

**THE CATHEDRAL ACT**

No. 2, 1972

AN ACT

TO REGULATE THE GOVERNMENT OF THE CATHEDRAL CHURCH  
OF THE DIOCESE OF WANGARATTA

Amended: No. 3, 1981; No.5, 1985; No.1, 1986; No. 6, 1994; No.10,1995; No. 5, 1997  
No.1, 2001; No. 9, 2003; No. 2, 2005; No.1, 2006; No.2, 2021

WHEREAS it is deemed desirable that provision be made to regulate the government of the Cathedral Church to define its relations with the Diocese and to set out the constitution and functions of the Cathedral Chapter.

BE it enacted by the Bishop the Clergy and the Laity of the Anglican Church of Australia within the Diocese of Wangaratta in Victoria duly met in Synod according to law as follows:-

Short Title  
Amended:  
No. 3, 1981  
No. 5, 1985  
No. 1, 1986  
No. 6, 1994  
No. 10, 1995  
No. 5, 1997  
No. 1, 2001  
No. 9, 2003  
No. 2, 2005  
No. 1, 2006

Repeal

Cathedral Church

Bishop - Ordinary  
and Visitor

Bishop's rights

Use of Cathedral  
for episcopal and  
Diocesan  
services

Notice for  
Diocesan  
services

Parish rights and  
privileges  
Amended:  
No. 1, 1986

1. This Act may be cited as "The Cathedral Act 1972-2006.
2. The Acts mentioned in the Schedule hereto shall be repealed except as to any operation already effected by or act done under the same or as to any right title obligation or liability already acquired or accrued thereunto.
3. The Church of the Holy Trinity Wangaratta is and shall be the Cathedral Church of the Diocese.
4. The Bishop shall have and retain their rights and privileges as Ordinary and Visitor of the said Cathedral Church.
5. The Bishop shall have the right of officiating or preaching at any service held in the Cathedral on giving to the Vicar eight days' prior notice thereof.
6. The Bishop when and as they may think fit may use the said Cathedral Church for holding ordinations for services during meetings of Synod and for other services specially connected with episcopal and diocesan functions (all of which services are hereinafter referred to as "Diocesan services").
7. The Bishop shall give to the Vicar eight days' notice when they require the said Cathedral Church for Diocesan services and shall have the charge and ordering thereof and may appoint the preacher at such services.
8. The Vicar Churchwardens and Parishioners of the said Cathedral Church for the time being shall retain all their respective rights and privileges in respect of the said Cathedral Church save where hereby expressly herein limited, and except where otherwise provided the said Cathedral Church shall be regulated like other Churches in the Diocese.

**THE CATHEDRAL ACT**

- |  |             |   |
|--|-------------|---|
| <p>Vicar to be Dean<br/>Amended<br/>No. 2 2005</p>                     | <p>9.</p>   | <p>The Vicar for the time being of the Parish of the Holy Trinity Wangaratta (the Cathedral Parish) shall during their incumbency be designated Dean of Holy Trinity Cathedral.</p>   |
| <p>Use of furniture<br/>etc.</p>                                       | <p>10.</p>  | <p>The use of the Cathedral Church by the Bishop or the Vicar shall include the use of the furniture thereof and of all things appertaining to the celebration of Divine service or the administration of the Sacraments.</p>   |
| <p>Vacancy of<br/>Incumbency<br/>Inserted:<br/>No. 2, 2021</p>         | <p>11.</p>  | <p>Despite anything to the contrary in the <i>Appointments Act 2019</i>, the process for the appointment of a priest to the office of Vicar of the Cathedral Parish shall be the process set out in Part 4 of the <i>Appointments Act 2019</i> with the additional requirement that the Bishop must consult with the Cathedral Chapter before making any appointment to the office of Vicar.</p>  |
| <p>Clerical Canons<br/>Inserted<br/>No 2, 2021</p>                     | <p>12.</p>  | <p>There shall be a minimum of two and a maximum of four clerical Canons of the Cathedral, being priests holding the Bishop's licence to minister in the Diocese, of whom -</p> <ul style="list-style-type: none"> <li>(a) up to two shall be elected by Synod; and</li> <li>(b) up to two may be appointed by the Bishop with the approval of the Cathedral Chapter.</li> </ul>  |
| <p>Clerical Canons<br/>Term of office<br/>Inserted:<br/>No 2, 2021</p> | <p>13.</p>  | <p>A clerical Canon appointed or elected under section 12 shall hold office until they either -</p> <ul style="list-style-type: none"> <li>(a) cease to hold the Bishop's licence to minister in the Diocese; or</li> <li>(b) have held office as a Canon for a period of two successive Synods from the date of their election or appointment; at which time their canonry will be vacant and they will cease to have the title of Canon.</li> </ul>   |
| <p>Lay Canons<br/>Inserted<br/>No. 2, 2021</p>                         | <p>14.</p>  | <p>There shall be a minimum of two and a maximum of four Lay Canons of the Cathedral, being communicants who are resident in or have a sufficient and current connection to the Diocese, of whom -</p> <ul style="list-style-type: none"> <li>(a) up to two shall be elected by Synod; and</li> <li>(b) up to two may be appointed by the Bishop with the approval of the Cathedral Chapter</li> </ul>  |
| <p>Lay Canons<br/>Term in office<br/>Inserted<br/>No2, 2021</p>        | <p>15.</p>  | <p>A Lay Canon appointed or elected under section 14 shall hold office until they -</p> <ul style="list-style-type: none"> <li>(a) cease to be resident in or have a sufficient and current connection with the Diocese; or</li> <li>(b) resign their office in writing; or</li> <li>(c) are unable to act by reason of incapacity; or</li> <li>(d) attain the age of 75 years; or</li> <li>(e) have held office as a Canon for a period of two successive Synods from the date of their election or appointment;</li> </ul> <p>and on the first occurrence of one or more of these events their canonry will be vacant and they will cease to have the title of Canon.</p> |
| <p>Filling of a<br/>vacancy<br/>Inserted<br/>No.2, 2021</p>            | <p>15 A</p> | <p>An election for Clerical and Lay Canons shall be held -</p> <ul style="list-style-type: none"> <li>(a) once in every two Synods, at the time and place appointed by the Bishop in the Synod Mandate; and thereafter, where a vacancy for an elected Canon arises, at the next session of the Synod immediately after the vacancy occurs .</li> </ul>   |
| <p>Honorary<br/>Canons</p>   | <p>16.</p>  | <p>Nothing in this Act shall prevent the Bishop from conferring the title of Honorary Canon upon a priest or lay person who immediately prior to their retirement has been a Canon provided that the Bishop may, with the consent of The Cathedral Chapter as hereinafter constituted, cancel any honorary title by declaration in writing.</p>   |

---

**THE CATHEDRAL ACT**

---

Cathedral Chapter  
Amended:  
No. 1, 1986  
No. 9, 2003

17. There shall be a Cathedral Chapter consisting of -
- (a) the Bishop in his capacity as the Ordinary;
  - (b) the Dean, as President;
  - (c) the Archdeacons of the Diocese
  - (d) the Clerical and Lay Canons;
  - (e) the Registrar; and
  - (f) the Churchwardens of the Cathedral Parish as elected and appointed under the *Parish Governance Act 2019*.

Meetings of  
Chapter  
Amended:  
No. 1, 1986  
No. 10, 1995

18. The Cathedral Chapter shall meet at least once in each year.

Bishop Voting

19. At meetings of the Cathedral Chapter the Bishop shall have a casting vote as well as a deliberative vote.

20. Six members of the Cathedral Chapter shall form a quorum.

Quorum  
No. 2, 2005

21. The functions of the Cathedral Chapter shall be:

Function of Chapter  
Amended:  
No. 1, 1986  
No. 2, 2005

- (a) To foster the development of the Cathedral as the Mother Church of the Diocese.
- (b) To consult with the Bishop on the filling of any vacancy in the incumbency of the Cathedral Parish.
- (c) To approve the appointment of Clerical and Lay Canons presented by the Bishop.
- (d) To approve any alterations or additions to the fabric and furniture of the Cathedral proposed by the Parish Council of the said Cathedral Church
- (e) To approve any proposals of the Parish Council of the said Cathedral Church
  - (i) for the raising of money for the fabric and furniture of the said Cathedral Church;
  - (ii) for the expenditure of income from the funds held by The Wangaratta Diocesan Trustees towards the maintenance upkeep repair and improvement of the said fabric and furniture whether or not such funds shall be held under general or express trusts Provided However if the latter always in accordance with the provisions of each trust; and
  - (iii) concerning the investment of such funds in accordance with the provisions of the Church Property Act.
- (f) To make recommendations to the Bishop, the Bishop-in-Council, the Dean or the Parish Council of the said Cathedral Church (as the case may be) on any matters concerning the well-being and control of the said Cathedral and the management and superintendence of the fabric and furniture thereof but keeping under consideration the provisions of Subdivision A of Division 5

**THE CATHEDRAL ACT**

of Part IX of the Parish Administration Act and the investment of the said trust funds.

- |   |     |   |
|---|-----|---|
| Allotment of Seating                            | 22. | The Churchwardens with the consent of the bishop and the Vicar may from time to time allot official seats in the Cathedral Church to any persons or corporate bodies and may with the like consent revoke such allotments at pleasure.  |
| Costs for Diocesan Services                     | 23. | Any special outlay connected with the use of the Cathedral for Diocesan services shall be a charge on the Diocesan Fund.  |
| Application of collections at Diocesan Services | 24. | The collections at all Diocesan services shall except when the same shall be held at or take the place of any ordinary Sunday service in the Cathedral be applied to such purpose as the Bishop in Council may direct.  |
| Consent for memorials etc.                      | 25. | No new tablets brasses or other memorials of a like nature shall be erected or placed in the Cathedral save with the consent of the Parish Council and of the Cathedral Chapter.  |
| Transitional Provisions No. 2, 2021             | 26  | The term of office of all clerical and Lay Canons holding office on the day the provisions of the <i>Cathedral (Chapter membership) Amendment Act</i> come into effect will from that day be deemed to be subject to sections 13 or 15 of this Act as amended so that any person whose office is brought to an end under those provisions will from that day cease to be a Canon. |
|   | 27  | The tenure of the person holding office as Rector and Dean as at the day the provisions of the <i>Cathedral (Chapter membership) Amendment Act</i> come into effect is not subject to the provisions in the <i>Appointments Act 2019</i> .  |
|   | 28  | As and when the office of Rector and Dean falls vacant, the provisions of the <i>Appointments Act 2019</i> as modified by section 11 of this Act will apply to the appointment of all subsequent Vicars of the Cathedral parish.  |

SCHEDULE

Act No. 2, 1908  
 Act No. 2, 1924  
 Act No. 1, 1931  
 Act No. 1, 1964

Passed: 7th August 1972  
 Assented to: 2nd October 1972

Act Amended No. 3, 1981.	Passed: 20th September 1981 Assented to but date not recorded
Act Amended No. 5, 1985.	Passed: 26th October 1985 Assented to: 19th December 1985
Act Amended No. 1, 1986.	Passed: 13th September 1986 Assented to: 16th September 1986
Act Amended No. 6, 1994.	Passed: 27th May 1994 Assented to: 7th June 1994
Act Amended No. 10, 1995.	Passed: 1st September 1995 Assented to: 1st October 1995
Act Amended No. 5, 1997.	Passed: 29th August 1997

**THE CATHEDRAL ACT**

---

Act Amended No. 1, 2001	Assented to:	4th September	1997
	Passed:	12th March	2001
Act Amended No. 9, 2003	Assented to:	10th April	2001
	Passed:	31 <sup>st</sup> May	2003
Act Amended No. 2, 2005	Assented to:	13 <sup>th</sup> June	2003
	Passed:	28 <sup>th</sup> May	2005
Act Amended No. 1, 2006	Assented to:	30 <sup>th</sup> June	2005
	Passed:	21 <sup>st</sup> April	2006
Act amended No. 2 2021	Assented to:	10 <sup>th</sup> May	2006
	Passed:	21 <sup>st</sup> may	2021
	Assented to:	21 <sup>st</sup> may	2021

[Editor's note:

Section 4(d) of Act No. 9, 2003 by amendment of The Cathedral Act 1972-2001 on changing the title of Canon Emeritus to Honorary Canon prescribed that this "amendment has no effect on nor prevents the use of the title Canon Emeritus heretofore conferred by the Bishop upon any priest or lay person".]