

SECTION D

Cathedral

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THE CATHEDRAL STATUTE

Enacted 2002

To provide for the constitution of the Cathedral Chapter.

1. The Purposes

The purposes for which the Cathedral exists are set out in the following mission statement:

Within the Anglican Church of Aotearoa New Zealand and Polynesia, as Tikanga Pakeha committed to bicultural partnership and as The Cathedral Church at the heart of the Diocese we seek to be a Christian community, which stands for:

- Openness, diversity and inclusiveness within a welcoming congregation.
- Communication of the Gospel that challenges hearts and minds, and addresses contemporary realities and future challenges.
- Creative tension between tradition and innovation in liturgy and music.
- Bicultural ministry, which respects space, which offers care and enables spiritual growth and a balance of tradition and innovation.

2. The Dean and Associate Dean

- 2.1(a) The appointment of the Dean shall be made by the Bishop with the Concurrence of the Chapter and the Standing Committee. During any vacancy in the office of Dean, the Chapter shall be responsible for ensuring that all the functions of the Dean as required by the statute are performed.
- (b) An Associate Dean, who shall be an ordained person, may be appointed by the Bishop on the recommendation of the Dean with the concurrence of the Chapter and the Standing Committee.
- (c) Subject to the provisions of this Act, the Dean shall be responsible for the ordering and control of the services in and the good government of the Cathedral and the implementation of the decisions of the Chapter.
- (d) The Dean shall be the chief pastor of the Cathedral and shall be the principal preacher and religious teacher.
- (e) Subject to the clauses 5 and 6, the Dean shall be responsible for the appointment and removal of Cathedral staff and shall direct and co-ordinate their work.
- (f) The Dean shall do all things necessary to ensure that adequate and worthy music is sung in the Cathedral. Members of the Choir shall be appointed and dismissed by the Dean in consultation with the Director of Music. The Dean shall report about these matters from time to time to the Chapter. In the case of members of the Choir who are pupils of The Cathedral Grammar School, the Dean shall also consult with the Head of that School.
- (g) The Dean shall cause a report to be made to each ordinary meeting of the Chapter upon all matters that have called for special attention or action by the Dean since the previous ordinary meeting.

3. The Chapter

3.1. Membership

The Chapter shall consist of

- (a) the Bishop,
- (b) the Dean,
- (c) six clerical Diocesan Canons (called clerical Canons),
- (d) six lay Diocesan Canons (called lay Canons) (two of whom shall be appointed from the congregation),
- (e) the Chancellor of the Diocese,
- (f) an associate Dean and
- (g) the secretary/treasurer (if not already a member)

In addition Canons in Residence may attend by invitation. They may speak but not vote. A secretary/treasurer shall be appointed by the Chapter, preferably from the Chapter members, who may include a Canon in Residence.

3.2 Appointment

- (a) When a vacancy occurs on the Chapter, the Chapter shall advise the Bishop and Standing Committee in writing. The Chapter will advise whether the person should be clerical or lay, the constituency they should represent and the skills they should have. The Standing Committee and Chapter may submit the names of appropriate persons for appointment as a member of the Chapter.
- (b) The Dean shall also consult the Bishop as to the names of appropriate candidates.
- (c) The Chapter shall then select a person, by election if necessary, whose name shall then be submitted to Standing Committee and subsequently to the Bishop for the Bishop's approval.
- (d) Thereafter the Bishop, or with the Bishop's agreement, the Dean, shall invite the candidate to join the Chapter.

3.3 Declaration

Before taking office every Canon shall make and subscribe the following declaration before the Bishop:

"I do hereby declare that in the exercise of my office as a member of the Chapter of the Diocese of Christchurch, I will hold my office in due submission to the Bishop of Christchurch and to the General Synod / Te Hinota Whanui of the Anglican Church in Aotearoa, New Zealand and Polynesia and to the Synod of the Diocese of Christchurch, and that I will conform to the provisions of the Cathedral Statute 2002"

3.4 Tenure

- (a) Each clerical Canon shall hold office for three years, but may then be eligible for re-election. Each year and in every subsequent year, one third of the clerical Canons for the time being or the number nearest to one third shall retire from office. The Canons to retire in each year shall be those who have been longest in office since their last election, but as between

persons who became Canons on the same day, those to retire shall (unless they otherwise agree among themselves) be determined by lot. A retiring Canon shall be eligible for re-election, (subject to clause 3.4(e)).

- (b) Two of the lay Canons shall be elected by the Cathedral congregation for a term of two years with one coming up for re-election each year. No such Canon shall hold office for more than a total of four years consecutively.
- (c) The remaining four lay Canons shall hold office for four years. Each year and in every subsequent year one quarter of the lay Canons for the time being or the nearest number to one quarter shall retire from office. The Canons to retire in each year shall be those who have been longest in office since their last election, but as between persons who became Canons on the same day those to retire shall (unless they otherwise agree among themselves) be determined by lot. A retiring Canon shall be eligible for re-election, (subject to clause 3.4(e)).
- (d) Every lay person qualified to hold office as a member of Synod shall be eligible to be a member of Chapter.
- (e) No Canon, clerical or lay, shall serve for more than 12 years consecutively.
- (f) The Canons in Residence shall be nominated by the Dean in consultation with the Chapter. Their names shall be submitted to the Bishop in writing for the Bishop's approval. Thereafter the Bishop, or with his or her agreement, the Dean, shall invite the Canon, to be a Canon in Residence who shall hold office for such a period as may be approved by the Bishop.
- (g) With the prior approval of the Bishop in writing, the Chapter may co-opt a person to be a Chapter member, if there is a vacancy, until such time as the appointment process is complete and a new Canon appointed.

3.5 Retirement and Resignation

A Canon shall be deemed to have vacated office if a Canon shall:

- (a) Be appointed to any office by which such Canon becomes an ex officio member of the Chapter, or
- (b) Resigns office by letter addressed to the Bishop, or
- (c) Ceases to reside in the Diocese, or
- (d) Be absent from the Diocese for more than six months without leave of the Bishop or the Chapter, or
- (e) Be found guilty of any of the offences specified by Canon *Title D*,
or
- (f) Being a clerical Canon ceases to hold the Bishop's licence to an ecclesiastical office in the Diocese.

- (g) Be diagnosed by two registered medical practitioners as being of unsound mind.

3.6 Honorary Canon

A Clerical Canon upon retirement from office, if he or she remains in active ministry with the Cathedral, may continue to use the title Canon at the invitation of the Chapter.

3.7 Chapter's Responsibilities, Powers and Duties

The Chapter is charged with the following duties:

- (a) The supervising, erection and maintenance of the fabric of the Cathedral and all matters relating to furnishing and ornamentation, in accordance with the Diocesan Faculties Regulations, consulting with the Standing Committee and The Church Property Trustees in the case of major work.
- (b) The ordering of all matters relating to the precincts of the Cathedral and to the erection and maintenance of all buildings and fences upon the Cathedral site, provided that in the event of the erection of any building of a diocesan character, the Synod or its Standing Committee may associate with the Chapter, such other body or bodies as it may think fit for the ordering, management and control of such building.
- (c) The appointment and approval of members of The Cathedral Grammar School Board pursuant to the constitution of that Board.
- (d) The management of the Cathedral archives in consultation with Diocesan archivist.
- (e) The control and management of all monies, collected for the benefit of the Cathedral or its activities and of all funds placed at its disposal by the Synod or any body or person.
- (f) To co-operate with the Bishop in the promotion of all works of a Diocesan character for which the Bishop may require its assistance.
- (g) To authorise the Dean (or in the Dean's absence a Senior Canon or an approved staff member) and one other Chapter member to sign jointly, documents on behalf of the Chapter.

3.8 Financial Powers and Duties of the Chapter

(a) Control and Use of Funds

All monies received by or on behalf of the Chapter shall forthwith be paid to the credit of the Chapter in an account with a bank or savings, bank from time to time to be decided by the Chapter, and all cheques, promissory notes, drafts and other negotiable instruments and all receipts for money paid to the Chapter, shall be signed, drawn, accepted endorsed or otherwise executed as the case may be, in such manner as the Chapter from time to time by resolution determines.

- (b) **Borrowing Monies**

The Chapter shall have the power to borrow monies, but such power shall only be exercised with the prior approval of, and subject to such conditions as may be imposed by, the Church Property Trustees.
- (c) **Raising Funds**

The Chapter may raise or authorise the raising of additional funds (otherwise than by borrowing) should it so desire.
- (d) **Expenditure of Monies**

The Chapter shall have the power to enter into commitments to spend monies and may expend monies on Cathedral business. No party, other than the Chapter, not holding a specific, delegated authority from the Chapter, may impose a financial obligation upon the Cathedral, and no monies belonging to the Cathedral shall be expended without the sanction of the Chapter, other than in the terms of such specific delegated authority.
- (e) **Investment of Funds**

Any funds not required for ordinary Cathedral purposes may be invested at the request of the Chapter by the Church Property Trustees in such manner as the Church Property Trustees think fit, and such investments shall be made and recorded separately in the books of the Church Property Trustees.
- (f) **Professional Services**

The Chapter shall have power to employ a professional accountant, secretary, or solicitor to undertake any such accounting, secretarial, or legal work or other duties as it may decide, and shall have power to fill any casual vacancies in such offices, and to pay such fees and other remuneration for any professional services as it shall approve.
- (g) **Annual Accounts and Reports**

The Chapter shall receive annually, a duly audited Statement of Receipts and Payments and Income and Expenditure of the Cathedral made up to 31 January, together with a report of activities of the Cathedral during the period, and the Annual Report of the Dean, which shall be submitted to Synod and the Bishop.
- (h) **Other Financial Statements**

The Chapter shall supply such additional financial statements, estimates, details of expenditure incurred, and other information relating to the Cathedral as may be required from time to time by the Bishop or The Church Property Trustees.
- (i) **Auditor**

The Chapter shall appoint an Auditor, who may be a member of the Institute of Chartered Accountants of New Zealand, but who shall not be a member of the Chapter nor on the Cathedral Roll. The Auditor shall supply to the Chapter an annual report on the financial affairs of the Cathedral.

(j) **Annual Budget**

The Chapter shall, no later than the last day of February in each year, prepare an annual budget for the following year.

3.9 Committees

The Chapter may from time to time establish such committees as it may deem necessary or desirable, and shall determine their term, composition, functions and powers. At least one member on each of such committee shall be a member of the Chapter.

3.10 Meetings

- (a) The Dean, or in his or her absence or inability the senior Canon, shall convene meetings of the Chapter and he or she shall do so forthwith upon the requisition in writing of any four Chapter members.
- (b) The Dean may, and may at the request of any member of the Chapter, convene an emergency meeting of the Chapter on giving such notice of it as shall be practicable having regard to the exigencies of the occasion.
- (c) The Bishop, or in the Bishop's absence the Dean, may convene a special meeting of the Chapter. At least three clear days notice shall be given of any such meeting.
- (d) The Bishop shall, if the Bishop so chooses, preside at meetings of the Chapter, but in the Bishop's absence the Dean shall, if the Dean so chooses, preside at the meetings. If the Dean is not present, then five minutes after the time appointed for holding the meeting, the Canons present may choose one of their number to chair that meeting.
- (e) Meetings of the Chapter shall be held at least six times a year at such places, dates, and times as may be appointed by the Dean. At least three clear days' notice of a meeting shall be given to each member of the Chapter.
- (f) No business shall be transacted at any meeting unless a quorum of members is present at the time the meeting proceeds to business. A quorum of the Chapter shall be six members of whom at least two shall be clerical Canons and two shall be lay Canons and the Dean or his or her appointee from the membership of the Chapter.
- (g) Questions at any meeting shall be decided where possible by consensus. If a majority agrees that consensus is not possible, then the question shall be decided by a majority of members. Every member shall be entitled on every motion to one vote exercised in person. Such a vote shall be exercised by voice or show of hands as the Chairperson shall decide or in writing. In the case of an equality of votes, the Chairperson shall have a second or casting vote.

- (h) Declaration of Interest
 - (i) Members of the Chapter who have any interest, financial or otherwise, direct or indirect, in any matter before the Chapter, shall declare that interest.
 - (ii) Such declarations shall be recorded in the Minutes of the Chapter.
 - (iii) No member of the Chapter, or any person associated with a member, shall be involved in any decision made by the Chapter in respect of any payment to or benefit for that member or associate.
 - (iv) An Interest Register shall be maintained and circulated regularly with the minutes and updated, if required, at the beginning of each meeting.
- (i) Minutes

The Secretary shall ensure that a Minute Book is maintained and made available to any member of the Chapter. The Minutes of each meeting of the Chapter shall record:

 - (i) the place, date and time of each meeting;
 - (ii) the names of those present;
 - (iii) all decisions which are required by this statute to be made by the Chapter;
 - (iv) any other matters decided at the meeting; and
 - (v) any other matters discussed at the meeting that the Chapter may decide shall be recorded.
- (j) A resolution in writing, signed by all the members for the time being entitled to receive a notice of meeting of the Chapter shall be as valid and effectual as if it had been passed at a Chapter meeting duly convened and held. Such a resolution may consist of several documents in like form; each signed by one or more of the members.

4. **The Bishop's Powers**

- (a) The Bishop, when and as the Bishop thinks fit, may use the Cathedral for any purpose in fulfilment of the office of Bishop and in such case the Bishop shall have the ordering and control of the services.
- (b) The Bishop's seat in the Cathedral Church shall be set in an appropriate place where it can be used by the Bishop.

5. **Appointment of Precentor and other clerical employees**

The appointment and removal of a Precentor and other clerical members of the Cathedral staff shall be made by the Bishop and Dean jointly with the concurrence of the Chapter.

6. **Bylaws**

The Chapter may from time to time by resolution in general meeting make, amend or rescind bylaws that are not inconsistent with this Statute, governing procedure at its meetings and the business of the Chapter and the operation of the Cathedral.

7. Transitional Provisions

At the first meeting after the coming in to force of this Statute, the Chapter shall finalise the new terms of office for all the Chapter members under this revised statute.

THE DEAN AND CHAPTER ESTATE STATUTE 1976

Enacted 1976; Amended 1989

TO REPEAL THE DEAN AND CHAPTER FUND STATUTE 1941 AND TO ALLOW THE CAPITAL OF THE FUND TO BE USED FOR THE GENERAL BENEFIT OF THE CATHEDRAL CHAPTER

WHEREAS Synod in 1941 enacted legislation establishing the Dean and Chapter Pension Fund providing the regular allocations from the income of the Dean and Chapter Estate to the capital of the fund to provide from the income therefrom a pension for the Dean of Christchurch;

AND WHEREAS Synod in 1975 made provision for the purchase of back service for the Dean of Christchurch from the capital of the fund to provide him with forty-two years pensionable service in the New Zealand Anglican Church Pension Fund;

AND WHEREAS such purchase was duly made the balance remaining in the fund is not now needed for its original purpose;

BE IT THEREFORE ENACTED by the Bishop, Clergy and Laity of the Diocese of Christchurch in Synod assembled as follows:

1. The short title of this statute shall be "The Dean and Chapter Estate Statute 1976".
2. The capital of the fund, together with accrued income of the Dean and Chapter Pension Fund, shall revert to the Dean and Chapter Estate as part of the general funds thereof.
3. The Dean and Chapter Pension Fund Statute 1941 is hereby repealed.
4. The provisions of this statute shall come into operation on the passing thereof.

THE DEAN AND CHAPTER ESTATE

INCOME AUGMENTATION STATUTE 1976

Enacted 1976; Amended 1989

WHEREAS The Church Property Trust (Canterbury) Act 1879 provides in Clause 19 that the Church Property Trustees "Shall, in each and every year, pay to the Dean the annual sum of five hundred pounds ...";

AND WHEREAS the said Act directs in Clause 21 that the Trustees hold the income of the Dean and Chapter Estate upon trust to appropriate, set apart, and apply the said income, or any part thereof, towards certain objects, but in accordance with the direction, resolutions, laws, enactments, or regulations of the Synod of the Diocese, and in such manner, in such sums, and at such times as the Synod shall from time to time direct, enact or resolve;

AND WHEREAS one of the purposes to which the income of the Dean and Chapter Estate may be applied in accord with the foregoing is "towards the augmentation of the annual income of the Dean";

BE IT THEREFORE ENACTED by the Bishop, Clergy and Laity of the Diocese of Christchurch in Synod assembled as follows:

1. The short title of this statute shall be "The Dean and Chapter Estate Income Augmentation Statute 1976".
2. The Church Property Trustees are directed to pay to the Dean of Christchurch out of the income of the Dean and Chapter Estate such annual amount by way of augmentation of the Dean's income as the Cathedral Chapter shall from time to time determine.
3. The Cathedral Chapter in reviewing the annual amount by way of augmentation, shall in addition to any other considerations, take into account the recommendations made by the Commission on Ministry Personnel in relation to the movement of clergy stipends in the diocese.
4. The Cathedral Chapter shall in each year report to Synod on the amounts paid by way of augmentation of income.
5. The provisions of this statute shall come into operation on the passing thereof.