

Cathedral Ordinance, 1937

THE SCHEDULE. Title

Date of Ordinance	Title	Extent of Repeal
1918	The Parochial Ordinance	The whole
1923	The Parochial Ordinance Amendment Ordinance	The whole
1924	The Parochial Ordinance Amendment Ordinance	The whole
1925	The Parochial Ordinance Amendment Ordinance	The whole
1926	The Parochial Ordinance Amendment Ordinance	The whole
1927	The Parochial Ordinance Amendment Ordinance	The whole
1929	The Parochial Ordinance Definition Ordinance	The whole
1930	Parochial Ordinance Amendment Ordinance	The whole
1932	The Parochial Ordinance Amendment Ordinance, No. 1	The whole
1932	The Parochial Ordinance Amendment Ordinance, No. 2	The whole
1932	The Parochial Ordinance Amendment Ordinance, No. 3	The whole
1935	The Parochial Ordinance Amendment Ordinance	The whole
1914	Burial Grounds Ordinance	The whole
1915	Burial Grounds Ordinance Amendment Ordinance	The whole

AN ORDINANCE.

For establishing and regulating the Constitution of the Cathedral Church of Christ Church, Grafton.

The Synod of the Diocese of Grafton 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:

REPEAL.

1. The Ordinances mentioned in the Schedule hereto shall be and hereby are repealed. Provided that such repeal shall not affect or invalidate any act done or commenced or any appointment made under or by virtue of the said Ordinances and all persons elected or appointed thereunder and holding office at the commencement of this Ordinance shall remain in office as if this Ordinance had been in force at the time they were elected or appointed and they had been elected or appointed hereunder and this Ordinance shall apply to them accordingly.

SHORT TITLE.

2. This Ordinance may be cited as "The Cathedral Ordinance, 1937."

3. The Cathedral shall be called or known by the name of the Cathedral Church of Christ Church, Grafton, and is hereby appointed to be the Cathedral Church of the Diocese of Grafton and shall be used as such and also subject to the provisions of this Ordinance as the Church of the Parish of Christ Church, Grafton, and the Trustees for the time being of the said Church and every other person in any way acting in or about the execution of the Trusts relating thereto shall observe perform and keep the provisions of this Ordinance.

DEAN.

4. The Bishop shall by virtue of his office and in addition and without prejudice to all his Episcopal rights be the Dean of the Cathedral and shall have full charge and ordering of all services held in the Cathedral and shall when and as he may think fit use the said Cathedral and any Hall connected therewith for any purposes in fulfilment of his office as Bishop or Dean and shall have the right at any time to appoint any Minister to preach in the Cathedral provided that he shall give seven days' notice to the Sub-Dean of his intention to do so.

SUB-DEAN.

5. There shall be a Sub-Dean appointed who shall be entrusted with the Cure of Souls within the said parish. He shall during his occupancy of the said office be a member of the Chapter and ex officio Canon Residentiary.

CHAPTER.

6. The general management and government of the Cathedral in all matters relating to its religious and ecclesiastical affairs shall be vested in a body to be called "The Chapter of the Cathedral Church of Christ Church, Grafton," and the said Chapter shall consist of the Bishop, the Archdeacons of the Diocese as Canons ex officio, the Sub-Dean as Canon Residentiary and also of two other Clerical Canons, being licensed Clergymen of the Diocese of not less than six years' standing in the Holy Order of Priesthood and resident within the Diocese one of whom shall be appointed by the Bishop and one by the Synod of the Diocese voting together and of three Lay Canons, being Communicant members of the Church of England and unless exempted by the Chapter resident within the Diocese one of whom shall be appointed by the Bishop and two by the Synod of the Diocese voting together.

7. Whenever any vacancy shall have occurred in the office of Sub-Dean or Canon the person appointed to fill such vacancy after having made and subscribed a declaration of obedience to this Ordinance and such other declarations as may be prescribed by the Synod shall be solemnly installed in his office and seat in the Cathedral according to a special form of service sanctioned by the Bishop.

8. Every member of the Chapter before being installed in the seat assigned to him in the Cathedral Church shall make and subscribe the following declaration before the Bishop: I do solemnly promise that I will duly obey, observe and keep the Ordinances, Rules and Regulations of this Cathedral Church.

And no member of the Chapter shall be present or take part in any meeting of the Chapter until after his installation.

9. In pursuance of the rights conferred upon him in Section 4 of this Ordinance the Bishop shall be President of the Chapter and shall convene the meetings thereof. In the absence of the Bishop the Sub-Dean shall preside and if the Bishop and the Sub-Dean both be absent the Senior Archdeacon present shall preside.

10. When the Bishop shall preside at any meeting of the Chapter he may at his discretion vote as a member of the Chapter and if on any question the voting be equal he shall also have a casting vote.

11. When any member of the Chapter other than the Bishop shall preside he shall have his own vote, but shall not have any casting vote and when voting is equal the matter

under discussion shall be referred to the Bishop as ordinary and his decision shall be final. The presence of not less than five members of the Chapter shall be required to form a quorum for the transaction of business.

12. The Chapter may from time to time 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, which shall come in force when the Bishop shall have given his consent thereto in writing.

HONORARY CANONRIES.

13. There shall be three Honorary Canonries open to the clergy of the Diocese and conferred as a mark of distinction for meritorious work rendered in the service of the Church. The Bishop shall have and may exercise the right from time to time to choose one such clergyman to be an Honorary Canon and the members of the Synod Clerical and Lay voting together shall have and may exercise the right from time to time as vacancies shall occur to choose for nomination to the Bishop two such Clergymen to be Honorary Canons. The Honorary Canons shall have no seat on the Chapter, but may be invited to attend any meeting of the Chapter and take part in the discussion of any specified question to be brought forward at that meeting.

ELECTION OF SUB-DEAN.

14. When and as often as a vacancy shall occur in the office of Sub-Dean the Bishop shall within two calendar months convene a meeting of the Board of Electors. This meeting shall be summoned by written notice to each member of the Board given at least fourteen days before the date of meeting. The Board of Electors shall be constituted under the Seal of the Bishop of the Diocese. It shall consist of three members chosen by the Cathedral Chapter from among its number and three members chosen by the Cathedral Council from among its number. At any meeting of the Board of Electors there shall be in attendance besides the Bishop who shall be chairman at least three members of which at least one shall be a chosen member of the said Chapter and at least one shall be a chosen member of the said Council. Until released by the Bishop all proceedings of the Board shall be held to be confidential to the members thereof.

15. At such meeting the Bishop shall nominate to the Board of Electors a Clerk in the Holy Order of Priesthood for election as Sub-Dean. And if a majority of the electors then present concur in the nomination the Bishop shall proceed to instal the said Clerk as Sub-Dean. Should the Clerk so nominated be not so approved then within one calendar month the Bishop shall nominate a second Clerk qualified as aforesaid and should the Clerk so nominated be not approved the Bishop shall appoint a Clerk duly qualified to the office of Sub-Dean.

16. The Sub-Dean shall unless specially exempted by the Bishop reside within the boundaries of the Parish of Christ Church and shall have freely use possess and enjoy the parsonage house with its garden and appurtenances. Provided that immediately the said Sub-Dean shall cease from any cause whatsoever to hold his office he shall ipso facto be divested of all and singular the rights and privileges granted him under this Ordinance. He shall thereupon vacate the parsonage house with its garden and appurtenances and shall hand over the parish books, muniments, records, sacred vessels and all the keys into the custody of the Bishop or of some person appointed by the Bishop to receive the same.

17. The Bishop may from time to time appoint any Priest or Deacon to be an assistant on the Clerical staff of the Cathedral and may from time to time remove such assistant from office and in his discretion appoint another assistant and any Priest so appointed shall be styled Minor Canon and any Deacon so appointed shall be styled Assistant Minister.

DISQUALIFICATION OF CLERICAL CANONS.

18. When any Clerical Canon shall cease to be a licensed Clergyman of the Diocese or to reside within the Diocese or shall be absent from the Diocese for three consecutive months without the permission of the Bishop given in writing his Canonary shall thereupon become vacant and he shall cease to hold the office and to have the title of Canon—or if any members of the Chapter when required by the Bishop in writing shall refuse to perform the duties of his office or to comply with the regulations of the Chapter the Bishop may after due inquiry declare his Canonary vacant and he shall cease to hold the office and to have the title Canon.

DISQUALIFICATION OF LAY CANONS.

19. When any Lay Canon shall cease to reside within the Diocese unless exempted by the Chapter or shall be absent from three consecutive meetings of the Chapter without the permission of the Bishop, given in writing, or shall engage in any act which in the opinion of two-thirds of the Chapter render him unfit to continue in the performance of his duty as Lay Canon his Lay Canonary shall thereupon become vacant and he shall cease to hold the office and to have the title of Lay Canon.

20. The Sub-Dean shall be removable from his office in the same manner and by the same procedure as govern or shall govern the removal of Rectors of Parishes in the legislation of the Synod of the Diocese of Grafton.

21. All officers of the Cathedral shall as such be subject in respect of the performance of their duties to the superintendence and control of the Bishop and the Chapter.

22. When and as often as a vacancy shall occur in the office of Sub-Dean or if the Sub-Dean being charged with any

offence under any Ordinance of the Synod shall be under suspension from the exercise of his duties the Bishop may appoint a Clerk in the Holy Order of Priesthood to discharge the duties of the office during the period of such vacancy or suspension. In the event of the Sub-Dean's absence on leave he may nominate to the Bishop a locum tenens who shall upon the approval of the Bishop discharge the duties of the office and any such Clerk temporarily appointed or locum tenens shall have and may exercise the powers, rights and duties of Sub-Dean, but shall have no seat on the Chapter unless he shall otherwise be or become a member of the Chapter.

23. The Sub-Dean shall subject to the provisions of Section 4 hereto have free access to the Cathedral Church at all times and may celebrate Divine Service, administer the Sacraments and perform all other rights and ordinances of the Church of England without any hindrance from any person whomsoever and all fees and offerings made at or for any ecclesiastical office commonly known as "surplice duties" performed within the Cathedral or Cathedral Parish shall be the property of the Sub-Dean. He shall have the control of the sacred vessels and be the custodian of all the Cathedral and Parish books, muniments and records and of the keys of the Cathedral Church, Cathedral Hall and other buildings set apart to the use of the Parish.

24. The Sub-Dean may freely use the Cathedral Hall and other Parochial buildings for such Diocesan or parochial purposes as he may deem desirable and subject to the provisions of Section 4 hereto no meeting shall be held in any of the said buildings or grounds attached thereto without the previous knowledge and consent of the Sub-Dean.

25. The Sub-Dean shall have the appointment, control and removal of all Servers of the Sanctuary Cross Bearers and members of the Choir of the Cathedral and the Superintendents and teachers of the Sunday Schools and shall regulate the management of the said schools and direct the religious instruction given therein and at such other centres within the Cathedral Parish where religious instruction according to the principles of the Church of England is given.

CATHEDRAL COUNCIL.

26. The general management of the financial and other temporal affairs of the Cathedral authority of which is not expressly given in this Ordinance to some other person or body of persons and of the Cathedral Parish of Christ Church Grafton shall be vested in a body to be called the Cathedral Council and hereinafter called "The Council" consisting of the Dean, the Sub-Dean and ten Wardens. The meetings of the Council shall be presided over by the Dean or in his absence by the Sub-Dean. Provided that in the absence of both the Dean and Sub-Dean from any duly convened meeting the Council may appoint one of their number to be Chairman for that meeting only. The Chairman shall have a deliberative vote and in the case of an equality of votes on any question the matter shall be referred to the Dean and his decision shall be final.

27. The members of the Cathedral Council as at present constituted who are in office when this Ordinance shall come into operation shall continue to hold office and to perform the duties belonging to members of the Cathedral Council under this Ordinance until such time as the Bishop in consultation with the said members shall fix a date for the dissolution of the Cathedral Council so constituted and the election and appointment of members in accordance with the provisions of the section next following.

28. During the month of July in each successive year the election of Parishioners Wardens shall take place for which election a meeting of Parishioners shall be convened by the Sub-Dean by notice given during Divine Service on at least two Sundays immediately preceeding the same and a notice in writing shall be conspicuously exhibited at the principal entrance to the Cathedral during at least eight days. Each such notice shall include an invitation for nominations, made in writing and signed by two electors of persons qualified and if elected willing to accept the office of a Parishioners Warden. Nominations may be lodged with the Sub-Dean or his deputy up to the hour of the said meeting. The Dean or Sub-Dean shall preside at the meeting and if the number of persons nominated exceeds the number to be elected the meeting shall then proceed to elect by ballot seven qualified persons to be the Parishioners Wardens and these seven, together with three Wardens appointed by the Dean the Sub-Dean and the Chapter respectively shall be the Wardens of the Cathedral for the time being.

29. The Wardens shall hold office until the election and appointment of their successors, except as hereinafter provided.

30. Any vacancy in the number of elected members of the Council shall be filled up by the Council. The Dean, Sub-Dean and Chapter respectively shall fill up any vacancy in the Council to which they have the right of nomination.

31. For the purposes of this Ordinance the word "Parishioner" shall be defined to mean an adult member of the Church of England who has regularly attended Divine Service at the Cathedral Church of Christ Church during the preceding three months.

32. Any duly confirmed and practising communicant member of the Church of England being a male of the full age of 21 years and resident within the Diocese shall be deemed qualified to hold the office of Cathedral Warden.

33. Every Parishioner before voting at any meeting of Parishioners shall sign a declaration in or to the effect of Form 1, hereunder.

FORM 1.

"I, the undersigned, do declare that I am an adult member of the Church of England, and that I have regularly attended Divine Service at the Cathedral Church of Christ Church during the last three months."

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34. It shall not be lawful for any Cathedral Warden elected or appointed to perform the duties of his office or to take part in the business of any meeting of the Council until he shall have subscribed a declaration in or to the effect of Form 2 hereunder in a book to be kept for that purpose.

FORM 2.

"I, the undersigned, do solemnly declare that I am an adult communicant member of the Church of England duly qualified for the office of Warden under the provisions of the Cathedral Ordinance, 1937, and I do solemnly promise that I will duly keep and observe the Ordinances of the Synod of the Diocese and any Rule or Regulation duly made and in force under the provisions of the Cathedral Ordinance."

35. So soon as may be after the appointment and election of Cathedral Wardens and the making of the declaration hereinbefore provided the said Wardens shall during Divine Service and in the presence of the congregation be installed in their office.

36. The Bishop-in-Council may by writing under its hand after due inquiry remove from his office any Warden of the Cathedral Church for refusing or neglecting to conform to any of the provisions of any Ordinance assented to by the Bishop as any Ordinance of Synod.

37. Any member of the Council appointed or elected shall become disqualified and thereupon cease to hold office for any of the following reasons:—

- (a) Absence from the Diocese or from three consecutive meetings of the Council without the permission of the Council.
- (b) The commission of any act which in the opinion of two-thirds of the Council shall render him unfit to continue to act.
- (c) Ceasing to attend the services of the Church of England and joining another religious denomination.

38. The Council shall meet monthly on such day and at such hour as the majority of the members may from time to time determine.

39. At any meeting of the Council five shall form a quorum for the transaction of business and no vacancy or vacancies in the members shall from any cause whatever affect the validity of the proceedings of the Council.

40. The Council may from time to time appoint Committees and also make Rules and Regulations for the conduct and management of its business and from time to time add to vary or rescind the same. Provided that no Rule or Regulation so made shall be in contravention of the provisions of this Ordinance nor of the provisions of any Ordinance of the Synod now or hereafter in force.

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SECRETARY AND TREASURER.

41. The Council shall at its first meeting after election appoint from among its own members a Secretary and Treasurer and shall forward their names and addresses to the Registrar of the Diocese.

RIGHTS, POWERS AND DUTIES OF CATHEDRAL COUNCIL.

42. The rights, powers and duties of the Cathedral Council, in addition to those assigned to Churchwardens in the Book of Common Prayer shall be as follows:—

- (1) To have charge and administration of all offertories and collections, revenues and properties belonging to the Cathedral and Parish of Christ Church and to apply and appropriate the same as follows:—
 - (a) To pay the Sub-Dean such stipend as shall be fixed by the Cathedral Council with the concurrence of the Bishop.
 - (b) To pay to Assistant Clergy, if any, such stipend or stipends as shall be fixed by the Cathedral Council with the concurrence of the Bishop.
 - (c) To pay such salary to the Organist and such remuneration to others employed by the Cathedral Council as shall be fixed by the Council.
 - (d) To pay Diocesan dues.
 - (e) To pay rates, taxes, insurance and all necessary expenses in connection with the Cathedral, Cathedral Hall, their grounds and fences and the residence provided for the use of the Sub-Dean of the Cathedral as shall have been authorised by the Cathedral Council.
 - (f) As soon as conveniently may be after the taking of the same to pay to the Diocesan Council the whole of the proceeds of all collections made in pursuance of the Mission Collections Ordinance, 1939.
- (2) To provide all things necessary for the due celebration of Divine Service and the administration of the Sacraments.
- (3) To have the care of the Cathedral and its furniture and equipment and of the Cathedral Hall, its furniture and equipment.
- (4) To provide for the seating of the people on all occasions of Divine Service and for keeping order in the Cathedral and ground during such occasions and to report to the Bishop any grave irregularities in the performance of Divine Service.

(5) To discharge and perform all such other duties as are provided in this Ordinance.

(6) Prior to the 30th June in each year to prepare for consideration by the Bishop-in-Council and the Annual Meeting of Parishioners a detailed estimate of the amount required to be gathered for the proper maintenance of the Church's work in the Cathedral Parish during the next financial year.

43. Until such time as in the opinion of the Synod a sufficient endowment or other provision has been made to augment the present revenue of the Cathedral any increase in the cost of maintenance and upkeep of the Cathedral Church consequent on the completion of the Nave incurred with the consent in writing of the Bishop-in-Council first had and obtained shall be paid out of the revenue funds of the Diocese.

44. The Council shall at least ten days before the date of the Annual Meeting provided for in Section 28 print and circulate an account of all receipts and expenditure for the previous financial year duly audited by two auditors elected by the Parishioners and shall lay such account before the Synod at its next session.

REPRESENTATION IN SYNOD.

45. The Ecclesiastical division of the Diocese constituted and known as the Parish of Christ Church, Grafton, shall be entitled to be represented in the Synod of the Diocese by three Lay representatives elected thereto by the duly qualified electors of the said parish under the provisions of the Constitutions Act of 1902.

ORGANIST.

46. The Organist of the Cathedral Church shall be appointed by and shall hold office at the pleasure of the Cathedral Council. He shall play the organ whenever required to do so by the Dean, Sub-Dean, or Clerk-in-Charge in connection with any services of the Cathedral and be responsible for its safe keeping and for the due care of all music and other Cathedral property connected with the organ. He shall give such musical instruction to the Choir as the Chapter may determine and the Sub-Dean direct.

47. A detailed statement of the duties required of the Organist and of the privileges if any to be enjoyed by him shall be drawn up by the Council and a copy thereof furnished to him by the Dean or Sub-Dean on his first appointment to his office, and he shall enter into an agreement with the Dean or Sub-Dean as representing the Council faithfully to perform the said duties at an annual salary to be stated in the said agreement such salary having been first determined by the Council.

ANNUAL MEETING.

48. At the Annual Meeting of Parishioners the Order of Business shall be as follows:—

- a) Presentation of reports (if any) by the Dean, Sub-Dean and the retiring Council.
- b) Presentation by the Treasurer of the financial statements required by this Ordinance.
- c) The election of Wardens in accordance with the provisions of Section 28 of this Ordinance.
- d) The election of two persons to be auditors.
- e) The election if the Bishop's mandate has been received of three Lay representatives to Synod under the provisions of Sections 98 to 101 of the Parochial Ordinance, 1936.
- f) Presentation and adoption of the Budget for the current year.
- g) Presentations of reports (if any) of Parochial Organisations.
- h) Any other business that may legally be brought forward.

MEMORIALS, MONUMENTS, ETC.

49. (1) No monument, memorial, ornament, furniture or fittings shall be placed in the Cathedral or Cathedral grounds or moved or obscured or taken away unless and until the following requirements shall be complied with:—

- (a) The Sub-Dean and Wardens shall affix to the principal entrance or entrances of the Cathedral a notice setting out full particulars of such monument, memorial, ornament, furniture or fittings and of the position in or to which it is proposed to place or remove the same or of the manner in which it is proposed to obscure the same or stating the intention to take the same away as the case may be.
- (b) The said notice shall remain so affixed and undefaced for three weeks and during that time the Sub-Dean shall draw attention to it at two Services, being not less than seven days apart.
- (c) At the expiration of the said three weeks the Sub-Dean and Wardens shall make application in writing to the Bishop for permission to effect such placing moving, obscuring or taking away as the case may be.
- (d) Such application shall be accompanied by a copy of the said notice and evidence of compliance with the provisions of paragraphs (a) and (b) of this Sub-section.
- (e) All objections to the said proposals which have been received by the Sub-Dean or Wardens from Parishioners shall be sent to the Bishop with the said application.

(f) With the application for placing a monument or memorial there shall also be set out what provision (if any) by way of endowment or other security the donor or donors are willing to make for the repair and upkeep of the same.

(g) If the said application shall be signed by a Minister who is *Locum Tenens* only it shall be accompanied by the authority in writing of the Incumbent authorising the signing of the same.

(h) The Bishop after considering the said application, evidence and objections of Parishioners which he may have received may issue a Faculty for such placing upon such conditions as to repair and upkeep as he may decide or may give his consent in writing to such moving, obscuring or taking away.

(2) The Sub-Dean and Wardens shall immediately remove, replace, uncover or restore any monument, memorial, ornament, furniture or obstruction placed, moved or obscured in or taken away from the Cathedral or Cathedral grounds, otherwise than in accordance with Sub-section 1 on being required by the Bishop to do so.

50. All sittings in the body of the Cathedral Church shall at the customary hours of Divine Worship on Sundays and Holy Days be free and unappropriated. Provided always that the Cathedral Council shall set apart sufficient sittings for the use of the Bishop and the Canons of the Cathedral Clerical and Lay.

51. Where any accidental or unavoidable impediment omission or mistake shall have happened in carrying out the provisions of this Ordinance the Bishop may take such steps as may be possible for the removal of such difficulties.

52. This Ordinance as amended from time to time shall be printed as amended.

53. This Ordinance shall come into force on the Ninth day of November, 1937.

THE SCHEDULE REFERRED TO.

Date of Ordinance	Title	Extent of Repeal.
1914	Cathedral Ordinance	The Whole
1925	Cathedral Ordinance Amendment Ordinance, 1925	The Whole
1926	Cathedral Ordinance Amendment Ordinance, 1926	The Whole