

No. 38, 1975.

AN ORDINANCE to lay down accounting requirements for parishes, provisional parishes, provisional districts, districts, organisations and corporations in the Diocese of Sydney and to provide for matters related thereto.

WHEREAS the provisions in existing ordinances as to accounts have proved to be inadequate in the case of organisations and corporations and have caused additional administrative costs in the case of parishes, provisional parishes and provisional districts NOW the Synod of the Diocese of Sydney HEREBY ORDAINS DECLARES DIRECTS AND RULES as follows:—

INTERPRETATION

1. (1) In this Ordinance unless repugnant to the context or inconsistent therewith:—
 - (a) the term "parish" means a parish, provisional parish or provisional district in the Diocese of Sydney,
 - (b) the term "organisation" includes all of the organisations listed in the First Schedule hereto and any organisation which may be constituted by the Synod or the Standing Committee thereof after the date on which this Ordinance is assented to,
 - (c) the term "corporation" includes a body corporate constituted by or pursuant to the Church of England (Bodies Corporate) Act 1938 by the Synod or the Standing Committee thereof whether before or after the date on which this Ordinance is assented to and all other corporations named in the Second Schedule hereto.
 - (d) the term "financial year" means a period of twelve months commencing on the 1st of January, the first such year being that which commenced on the 1st of January 1975, and
 - (e) the term "half year" means a period of six months commencing on the 1st of January or the 1st of July, the first such half year being that which commenced on the 1st of July 1975.
- (2) The headings in this Ordinance have been inserted as a matter of convenience only and shall not limit or restrict the provisions of this Ordinance in any way.
- (3) This Ordinance may be cited as "Accounts Ordinance 1975".

APPLICATION

2. The requirements of this Ordinance shall be additional to all requirements imposed from time to time by any law or statute relating to trust property or to corporations.

PARISHES

3. The Sydney Church Ordinance 1912-1972 is hereby amended as follows:—
 - (a) by the omission of the word "and", where lastly appearing in paragraph (iv) of clause 41 (9) (a),

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- (b) by the insertion of the following at the end of paragraph (v) of clause 41 (9) (a):—
“and
(vi) Such additional accounts as may be required by the Accounts Ordinance 1975 and all such statements shall be in the form last laid down pursuant to the Accounts Ordinance 1975”,
- (c) by the insertion of the following sub-clause after clause 41 (9) (a):—
(aa) Before the Annual Vestry Meeting, to call upon the auditor or auditors appointed pursuant to clause 36 or 36A to report upon the statements prepared by them pursuant to paragraphs (i) (ii) and (iii) of sub-clause (a) and on the accounting records kept by them and to state, in that report,
(i) whether the statements, in his or their opinion, are properly drawn up so as to give a true and fair view of the said assets, liabilities and moneys received and expended,
(ii) whether the statements, in his or their opinion, comply with the provisions of this Ordinance and of any provisions in or made pursuant to the Accounts Ordinance 1975, and
(iii) where he is not so satisfied, his reasons for not being so satisfied.”
- (d) by the insertion of the words “and report” after the word “statements” in clause 41 (9) (b).
- (e) by the deletion of the word “and” after the numeral “(iii)” and by the insertion of the words “and (vi)” after “(iv)” in Clause 41(9)(c).

4. If a parish council or a church committee or churchwardens engages or engage in trading or investment activities of such magnitude that, in the opinion of the Standing Committee, the provisions of this Ordinance relating to organisations should apply thereto then, upon the Standing Committee by resolution thereof declaring this opinion, the said provisions shall apply accordingly and continue to apply until the Standing Committee by resolution thereof declares that it is no longer appropriate that the said provisions apply.

ORGANISATIONS AND CORPORATIONS

5. The members of each organisation and of each corporation shall:
- (a) keep such accounting records as correctly record and explain the transactions and financial position of the organisation or corporation,
 - (b) keep its accounting records in such a manner as will enable true and fair accounts of the organisation to be prepared from time to time,
 - (c) keep its accounting records in such a manner as will enable the accounts of the organisation or corporation to be conveniently and properly audited in accordance with this Ordinance, and

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- (d) keep all such records for at least six years after the end of the financial year to which they relate.
6. (1) The members of each organisation and of each corporation shall:—
- (a) appoint, as the auditor of the organisation or corporation, a person who is or persons who are registered as a company auditor under any of the Companies Acts or Ordinances of any State or Territory of the Commonwealth of Australia.
 - (b) upon the resignation or retirement of any person so appointed, appoint another in his place, and
 - (c) notify the Standing Committee of the name and address of every person or persons so appointed.
- (2) It shall be a term of the appointment of every auditor appointed pursuant to this clause that he will promptly notify the Secretary of the Standing Committee:
- (a) regarding deficiencies in internal control or any other matter where he is of the opinion that communication to the governing body of the organisation or corporation concerned or qualification of his report is inadequate, and
 - (b) if he has not signed a report on accounts prepared pursuant to this ordinance within six (6) months of the balance date of the organisation or corporation.
7. (1) The members of each organisation and of each corporation shall cause to be made out and laid before each ordinary session of the Synod:—
- (a) a balance sheet as at the end of the preceding financial year giving a true and fair view of the state of affairs of the organisation or corporation as at the end of that financial year,
 - (b) a statement of income and expenditure for the previous financial year giving a true and fair view of the income and expenditure of the organisation or corporation for that financial year, and
 - (c) a report by the auditor or auditors of the organisation or corporation on the said balance sheet and statement in which the auditor or auditors states —
 - (i) whether the balance sheet and statements, in his or their opinion, are properly drawn up so as to give a true and fair view of the affairs of the organisation or corporation and of the income and expenditure of the organisation for the financial year,
 - (ii) whether the accounting records and registers of the organisation or corporation have been kept in accordance with this Ordinance, and
 - (iii) where he is not so satisfied, his reasons for not being so satisfied.
- (2) The members of each organisation and corporation shall send to the Standing Committee a copy of the documents to be laid before the Synod pursuant to sub-clause (1) not later than six months from the end of the financial year to which they relate or such longer period which the Standing Committee may approve.
8. The members of each organisation and of each corporation shall

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submit a report to the Standing Committee within two months of the end of each half year but, where the organisation or corporation is conducting or managing a school, then annually or as required by Standing Committee on a confidential basis. Each such report:—

- (a) shall contain a statement of income and expenditure for the period covered by the report.
 - (b) shall contain a statement as to whether the members of the organisation or corporation are of the opinion that the organisation or corporation will be able to meet all of its debts as they fall due,
 - (c) in relation to each bank overdraft shall state —
 - (i) the name of the bank and branch concerned,
 - (ii) the current overdraft limit,
 - (iii) the amount owing as appearing in the bank's books at the end of the period covered by the report,
 - (iv) the amount owing as appearing in the cash book of the organisation or corporation and at the end of the period covered by the report,
 - (v) the security, if any, for the debt,
 - (d) in relation to each liability, other than a bank overdraft and a trade liability, shall state —
 - (i) the name and address of the creditor,
 - (ii) the amount of the liability as at the end of the period covered by the report,
 - (iii) the interest rate then prevailing,
 - (iv) the security, if any, for the liability,
 - (v) whether or not all interest and principal which became payable during the period covered by the report was in fact paid,
 - (e) shall state whether adequate provision has been made for long service leave,
 - (f) shall state whether all trade creditors are being paid in accordance with normal terms of payment.
 - (g) shall state whether all dealings with property have been consistent with the trusts on which the property is held,
 - (h) shall state whether, since the last report submitted pursuant to this clause, any circumstances have arisen that may affect the ability of the organisation or corporation to meet its liabilities as and when they fall due,
 - (i) shall state that the report has been circulated amongst all of the members of the organisation or corporation and adopted by them at a meeting thereof, and shall state the date of that meeting, and
 - (j) shall be signed by two members of the organisation or of the corporation.
9. The Standing Committee, by resolution thereof, may:—
- (a) call upon any organisation or corporation to furnish such additional information on the assets and liabilities thereof as the Standing Committee may require,
 - (b) prescribe from time to time the form which statements to be made pursuant to clause 41 (9) of the Sydney Church Ordinance 1912-1972 as amended shall take,
 - (c) if any organisation or corporation, in its opinion, has failed

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to comply with any of the provisions of this Ordinance after being called upon by written notice sent on behalf of the Standing Committee to a majority of the members thereof, suspend all or any of the said members for such period as it considers appropriate in the circumstances and appoint any person to act in the place of any member whilst the member remains suspended from office.

10. Every corporation shall keep a seal register in which is recorded, in relation to every document and instrument to which the seal of the corporation is affixed:—

- (a) a description of the document or instrument,
- (b) the date on which the seal was affixed,
- (c) the persons who witnessed the affixing of the seal, and
- (d) the date of the meeting of members of the corporation at which approval to affix the seal was given.

FIRST SCHEDULE

Board of Diocesan Missions.
Council of the Church of England Marriage Guidance Centre.
C.E.N.E.F. Board of Management.
Council for the Church of England Residential Halls for University Students.
Council of the Church of England Television Society.
Council of the Church of England Youth Department.
"Gilbulla" Board of Management.
Inner City Committee.
Moore College Committee.
Parramatta Anglican Regional Council.
Radio Council.
Sydney Diocesan Research Board.
St. Andrew's Cathedral Chapter.
St. Andrew's Cathedral School Council.
St. John's Provisional Cathedral Chapter, Parramatta.
St. Michael's Provisional Cathedral Chapter, Wollongong.
Sydney Church of England Finance and Loans Board.
Sydney Church of England New Areas Committee.
Sydney Diocesan Educational and Book Society.
Tara Church of England Girls' School Council.
The Illawarra Grammar School Council.
Wollongong Zone Council.

SECOND SCHEDULE

The Council of Abbotsleigh.
The Arden Church of England School Council.
The Council of Barker College.
Council of the Board of Education Diocese of Sydney.
Committee of The Church of England Homes.
Church of England Provident Fund (Sydney).
Church of England Retirement Villages (Diocese of Sydney).
Council for the Promotion of Sydney Church of England Diocesan Schools.
Glebe Administration Board.

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The Council of St. Catherine's School, Waverley.
Sydney Anglican Home Mission Society Council.
Sydney Church of England Girls' Grammar School Council.
Sydney Church of England Grammar School Council.
Sydney Church of England Investment Trust.
Sydney Diocesan Car Finance and Insurance Board.
Sydney Diocesan Secretariat.
Sydney Diocesan Superannuation Fund.
The King's School Council.
Trinity Grammar School Council.

I certify that the Ordinance as printed is in accordance with the Ordinance as reported.

D. Cameron
Deputy Chairman of Committees.

We certify that this Ordinance was passed by the Synbd of the Diocese of Sydney this 13th day of October 1975.

R. J. Bomford
W. G. S. Gotley
Secretaries of Synbd.

I assent to this Ordinance.

A. Jack Dain
Commissary.

13/10/1975.