

**THE ANGLICAN DIOCESE OF GRAFTON
DIOCESAN POLICIES AND PROCEDURES**

SUBJECT: COMPLIANCE REGISTER		PROCEDURE REFERENCE NUMBER REG-004
DATE APPROVED 8 November 2018 by Bishop-in-Council		REVISION NUMBER Original
POLICY IMPLEMENTATION DATE 1 January 2019	REVIEW DATE AND FREQUENCY 3 Yearly	RESPONSIBLE FOR REVIEW Bishop-in-Council

1.0 PURPOSE

For good governance and ethical operations, the Church wishes to maintain compliance with relevant legislation and regulations.

This Compliance Register is an aide to maintaining compliance by setting out the key legislation and regulations relative to the governance of the Anglican Diocese of Grafton and assigning responsibilities for ensuring compliance.

2.0 SCOPE

This procedure covers the Anglican Diocese of Grafton's Registry Operations including the office of the Bishop of Grafton, the Diocesan Records Centre (Archives), and the oversight of parish operations.

This procedure does not include The Corporate Trustees of the Diocese of Grafton, Anglican Funds Grafton Diocese, or the bodies corporate established by the Anglican Diocese of Grafton under the Anglican Church of Australia (Bodies Corporate) Act 1938 (NSW).

3.0 DEFINITIONS AND ABBREVIATIONS

ACA	Anglican Church of Australia
ACNC	Australian Charities and Not-for-profit Commission. A regulatory body for charities established under the Australian Charities and Not-for-profit Commission Act 2012.
AIS	Annual Information Statement. A reporting requirement in accordance with the ACNC Act 2012.
ANIP	Anglican National Insurance Program. The insurance coordinator for the majority of Anglican Dioceses and various Anglican entities.
ATO	Australian Taxation Office
BAS	Business Activity Statement. A requirement of the ATO related to the reporting of Goods and Services Tax.
CCLI	Christian Copyright Licensing Australia is the major source of licensed music and video materials used in worship in the Diocese.
Church Worker	As defined by the Professional Standards Ordinance 2004.
Diocese	Anglican Diocese of Grafton (ABN 54 538 850 840)

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FBT	Fringe Benefit Tax as defined under the Fringe Benefits Tax Assessment Act 1986
Governance Ordinance	The Grafton Diocesan Governance Ordinance 2008 as amended from time to time
GST	Goods and Services Tax as defined under A New Tax System (Goods and Services Tax) Act 1999.
Icare	icare is a state owned corporation that manages worker's compensation insurance for the New South Wales government.
National Register	A database of church workers (current and former) with adverse information with regard to the Professional Standards Ordinance 2004 as per the National Register Canon 2007.
NES	National Employment Standards under the Fair Work Act 2009. There are 10 NES setting minimum standards in areas such as working hours, parental leave, annual leave, carer's leave, compassionate leave, long service leave, public holidays, termination, redundancy and information about entitlements under the Fair Work Act.
PAYG	"Pay as you go" is where an employer makes instalment payments to the ATO towards the employee's expected annual income tax liability arising from their salary or wages.
SRE	Special Religious Education which is a provision under the Education Act 1990 where religious education is taught in NSW public schools by authorised and trained people who represent their faith.
WWCC	A Working With Children Check clearance issued by the NSW Office of the Children's Guardian.

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4.0 COMPLIANCE REGISTER

4.1 Regulatory Obligations

4.1.1 Registration

Topic/Legislation	Detail	Compliance Activity	Responsibility
Australian Business Register (ABR)	Maintain Australian Business Registration	Review ABR entry to ensure that registration and authorised officers are current. Review each September.	Diocesan Accountant
Australian Business Number	Maintain Australian Business Numbers	As per ABR compliance	Diocesan Accountant
Australian Charities and Not-for-profit Commission (ACNC)	Meet obligations under Australian Charities and Not-for-profit Commission Act 2012	<p>Communicate compliance requirement regarding AIS and changes of details to parish officers at least annually.</p> <p>Check ACNC reports of defaulting organisations for parishes and other organisations of the Diocese of Grafton</p> <p>Submit the AIS by 30 June due date</p> <p>Update ACNC portal within 1 month of change of membership of Bishop-in-Council, amendments to the Governance Ordinance or other organisational details.</p>	<p>Registrar</p> <p>Registrar</p> <p>Diocesan Accountant</p> <p>Diocesan Accountant</p>

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4.1.2 Taxation and Employment

Topic/Legislation	Detail	Compliance Activity	Responsibility
Taxation Legislation (general)	Maintain tax exemptions for Diocese	Ensure that at least one Finance team member has current training on taxation matters regularly faced by Diocese. Maintain a list of qualified external advisers for specialised taxation accounting issues	Diocesan Accountant Diocesan Accountant
Goods and Services Tax (GST)	Remit GST payments in accordance with A New Tax System (Goods and Services Tax) Act 1999	Submit BAS at least quarterly.	Diocesan Accountant
Fringe Benefits Tax (FBT)	Remit FBT payments in accordance with Fringe Benefits Tax Assessment Act 1986	Submit FBT return by 21 May	Diocesan Accountant
PAYG System	Meet the PAYG withholding requirements of the Taxation Act	When entering new employees into payroll system ensure that appropriate PAYG declarations are completed by employees. Make monthly payments of PAYG liabilities to the ATO as part of the monthly payroll cycle	Payroll Officer Diocesan Accountant
National Employment Standards (NES)	Maintain terms of employment in compliance with the NES	When entering new employees into payroll system, provide the employee with a Fair Work Information Statement and alert Registrar of any instances of employment conditions that may not meet an NES. Review all employment conditions annually in August to ensure compliance with NES	Payroll Officer Registrar
Industrial Award Changes (Rates of Pay)	All salaries and wages must be no less than the	Monitor changes in award rates of pay and key conditions especially the	Payroll Officer

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Topic/Legislation	Detail	Compliance Activity	Responsibility
	prescribed award rate for roles where there is an applicable award.	Clerks – Private Sector Award 2010 and the Miscellaneous Award 2010. Review all salaries and wages annually in August to ensure compliance with Awards	Registrar
Clergy Stipend changes	Under the Diocesan Governance Ordinance 57.1(d) clergy stipends are considered at least annually by Bishop-in-Council	Registrar to advise Payroll Officer of stipends for the next calendar year by 15 December.	Registrar
Salary Sacrifice	c130.1 of the Governance Ordinance provides for salary sacrifice to 30% of the cash component of a minister's stipend	Annual review that salary sacrifice by clergy complies with c130.1 and any non-clergy salary sacrifice is authorised and applicable FBT is applied.	Diocesan Accountant
Superannuation Guarantee (SG)	The Superannuation Guarantee is a compulsory system of superannuation support for employees, paid for by employers.	When entering new employees into payroll system, provide the employee with a form to nominate their superannuation fund and alert Registrar of any instances of employment conditions that may not meet the SG. Review all employment conditions annually in August to ensure compliance with SG.	Payroll Officer Registrar
icare – Worker's Compensation Insurance	Maintain workers compensation insurance for all on the diocese payroll in accordance with Workers Compensation Act 1987 [NSW]	Submit to icare by end of October, actual total wages for 12 months to June and estimated total wages for the next 12 months.	Diocesan Accountant

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Income Protection Insurance	As per c130.11 of the Governance Ordinance	Ensure appropriate details are included in annual insurance declaration. Ensure Income Protection is included in insurance Certificates of Currency	Diocesan Accountant
Employment contract expiry	Fixed term employment contracts to be reviewed prior to expiry	Calendar of expiring employment contracts to be created and the manager for each relevant employee to be alerted 3 months prior to expiry.	Registrar Payroll Officer to maintain information

4.1.3 Religious Organisation

Topic/Legislation	Detail	Compliance Activity	Responsibility
Marriage Act	Under the Marriage Act 1961, clergy of the Anglican Church of ACA may perform marriages according to the rites of the ACA	Check currency of authorised marriage celebrant registration of clergy of diocese Audit by sample marriages conducted in previous year to ensure that paperwork is compliant and minister is a licensed Anglican priest and authorised marriage celebrant	Diocesan Archdeacon Diocesan Archdeacon
SRE	SRE is covered by the Education Act 1990 and both authorised provider organisations and teachers are registered.	The Diocese as an authorised provider is to make an annual report on compliance by 31 October of each year.	Bishop

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4.1.3 Other Legislation

Topic/Legislation	Detail	Compliance Activity	Responsibility
Cyber Security – Data breach	The Notifiable Data Breaches scheme under Part IIIIC of the Privacy Act 1988 has established requirements for entities in responding to data breaches.	If a Notifiable Data Breach is known or suspected to have occurred, a notification is to be made to the Office of the Australian Information Commissioner in the Australian Government as soon as practicable.	Registrar
Privacy	GEN-001 Privacy Policy is the policy of the Diocese in compliance with the Privacy Act 1988.	Review compliance with GEN-001	Registrar
Copyright	The Australian Copyright Act 1968 provides legally enforceable rights to creators of written, musical, film and other creative works. Use of such material is by permission usually through the payment of a license fee.	Ensure that each parish and other ministry bodies participate in the purchase of licenses from CCLI. A combined submission is collated in the Registry and submitted to CCLI by 31 December Ensure that appropriate information is available to parishes and other ministry bodies of the diocese to guide compliance with the Copyright Act 1968	Diocesan Accountant Registrar

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4.2 Anglican Church of Australia

Topic/Legislation	Detail	Compliance Activity	Responsibility
Legislation from General Synod for Diocesan consideration	All constitutional amendments and selected Canons passed by a meeting of the General Synod or promoted by the General Synod Standing Committee need to be assented to or adopted by an Ordinance of the Diocese of Grafton.	In preparation for a Synod of the Diocese of Grafton, a check is made regarding General Synod legislation yet to be considered by the Diocese of Grafton.	Registrar
Long Service Leave Fund (LSLF)	A Bill for a Canon to amend the Long Service Leave Canon 2010 Assenting Ordinance 2016 provides stipended clergy and stipended lay ministers of the Diocese with membership of the ACA's LSLF.	When entering new clergy and lay ministers into payroll, ensure that LSLF participation is clarified and the LSLF is appropriately notified. Review all LSL conditions annually in August to ensure compliance.	Payroll Officer Registrar

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4.3 Governance

4.3.1 Governance Framework

Topic/Legislation	Detail	Compliance Activity	Responsibility
Synod	In accordance with c41.1 and c42.1 of the Governance Ordinance, a Synod is to be held annually as part of a 3 year term.	A Synod is to be held in accordance with Chapter 7 of the Governance Ordinance	Registrar
Property Sale Ordinances	In accordance with the Anglican Church of Australia Trust Property Act 1917 each instance of sale, lease or demise of church property is to be authorised by Ordinance.	For each intended property sale, a bill for an ordinance is prepared for approval of either the synod or by Bishop-in-Council.	Registrar
Fit and Proper Person	c60.2 of the Governance Ordinance requires the Registrar to be a 'fit and proper person'	Registrar to complete fit and proper person declaration annually	Registrar
Financial Audit	In accordance with c63.1, an auditor is appointed to annually audit the accounts of the Diocese.	Organise the appointment and engagement of an auditor with the approval of Bishop-in-Council.	Registrar
Insurance	In accordance with c62.1(g) of the Governance Ordinance proper and sufficient insurance cover is maintained for the Diocese.	Enact a program of checking and updating various aspects of the insurance declaration at various points through the year culminating in final and verified information submitted to ANIP by end of August.	Diocesan Accountant
Health and Safety	The Work Health and Safety Act 2011 (NSW) is for the protection of the health, safety and welfare of all workers and others in relation to NSW workplaces and work activities and applies to clergy, workers and volunteers of the Diocese.	Develop a strategy for the oversight and improvement of health and safety across the Diocese including assurance that Parish Councils and boards are meeting their obligations.	Bishop-in-Council

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4.3.2 Professional Standards/Protection of Children and other Vulnerable People

Topic/ Legislation	Detail	Compliance Activity	Responsibility
Licences	Authority to minister in the Anglican Church of the Diocese of Grafton is subject to a license issued by the Bishop of Grafton.	Annual review of licenses in January to ensure that each active minister has a current license and age limits are observed. ¹	Diocesan Archdeacon
Clergy Safe Ministry Checks	Authority to minister in the Anglican Church of the Diocese of Grafton is subject to completion of a Safe Ministry Check.	Annual review of licensed ministers in January to ensure that each has a current safe ministry check.	Diocesan Archdeacon
National Register	Authority to minister or hold an office in the Anglican Church of the Diocese of Grafton is subject to check of the National Register.	Annual review of licensed ministers and office bearers in February to ensure that none have adverse information on the National Register.	Professional Standards Director
Working With Children's Check (WWCC)	Each Church Worker and office bearer to have a current WWCC.	Annual review in April of WWCC database by checking expired but not renewed WWCC and comparing WWCC database with names in parish returns and Year Book of the Diocese.	Registrar
Code of Conduct Awareness	Every Church Worker to participate in an awareness training session for "Faithfulness in Service" (or substitute code of conduct) every 3 years.	Annual review in April of Code of Conduct awareness by checking expired but not renewed training and comparing training records with names in parish returns and Year Book of the Diocese.	Registrar
Safe Ministry Training	Each office bearer and those ministering to children are to have a current Safe Ministry training.	Annual review in April of Safe Ministry training by checking expired but not renewed training and comparing training records with names in parish returns and Year Book of the Diocese.	Registrar

¹ Clauses 12.1, 126.1, 126.8 and 136.1 of the Governance Ordinance may be applicable.

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5.0 COMPLIANCE CALENDAR

The following table shows compliance activities according to the month of that activity. Numbers in brackets e.g. (1) show the day of the month that is the last day for that activity. Activities written in italics e.g. *Review Australian Business Register* are allocated to a particular month in this procedure but do not have an external requirement to be completed at that time.

Month	Compliance Activity
January	Registry to distribute Parish Annual Return forms (1) Stipend increases applied <i>Review of clergy licenses and clergy safe ministry checks</i> (28) December Quarter super guarantee charge statement due.
February	(28) December Quarter BAS due; (28/29) Parish Annual General Meeting due <i>Review of National Register</i>
March	First meeting of Parish Council (within 1 month of Parish AGM) (31) Parish Annual Returns submitted to Registry
April	(28) March Quarter BAS due; (28) March Quarter super guarantee charge statement due <i>Review of WWCC, Code of Conduct and Safe Ministry Training compliance</i>
May	(21) Fringe Benefit Tax (FBT) return due
June	(30) ACNC Annual Information Statement
July	(1) Increases to Award rates of pay applied (14) PAYG payment summaries available for employees (28) June Quarter BAS due; (28) June Quarter super guarantee charge statement due
August	(31) Complete and confirmed insurance information submitted to ANIP <i>Review of compliance with NES, Award rates of pay, ACA LSLF and Superannuation Guarantee</i>
September	<i>Review Australian Business Register</i>

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October	(28) September Quarter BAS due; (28) September Quarter super guarantee charge statement due. (31) Annual icare declaration (31) SRE declaration (31) Insurance Policy year concludes
November	(14) September Quarter Wage Price Index statistics released
December	(31) CCLI declaration (31) Financial Year-end
Monthly	PAYG Instalment to be remitted
Annual (without a prescribed month)	Diocesan Synod <ul style="list-style-type: none"> • Bishop's Mandate issued (3 years) • Member's summoned • Receive report of Bishop-in-Council and other reports • Consider assent or adoption of General Synod legislation (if required) • Election of Bishop-in-Council members (3 years) • Audited Financial Accounts (previous year) • Budget (following year) • Report to ACNC if Bishop-in-Council membership or Diocesan Governance Ordinance changes
Other frequencies	<i>Review compliance with GEN-001 Privacy Policy in August 2019 and then every 2 years.</i>

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6.0 REFERENCES

A New Tax System (Goods and Services Tax) Act 1999 [Cth]
Anglican Church of Australia Trust Property Act 1917 [NSW]
Australian Charities and Not-for-profit Commission Act 2012 [Cth]
Australian Copyright Act 1968 [Cth]
Fair Work Act 2009 [Cth]
Fringe Benefits Tax Assessment Act 1986 [Cth]
GEN-001 Privacy
Grafton Diocesan Governance Ordinance 2008
Grafton Professional Standards Ordinance 2004
Long Service Leave Canon 2010
Marriage Act 1961 [Cth]
National Register Canon 2007
Privacy Act 1988 [Cth]
Work Health and Safety Act 2011 [NSW]
Workers Compensation Act 1987 [NSW]