to the parish in which it is situated.

### **Rector**

4. The Rector of the said parish church at the time of the passing of this Ordinance shall continue in office as such Rector and shall be styled Rector of such Parish and Senior Canon of such Provisional Cathedral and shall continue to be such Senior Canon while he remains such Rector.

### **Vacancy in Incumbency**

5. On a vacancy occurring in the incumbency of such Parish such vacancy shall be filled by the Archbishop with the concurrence of the Chapter of such Provisional Cathedral as hereinafter constituted at a meeting called for the purpose at which the quorum shall be ten members of whom three shall be lay canons elected or appointed pursuant to sub-paragraphs (d) and (e) of paragraph (5) of clause 10 hereof.

### **Faculties**

- <sup>1</sup> 6. For all purposes for which a faculty or other form of permit is required in relation to such Provisional Cathedral under clauses 9 and 10 of the Church Administration Ordinance 1990 the application for such faculty or other form of permit may be made by such Chapter or by the Church Committee of the parish church of Saint Michael and shall be approved by such Chapter and such Church Committee before it is forwarded to the Archbishop.
- <sup>3</sup> 7. The Archbishop may by writing and under his seal authorise the Bishop of Wollongong to exercise such of his powers in relation to faculty applications in relation to such Provisional Cathedral as he shall think fit and may at any time by writing and under his seal revoke any such authorisation in whole or in part.

### **Interpretation**

8. For the purposes of this Ordinance "Archbishop" means the Archbishop of Sydney for the time being, and in the absence of the Archbishop from the State of New South Wales the powers by this Ordinance vested in him shall (subject to such limitations as he may prescribe) be exercised by a Commissary appointed by him and in default of such appointment or if the Archbishop be incapable of acting then by the person who if the See were vacant would be the Administrator of the Diocese and if the See be vacant then by such Administrator.

### **Constitution of the Chapter**

- <sup>4</sup> 9. There shall be a Chapter of such Provisional Cathedral which shall exercise the powers duties and functions set out in clauses 5, 6, 18, 19 and 20 of this Ordinance in respect of such Provisional Cathedral. In all other respects the rights, powers and duties of the Churchwardens, Church Committee and Parish Council shall not be affected.
- <sup>5</sup> 10. Such Chapter shall consist of -
- (1) The Archbishop as President, ex officio.
  - (2) The Bishop of Wollongong, ex officio.
  - (3) Each Archdeacon having territorial jurisdiction within the area described in sub-paragraph (b) of paragraph (5) of this clause, ex officio.
  - (4) The Senior Canon of such Provisional Cathedral, ex officio.
  - (5) (a) One clerical and one lay canon to be appointed with the Archbishop's approval by the Bishop of Wollongong.

- (b) One clerical Canon holding the Archbishop's licence to a specific ministry within the area comprising the Area Deaneries in that part of the Diocese in which the Bishop of Wollongong exercises episcopal duties to be elected by the clerical members of Synod residing within such area.
- (c) One clerical canon holding the Archbishop's licence to a specific ministry within such area and two lay canons being resident within or parishioners of a parish, provisional parish or assisted provisional parish within such area to be elected by the clerical and lay members of Synod who
  - (i) represent parishes, provisional parishes and assisted provisional parishes in such area, or
  - (ii) are summoned or appointed under the 14th of the Constitutions contained in the Schedule to the 1902 Constitutions and who are resident within such area, such clerical and lay members voting together.
- (d) The Churchwardens of such Provisional Cathedral who shall be lay canons thereof.
- (e) Two lay canons to be elected by the annual vestry meeting of the parish church of Saint Michael at Wollongong.

Provided that, pursuant to the Diocesan Officers (Retirement) Ordinance 1987 -

- (a) a person of or above the age of 72 years is not eligible to be elected or appointed or to act as a lay canon, other than in the capacity of a churchwarden of the Provisional Cathedral;
- (b) a lay canon, other than a churchwarden of the Provisional Cathedral, shall be deemed to vacate office if the lay canon reaches the age of 72 years and the casual vacancy shall be filled in accordance with this Ordinance; and
- (c) the other members of the Chapter shall hold office subject to the Retirements Ordinance 1993.

A person who is an insolvent under administration is not eligible to be elected or appointed to or act as a member of the Chapter. A person who is a member of the Chapter shall be deemed to vacate office if that person becomes an insolvent under administration and the casual vacancy shall be filled in accordance with this ordinance.

<sup>6</sup> 11. The Chairman of the Chapter shall be the President or in his absence the Bishop of Wollongong or in his absence the Senior Canon. Should they be absent from any meeting the members present shall elect a Chairman for such meeting.

<sup>4</sup> 12. The Senior Canon and the clerical canons aforesaid and the Archdeacons who are members of the Chapter of such Provisional Cathedral shall have stalls in such Provisional Cathedral. Such clerical canons as aforesaid shall hold office only while they remain licensed as aforesaid and shall be deemed to have relinquished such office together with the title and stall connected with it in the event of retirement or removal for any cause from being licensed as aforesaid Provided that in the case of clerical canons who retire from full time active ministry the provisions of the Canons Emeritus Ordinance 1944 shall apply Provided further that any such clerical canon may resign from such office without relinquishing his licence to his other ministry within such area and shall thereupon be deemed to have relinquished such office together with the title and stall connected with it.

### **Elections**

13. Subject to the provisions of clause 14 and of sub-paragraphs (d) and (e) of paragraph (5) of clause 10 hereof, each such lay canon aforesaid shall hold office until the first day of the third successive ordinary session of Synod following his election or appointment, and shall be eligible for re-election or reappointment.

<sup>6</sup> 14. The first appointment of each lay canon to be appointed under the provisions of sub-paragraph (a) of paragraph (5) of clause 10 hereof shall be for the period ending on the first day of the first successive ordinary session of Synod following such appointment. At the first such election one lay canon shall be elected to hold office until the first day of the second successive ordinary session of Synod and one lay canon shall be elected to hold office until the first day of the third successive ordinary session of Synod following such election.

<sup>4</sup> 15. Whenever any canon or lay canon becomes a member of the Chapter ex officio or ceases to be a member of the Chapter through death resignation or any other cause the Chapter shall declare a vacancy to exist and at the same time shall declare how the vacancy occurred and whether the vacancy exists among the appointed or elected members and in the latter case whether under sub-paragraph (b) (c) or (e) of paragraph (5) of clause 10 hereof.

<sup>6</sup> 16. (1) Whenever the Chapter declares a vacancy to exist among the appointed clerical or lay canons the Bishop of Wollongong with the Archbishop's approval shall fill such vacancy.

(2) Whenever the Chapter declares a vacancy to exist among the elected clerical or lay canons an election shall be held to fill such vacancy in like manner as provided by sub-paragraph (b) or (c) of paragraph (5) of clause 10 hereof as the case may require and in that event the following rules shall apply -

- (a) The Secretary of the Chapter shall forthwith cause to be posted to the persons entitled to vote in accordance with the provisions of sub-paragraph (b) or (c) of paragraph (5) 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.
- (b) 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.
- (c) Nominations shall be delivered to the Secretary of the Chapter and shall declare an address and designation of the person nominated sufficient to identify him and shall be signed by four persons qualified to vote at such election one of whom shall certify that the person nominated has consented to nomination as a canon.
- (d) If the nominations are not in excess of the number of canons required to be elected the Secretary of the Chapter shall inform the Senior Canon who at the next meeting of the Chapter shall declare the person or persons nominated to be duly elected as 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 canon or canons shall be by secret postal ballot.
- (e) The Secretary of the Chapter shall cause papers for such ballot to be delivered to the persons entitled to vote within 14 days of the close of nominations.
- (f) 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 of New South Wales as amended and the Senior Canon shall for the purpose of such election be deemed to be the Returning Officer and have a casting vote accordingly.
- (g) The Bishop of Wollongong may appoint some person who in the event of the Senior Canon being absent or unable to act under the provisions aforesaid for the election of canons shall perform the functions hereinbefore mentioned in the place of the Senior Canon and such person shall perform the same in accordance with the provisions aforesaid.
- (h) The Senior Canon or other person acting for him under the provisions of paragraph (g) hereof shall forthwith notify the person or persons so elected and shall also report the result of the election to the Archbishop and to the Bishop of Wollongong and to the Church Committee of St Michael's who shall cause notice thereof to be exhibited in the Provisional Cathedral.

(3) Whenever the Chapter declares a vacancy to exist among the lay canons elected under sub-paragraph (e) of paragraph (5) of clause 10 hereof the Rector of such Parish shall call a Vestry Meeting within 90 days of such vacancy being declared for the purpose of filling the vacancy until the next Annual Vestry Meeting.

(4) Whenever the office of an appointed or elected lay canon becomes vacant before the expiration of his term of service the term of service of the lay canon appointed or elected 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.

### **Quorum**

<sup>4</sup> 17. Subject to the provisions of clause 5 hereof a quorum at meetings of the Chapter shall consist of not less than six members of whom at least one shall be a lay canon. The President or other person acting as Chairman at any meeting shall have a casting vote only.

### **Additional Powers and Duties**

<sup>6</sup> 18. In addition to all other powers and duties conferred by this Ordinance such Chapter shall act as an advisory body to advise the Archbishop, the Bishop of Wollongong and the Standing Committee of Synod on all matters relating to the Provisional Cathedral and its needs, property, functions and financing.

## **Chapter Entitlements**

- <sup>7</sup> 19. Such Chapter shall be entitled to receive from the Parish of Saint Michael Wollongong such moneys as may be determined by the Church Committee of the said church after consultation with the Chapter as to what may be considered requisite for the purposes of the Chapter and shall comply with the provisions of the Accounts, Audits and Annual Reports Ordinance 1995 (as amended from time to time).

## **Offertories**

- <sup>4</sup> 20. Offertories which shall be received at any service of a central or regional character outside the normal hours of service conducted in such Provisional Cathedral shall be applied to the funds of the Chapter or such other central funds as the Chapter may determine unless otherwise specified by the Archbishop.

## **Termination of Appointments Etc**

- <sup>4</sup> 21. Any person elected or appointed to any office or function in such Provisional Cathedral under the terms of this Ordinance shall cease to hold such office on the date when provisions shall have been effectively made for the Cathedral and Chapter of a new Diocese in or including such area and any title conferred by this Ordinance on any person shall cease to apply to such person on such date.

## **Rights of the Archbishop and Bishop**

- <sup>4</sup> 22. The Archbishop shall have the right to use such Provisional Cathedral for ordinations and on all other occasions appointed by him and to officiate and preach in such Provisional Cathedral as he may at any time see fit and for such purposes he shall have keys of such Provisional Cathedral but subject to this and the next succeeding clause the Senior Canon shall have the powers of a rector of a parish church with regard to such Provisional Cathedral.
- <sup>6</sup> 23. The Bishop of Wollongong shall subject to the rights of the Archbishop have the right to use such Provisional Cathedral for ordinations and on all other occasions appointed by him and to officiate and preach in such Provisional Cathedral as he may at any time see fit and for such purposes shall have keys of such Provisional Cathedral.

## **Citation**

- <sup>6</sup> 24. This Ordinance may be cited as "St Michael's Provisional Cathedral Wollongong Ordinance 1969".

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## **Endnotes**

1. Amended under the Interpretation Ordinance 1985.
2. Amended by Ordinance No 36, 1986 and under the Interpretation Ordinance 1985.
3. Amended by Ordinance No 36, 1986.
4. Amended by Ordinance No 48, 1970.
5. Amended by Ordinances Nos 48, 1970; 24, 1985; 36, 1986; 28, 1987; 30, 1988; 49, 1993 and 23, 1995 and under the Interpretation Ordinance 1985.
6. Amended by Ordinances Nos 48, 1970 and 36, 1986.
7. Amended by Ordinances Nos 48, 1970; 36, 1986 and 34, 1995 and under the Interpretation Ordinance 1985. The Chapter is subject to the Investment of Church Trust Property Ordinance 1990.

MARK PAYNE  
**Legal Officer**

WARREN GOTLEY  
**Diocesan Secretary**

21 November 1995