

AN ACT
relating to the Cathedral Church of St Paul, Sale
and for other purposes

BE IT ENACTED by the Bishop, the Clergy and the Laity of the Anglican Church of Australia within the Diocese of Gippsland in Victoria duly met in Synod according to law as follows:

Short title

1. This Act may be cited as the Cathedral Act 1999.

Commencement

2. This Act comes into operation on 1 January 2000.

Definitions

3. In this Act—

"Cathedral" means the Cathedral church of St Paul, Sale;

"Cathedral lay canon" means a churchwarden of the parish within the meaning of the Parish Administration Act 1994;

"parish" means the parish of Sale.

Cathedral church and the parish of Sale

4. The parish church of St Paul, Sale is the Cathedral church of the Diocese of Gippsland and the principal church of the parish of Sale.

Bishop to have access to Cathedral church

5. (1) The Bishop shall have access to the Cathedral at all times and may there celebrate divine service and administer the sacraments and may perform all other rites and ordinances pertaining to the office of a bishop or priest of the Anglican Church.
(2) The Bishop shall have keys for the Cathedral and other buildings.
(3)The Bishop may appoint any person to be a special preacher in the Cathedral.
(4)The Bishop shall have the charge and control and ordering of all services connected with episcopal and diocesan functions and all matters pertaining to such services.

The Dean

6. (1)There shall be appointed a Dean of the Cathedral.
(2)The Dean shall be responsible for all the duties pertaining to the office of rector of the parish.
(3) Subject to this Act, the **Appointments Act 1994** applies to the office of Dean as incumbent of the parish.

Nomination of Dean by Cathedral Presentation Board

7. (1) There shall be a Cathedral Presentation Board consisting of—
 - (a) the Bishop, who shall be chairperson;
 - (b) an Archdeacon nominated by the Bishop;
 - (c) 2 of the diocesan members of the Clergy Appointments Advisory Board under the **Appointments Act 1994**, being one priest and one lay person, nominated by the Bishop;
 - (d) the 3 Cathedral lay canons.
- (2) The Cathedral Presentation Board may, by resolution approved by the Bishop, the Archdeacon, a majority of the Cathedral lay canons and by the 2 diocesan members, nominate a priest to fill a vacancy in the office of Dean.

Appointment of Dean

8. (1) The Bishop may appoint a priest nominated by the Cathedral Presentation Board as Dean of the Cathedral.
- (2) If the Cathedral Presentation Board does not nominate a priest within 4 months after there is a vacancy in the office of Dean, the Bishop may appoint a priest as Dean without the nomination of the Board.

Resignation

9. The Dean may at any time resign the office of Dean by giving the Bishop notice in writing in accordance with section 15 of the **Appointments Act 1994**.

Duties of Dean

10. Subject to the rights of the Bishop, the Dean is responsible for the ordering of divine service in the Cathedral and for the due performance of the services and the good order of the Cathedral.

Assistant clergy

11. The Dean, with the approval of the Bishop, may nominate assistant clergy who shall act under the direction of the Dean.

Application of Parish Administration Act 1994

12. (1) Except as otherwise provided in this Act, the **Parish Administration Act 1994** applies to the Cathedral and the parish.
- (2) The Dean is the incumbent of the parish.
- (3) The parish council of the parish shall be known as the Cathedral Chapter.
- (4) The churchwardens of the parish shall be known as the Cathedral lay canons.

Greater Chapter

13. (1) There shall be a Greater Chapter of the Cathedral, the functions of which are—
- (a) to be the adviser of the Bishop in things spiritual;
 - (b) to foster the development of the Cathedral as the mother church of the Diocese;
 - (c) to perform the functions referred to in section 14.
- (2) The Greater Chapter of the Cathedral shall consist of—
- (a) the Bishop;
 - (b) the Dean;
 - (c) the Archdeacons of the Diocese;
 - (d) the 3 clerical canons of the Cathedral holding office under section 15;
 - (e) the 3 Diocesan lay canons holding office under section 16;
 - (f) the 3 Cathedral lay canons.
- (3) The Bishop shall preside at meetings of the Greater Chapter.
- (4) The Bishop shall have a casting vote as well as a deliberative vote at a meeting of the Greater Chapter.
- (5) The Dean is the executive officer of the Greater Chapter and shall convene meetings of the Greater Chapter after consultation with the Bishop.
- (6) The Greater Chapter has no authority in the administration of the Cathedral except under section 14.

Alterations to fabric and ornaments of Cathedral

14. An alteration or addition to the fabric, furnishings or ornaments of the Cathedral shall not be made unless—
- (a) approved by resolution of a majority of the members of the Cathedral Chapter voting on a motion of which not less than 30 days' notice has been given to members; and
 - (b) approved by resolution of a majority of the members of the Greater Chapter voting on a motion of which not less than 30 days' notice has been given to members; and
 - (c) the Bishop, on the application of the Dean, has issued a faculty for the alteration or addition.

Clerical canons

15. (1) There shall be 3 clerical canons of the Cathedral.
- (2) A person is not eligible to be a clerical canon unless the person is a licensed member of the clergy of not less than 4 years' standing and is resident in the Diocese.

- (3) A person holding office as a clerical canon on the commencement of this Act continues in office.
- (4) Vacancies in the office of clerical canon shall be filled alternately by appointment by the Bishop and election by the Synod.
- (5) The first vacancy occurring after the commencement of this Act shall be filled by election by the Synod.
- (6) Subject to sub-section (7), a clerical canon continues to hold office until ceasing to be eligible for appointment as a clerical canon.
- (7) A clerical canon ceases to hold office if absent without leave of the Bishop from the Diocese for 3 consecutive months.

Diocesan lay canons

16. (1) There shall be 3 Diocesan lay canons of the Cathedral.
- (2) A person is not eligible to a Diocesan lay canon unless the person is a communicant member of the Anglican Church and is not a member of any other denomination and is resident in the Diocese.
- (3) A person holding office as a Diocesan lay canon on the commencement of this Act continues in office for the remainder of the term for which the person was appointed or elected.
- (4) Vacancies in the office of Diocesan lay canon shall be filled alternately by appointment by the Bishop and election by the Synod.
- (5) The first vacancy occurring after the commencement of this Act shall be filled by election by the Synod.
- (6) The term of office of a Diocesan lay canon is 3 years but the person is eligible, if qualified, for appointment or election for a further term.

Honorary clerical canons

17. (1) There shall be 4 honorary clerical canonries of the Cathedral.
- (2) The Bishop may appoint a priest who has served in the Diocese for the preceding 5 years to a vacancy in an honorary clerical canonry.
- (3) An honorary clerical canon takes precedence after the honorary Diocesan lay canons and before the Cathedral lay canons.
- (4) An honorary clerical canon may resign by notice given to the Bishop.

Honorary Diocesan lay canons

18. (1) There shall be 4 honorary Diocesan lay canonries of the Cathedral.
- (2) The Bishop may appoint a lay person who has served in the Diocese for the preceding 5 years to a vacancy in an honorary Diocesan lay canonry.
- (3) An honorary Diocesan lay canon takes precedence before the Cathedral lay canons.
- (4) An honorary Diocesan lay canon may resign by notice given to the Bishop.

Title of emeritus

19. (1) The Bishop may confer the title of Dean Emeritus on a Dean who has resigned or retired.
- (2) The Bishop may confer the title of Canon Emeritus on a clerical canon who has retired from active ministry after not less than 5 years in office.

Collections

20. (1) All collections made at, or for any ecclesiastical office performed, within the Cathedral shall be the property of the Dean and the Cathedral Chapter.
- (2) A Diocesan or parish organisation that wishes to receive part or all of any collection, whether made on a Sunday or any other day, shall make arrangements with the Dean and the Dean, in consultation with the Cathedral lay canons, may determine that part or all of that collection be paid to the Diocesan or parish organisation.

Repeal

21. **The Cathedral Act 1949** is repealed.