

## **THE CATHEDRAL (AMENDMENT) ACT, 2009**

**Be It Enacted** by the Bishop, the Clergy and the laity of the Anglican Church of Australia in the Diocese of Bendigo duly met in Synod as follows:

1. This Act maybe cited as “The Cathedral (Amendment) Act 2009”.
2. The Cathedral Act 1949, The Sub-Dean’s Act 1940 and any Act amending the same are hereby repealed except as to every operation already affected by, or any act done, or as to any right, title, obligation or liability already acquired or accrued under any such enactment.
3. The Church of Saint Paul, Bendigo, shall be the Cathedral Church of the Diocese.
4. The Church of All Saints, Bendigo, shall henceforth be known as “All Saints’ Old Cathedral”.
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6. The ordinary government and management of the Cathedral as the Parish Church of the Cathedral Parish shall be carried out by the persons and in the manner prescribed in the Parish Administration Act 1981.
7. The Dean shall be appointed by the Bishop on behalf of the Bendigo Anglican Diocesan Corporation incorporated under the Bendigo Anglican Diocesan Corporation Act 2014 and during any vacancy of the office of Dean the rights, powers and duties appertaining to the office of Dean except as such relate to the cure of souls of the Cathedral Parish shall devolve upon the Bishop.<sup>2</sup>
8. There shall be a Chapter of the Cathedral which shall consist of the following:
  - The Bishop
  - The Dean (who shall be the Chairman of the Chapter)
  - The Archdeacons of the Diocese
  - The Chancellor
  - The Advocate
  - The Registrar (who shall be the Secretary of the Chapter)
  - Five Clerical Canons
  - Five Lay Canons
  - Three persons of the Cathedral Parish elected by and from the Parish Council at its first meeting in each year.

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No. 5 of 1983.

<sup>1</sup> Section 5 relating to the appointment of an incumbent repealed; see section 33 of the Parish Appointments Act 1991.

<sup>2</sup> Section 7 amended in 2014 according to Schedule 2 of the Bendigo Anglican Diocesan Corporation Act 2014.

9. (a) Every Clerical Canon shall be a clerk in Priests Orders of not less than six years standing;
- (b) Every Lay Canon shall be a resident within the Diocese and shall be an adult communicant member of the Anglican Church of Australia.
10. Two Clerical Canons and two Lay Canons shall be elected by the Synod in the manner hereinafter mentioned.
11. The Bishop may appoint three qualified persons to be Clerical Canons and three qualified persons to be Lay Canons and may as often as the Canonries of such persons become vacant appoint other qualified persons in their place.
12. On the first day of each session of Synod the president shall declare whether any, and if so which, of the elective Clerical Canonries and Lay Canonries are then vacant and on a day to be named by him the Synod shall elect by ballot so many Clerks and so many Laymen qualified to be Clerical Canons or Lay Canons respectively as shall be required to fill the Canonries which shall have been declared vacant. Clerical Canons or Lay Canons elected under this section are taken as appointed by the Bendigo Anglican Diocesan Corporation incorporated under the Bendigo Anglican Diocesan Corporation Act 2014.
- 12 A. Any appointment or election of a person to office under this Act shall be on behalf of the Bendigo Anglican Diocesan Corporation incorporated under the Bendigo Anglican Diocesan Corporation Act 2014.<sup>3</sup>
13. (a) If any appointed or elected Clerical Canon resign his Canonry by writing under his hand addressed to the Chapter or ceases to be a licensed Clergyman in the Diocese his Canonry thereupon shall be declared vacant;
- (b) If any appointed or elected Lay Canon resign his Canonry by writing under his hand addressed to the Chapter or ceases either to be a communicant member of the Anglican Church of Australia or to be resident within the Diocese or attains the age of 70 years his Canonry shall be declared vacant.
14. If any appointed or elected Canon attain to any office by virtue of which he would be a member of the Chapter his Canonry thereupon shall be declared vacant.

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<sup>3</sup> Section 12 amended in 2014 according to Schedule 2 of the Bendigo Anglican Diocesan Corporation Act 2014.

15. The function of the Chapter shall be as follows:
  - (a) to be a board of advice to the Bishop on all matters concerning the spiritual welfare of the Diocese;
  - (b) to develop and foster the ministry of the Cathedral to the Diocese;
  - (c) to consult with the Parish Council of the Cathedral Parish in respect of any alterations to the Cathedral and in respect of the use thereof;
  - (d) in conjunction with the Parish Council of the Cathedral Parish to advise the Council of the Diocese of the state of the fabric of the Cathedral and of the expenditure of funds (if any) provided by the Diocese for the maintenance, renovation, restoration or alteration of the Cathedral.
16.
  - (a) The Chapter shall meet at least twice in each year and all members thereof shall be convened by the Dean who shall have a deliberative and a casting vote at all such meetings;
  - (b) A Quorum for any meeting of the Chapter shall be six (6) members of which three (3) at least shall be Clerical members and three (3) at least shall be Lay members.
17. Upon the resignation or retirement of a Clerical or Lay Canon the Bishop, after consultation with the Chapter, may confer upon such person the title of Canon Emeritus.
18. The Bishop may use the Cathedral when and as he may think fit for the special duties pertaining to the office of the Bishop.