

Australian Education Union

Northern Territory Branch

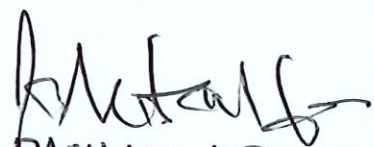
Financial Management Policies

Version 1

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FINANCIAL MANAGEMENT POLICY V1

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1. Background

- (a) The Branch Executive has adopted this overarching financial management policy to streamline its suite of policies and to make it easier for Branch Executive Members, Branch Conference Delegates and employees to identify the Branch's financial management processes including in respect of expenditure.
- (b) All employees and Branch Executive Members must familiarise themselves with this Policy.
- (c) The Federal Executive is responsible for making, and amending, the AEU Rules. To the extent of any inconsistency between this Policy and the AEU Rules, the AEU Rules will prevail.
- (d) The Branch Conference is responsible for making, and amending, the Branch Rules. To the extent of any inconsistency between this Policy and the Branch Rules, the Branch Rules will prevail.
- (e) To the extent of any inconsistency between the AEU Rules and the Branch Rules, the AEU Rules will prevail.
- (f) Insofar as this Policy applies to employees, it is to be read in conjunction with the Employment Conditions Policy.
- (g) Employees who breach this Policy may be subject to disciplinary action, up to and including the termination of their employment.

2. Amendments to this Policy

- (a) This policy, and the clauses contained within it, may be amended by the Branch Executive.
- (b) The Secretary may make minor and incidental amendments to this policy that are administrative in nature, such as updating clause numbers and correcting typographical errors.
- (c) The Secretary is not able to make any changes that materially change the meaning or effect of the policy without approval from the Branch Executive.
- (d) This Policy should be reviewed as regularly as the Branch Executive thinks fits and should be reviewed at least once each year following the election of the Branch President or Branch Secretary (as the case may be).
- (e) The Branch Executive will determine a process for addressing disputes arising under this Policy as soon as reasonably practicable.

3. Definitions

3.1 The following definitions apply to this Policy:

- (a) **Act** means the *Fair Work (Registered Organisations) Act 2009* (Cth) or any successor to that legislation;
- (b) **AEU** means the Australian Education Union, an organisation registered pursuant to section 26 of the Act or any successor to that provision;

- (iv) monetary interests of related parties of employees or Branch Executive Members;
- (p) **Material personal interest conflict** means a situation where an employee or Branch Executive Member's duties or responsibilities may be at odds with, or otherwise impact, their material personal interests (including those of their associates);
- (q) **President** means the Branch President referred to in Rule 18(a)(i) of the Branch Rules;
- (r) **Policy** means the policies and procedures contained in this document;
- (s) **Regional Officer** means a person that occupies a position referred to at Rule 30(a) of the Branch Rules.
- (t) **Related party** has the same meaning as section 9B of the Act, or any successor to that provision;
- (u) **Relative** means a spouse, defacto partner, parent, stepparent, child, stepchild, grandparent or sibling.
- (v) **Secretary** means the Branch Secretary referred to in Rule 18(a)(iii) of the Branch Rules;
- (w) **Senior Officers Committee** means the President, Secretary and Treasurer and such other Branch Executive Members as determined by the Branch Executive; and
- (x) **Treasurer** means the Branch Treasurer referred to in Rule 18(1)(iv) of the Branch Rules.

4. Funds and Investments

- (a) The funds and property of the Branch will form the Branch Fund in accordance with the AEU Rules and Branch Rules.
- (b) The Branch Executive will apply the funds and property of the Branch in accordance with Branch Rule 99.

5. Branch vehicles

5.1 Application

- (a) This policy and these procedures apply to all employees that have access to a Branch vehicle, including FTOs.

5.2 Policy principles

- (a) The Branch acknowledges that the provision of vehicles and other Branch property may facilitate employees and FTOs to perform their duties. The provision of vehicles and property may also assist to attract and retain talented personnel.
- (b) Employees (including the FTOs) are permitted reasonable use of Union vehicles for personal needs where such use does not interfere with Union business, involves minimal additional expense to the Branch, involves minimal additional risk to the Branch, and conforms to the terms of this Policy.
- (c) Branch vehicles and other property must be treated with care to maximise their lifespan.

5.3 Use of vehicle procedure

Section 6: Credit cards, debit cards and fuel cards

- (m) If a FTO or other employee is entitled to use a Branch vehicle for reasonable personal use, it is sufficient for the FTO to record in their logbook the kilometres travelled for personal use, without divulging in the logbook the purpose of each journey.
- (n) If a FTO has the right to the personal use of a vehicle, the Branch Executive must not remove that right unless it is satisfied that there has been a material breach of this Policy, and the FTO has been given natural justice in relation to that breach.
- (o) The Secretary may otherwise determine to remove the right of an employee (other than the President) to use Branch vehicles if, in the reasonable opinion of the Secretary, this Policy has not been complied with, or if they are no longer appropriately licensed to drive that type of vehicle.

6. Credit cards, debit cards and fuel cards

6.1 Application

- (a) This policy and these procedures apply to all employees and Branch Executive Members.

6.2 Policy principles

- (a) The Branch acknowledges that, when used appropriately, Branch Cards, including all credit cards and other financial transaction cards such as debit cards and fuel cards linked to a Branch account, can enable FTOs and Branch employees to discharge their duties and functions more efficiently.
- (b) The Branch also acknowledges that the potential for the misuse of Branch Cards may risk the Branch's funds and adversely impact the interests of members that have contributed to those Branch funds.
- (c) It is imperative that all use of Branch Cards is in accordance with this policy and all employees and Branch Executive Members must comply with the procedures below.

6.3 Issuing of Branch Cards procedures

- (a) The FTOs are entitled to be issued with a debit or credit card.
- (b) Any FTO or employee that is entitled to have possession of a Branch vehicle for private and personal use will also be issued with a fuel card which is linked to the vehicle.
- (c) Unless an employee is entitled to a Branch Card as a condition of their employment, the Finance Committee will have discretion to decide whether an employee of the Branch is issued with a Branch Card.
- (d) Branch Cards must only be issued to ongoing employees and to the FTOs in accordance with this Policy.
- (e) The Secretary is responsible for:
 - (i) issuing a Branch Card or Branch Cards to an employee (once approved by the Finance Committee);
 - (ii) issuing a Branch Card or Branch Cards to the Branch President; and

Section 6: Credit cards, debit cards and fuel cards

- (iv) use Branch Cards for cash advances;
- (v) use Branch Cards to circumvent budget line limits;
- (vi) exceed the limit set for the Branch Card; or
- (vii) use the Branch Card for any transaction which could adversely affect the reputation of the Branch or bring the Branch into disrepute.

6.5 Hybrid transactions procedures

- (a) In the event that a transaction involves both personal use and a reasonable work-related expense, the Branch Card holder must settle the personal part of the transaction before charging the work-related expense to the Branch Card.
- (b) In the event that a Branch Card holder inadvertently charges a personal expense to the Branch Card, they must report this to the Secretary as soon as is reasonably practicable, and repay the amount.
- (c) In the event that the Secretary inadvertently charges a personal expense to the Branch Card, they must report this to the Branch President, and repay the amount.
- (d) This clause does not apply to the purchase of petrol on a fuel card if a FTO or employee has a right to use a Branch vehicle for personal and private use.

6.6 Lost or misplaced Branch Cards procedures

- (a) If a Branch Card holder misplaces or loses their issued Branch Cards, they must report this to the Secretary within 24 hours of becoming aware that the card may be misplaced or lost. If the Secretary is absent, the Branch Card holder must report the lost or misplaced card to the President.
- (b) The Secretary or President must cancel the card as soon as reasonably practicable after being informed that a credit card has been lost.

6.7 Monitoring compliance procedures

- (a) The Secretary is responsible for:
 - (i) monitoring the use of all Branch Cards;
 - (ii) maintaining a register of each card and to whom it has been issued; and
 - (iii) monitoring compliance with these procedures.
- (b) The President is responsible for:
 - (i) monitoring the Secretary's compliance with these procedures;
 - (ii) dealing with matters that involve a conflict of interest for the Secretary.

6.8 Failure to comply with these procedures

- (a) Except in circumstances of fraud, loss or theft, each cardholder will be personally liable for any unauthorised use of Branch Cards.

6.10 Return of Branch Cards procedures

- (a) Each card holder must return their Branch Card to the Secretary:
 - (i) on the cessation of their employment; or
 - (ii) when requested by the Secretary.
- (b) In the case of the Secretary, they will return their credit card to the President on the cessation of their employment.
- (c) Once a Branch Card has been returned to the Branch, the Branch Card must be promptly cancelled.

7. Accounting, auditing and financial reporting

7.1 Application

- (a) This policy and these procedures apply to all employees and Branch Executive Members.
- (b) Unless the AEU Rules or the Branch Rules provide otherwise, the financial year of the Branch ends on 31 December in each year.

7.2 Policy

- (a) The Act imposes legal obligations on the Branch with respect to accounting, reporting, and other similar matters. These obligations must be taken seriously.
- (b) Proper financial reporting is critical to ensure that members understand the financial performance and financial position of the Branch.
- (c) The Branch must keep such financial records as correctly record and explain the transactions and financial position of the Branch, including such records required by the Act and the Regulations.
- (d) The Branch Executive must appoint a person having the qualifications prescribed in the Act, and the Regulations, as Branch Auditor.
- (e) The Branch must prepare financial reports, including a general purpose financial report and operating report, in accordance with the Act and the Regulations, as soon as practicable after the end of the financial year.
- (f) The Branch Executive must meet to consider resolving to approve the 'committee of management statement' as soon as practicable after the general purpose financial report has been prepared (**First Meeting**).
- (g) The Branch Secretary must submit the financial reports of the Branch to the Branch Auditor including the committee of management statement approved at the First Meeting.
- (h) The Branch Auditor must have full and complete access to all books and documents of the Branch.
- (i) The Branch Auditor will independently audit the general purpose financial report and operating report and prepare an audit report.

Section 9: Delegations of authority

9.3 Delegations

- (a) The Branch Executive is the committee of management of the Branch and, when the Branch Conference is not in session, is the supreme governing body of the Branch.
- (b) The Branch Executive is ultimately responsible for the exercise of power in relation to the financial management of the Branch.
- (c) Any delegation of power by the Branch Executive is subject to direction by the Branch Executive regarding how that power is to be exercised.
- (d) The Branch Executive must not delegate the following powers:
 - (i) to adopt the Branch's strategic plan;
 - (ii) to adopt the Branch's business plan;
 - (iii) to adopt the Branch's annual budget;
 - (iv) to approve or amend the committee of management statement required by the Act;
 - (v) any other powers that are expressly reserved for the Branch Executive under the Branch Rules.
- (e) The Branch Executive has resolved to delegate to the positions in the delegations register at **Appendix B** the responsibilities and powers set out in the register.
- (f) Delegations attach to the position and not to the person appointed to, or employed in, the position.
- (g) All delegations must be exercised in accordance with the Act, the rules and this Policy.
- (h) Any Branch Executive Members may recommend to the Branch Executive changes to the delegations register.
- (i) No change to the delegations register will be effective unless recorded in the minutes of a Branch Executive meeting.
- (j) Persons properly authorised to "act" in a position will be able to exercise the delegation of that position unless the Secretary determines otherwise.
- (k) Powers expressly reserved for the following under the Rules cannot be delegated to the Secretary:
 - (i) Branch Conference;
 - (ii) Branch Executive; or
 - (iii) another Branch Executive Member.

9.4 Delegations register

- (a) The Secretary must maintain the delegations register, which will be accessible to all staff as **Appendix B** to this Policy.
- (b) The Branch Executive may amend the delegations register by resolution.

9.5 Sub-Delegations

- (g) This clause relates to governance and financial matters and serve to clarify, and draw attention to, the exercise of powers in accordance with the Branch Rules.

10.3 Branch Conference responsibilities

- (a) The Branch Conference is not responsible for financial management and cannot exercise powers that relate to financial management.
- (b) The Branch Conference otherwise has the power to manage and control the affairs of the Branch, including by amending the Branch rules or directing that the opinion of financial members be obtained on any question by way of plebiscite.

10.4 Branch Executive responsibilities

- (a) The Branch Executive is responsible for:
 - (i) Monitoring and ensuring the Branch's compliance with its legal and financial obligations, along with the objectives, purposes and values of the Branch contained in the Rules;
 - (ii) Ensuring good organisational governance, including by setting and approving policies, making plans, monitoring the Branch's performance against its plans and budgets, establishing sub-committees permitted by the Rules;
 - (iii) Overseeing and monitoring the Branch's finances, including by reviewing, setting, and approving budgets, monitoring the Branch's use of its finances, and overseeing the work of the Finance Committee;
 - (iv) Delegating financial decision making from time to time, in accordance with the delegations register, including to the Finance Committee;
 - (v) Financial reporting, including by considering and approving annual financial statements and reports required by the Act;
 - (vi) Monitoring the performance of the Full-Time Officers, including ensuring that the Secretary maintains all financial records and retains such records for the seven year period required by s 252 of the Act;
 - (vii) Dispute resolution in accordance with the Rules; and
 - (viii) Following resolutions of the Conference, with the exception of any resolutions of the Conference in relation to financial matters.

10.5 Role of the Finance Committee

- (a) The Finance Committee is to meet at least once a month, with the exception that the Finance Committee is not required to meet in January of each year.
- (b) The Finance Committee is comprised of:
 - (i) the Secretary;
 - (ii) the Treasurer; and
 - (iii) such other members as determined by the Branch Executive.

Section 11: Reimbursements

10.7 Absence of the senior officers

- (a) As provided for by the Branch Rules, in the absence of the President, the Vice-President (General) or Vice-President (TAFE) will occupy the chair, conduct the business and perform the duties of the President.
- (b) If only one of the Vice-President (General) and Vice-President (TAFE) consent to act as the President for the purpose of clause (a), that person will perform the duties of the President in their absence.
- (c) If both the Vice-President (General) and Vice-President (TAFE) consent to act as the President for the purpose of clause (a), the Branch Executive may meet to determine which Vice President will perform the duties of the President in their absence.
- (d) If the absence of the President, Vice-President (General) and Vice-President (TAFE), the Branch Executive may meet to determine which Branch Executive Member will perform the duties of the President in their absence.
- (e) In the absence of the Secretary, the Branch Executive may meet to determine which Branch Executive Member will perform the duties of the Secretary in their absence.
- (f) If a Branch Executive Member is authorised to perform the duties of the President or Secretary in their absence, the Branch Executive may resolve to pay that Acting President or Acting Secretary an honorarium or wage for the period of the absence which must not exceed the salary of the absent FTO.
- (g) In the absence of the Treasurer, the Branch Executive may meet and determine which Branch Executive Member will perform the duties of the Treasurer in their absence.
- (h) Nothing in this clause obliges the Branch Executive to meet if the period of the absence does not materially impact the operations of the Branch.

11. Reimbursements

11.1 Application

- (a) This clause applies to all employees, Branch Executive Members, Branch Conference Delegates and members.

11.2 Policy principles

- (a) The Branch acknowledges that employees, Branch Executive Members and Branch Conference Delegates may be required to incur legitimate expenses in the performance of their duties.
- (b) Other Branch members may also incur legitimate expenses related to Branch business including attending meetings or training.
- (c) The Branch acknowledges that employees, Branch Executive Members, Branch Conference Delegates and members should not be required to meet those expenses personally provided the expenses are authorised, properly incurred, and prudent.
- (d) To protect the Branch's reputation, it is imperative that expenditure is not perceived to be extravagant.

Section 12: Ordinary and extraordinary expenditure

- (c) The amount of the meal allowance will be equal to the amounts for breakfast, lunch and dinner contained in the annual review of allowances determination made under the *Public Sector Employment and Management Act 1993* (NT).
- (d) A meal allowance is only claimable when a meal has been purchased by the person claiming the allowance and the AEU or the Branch has not provided a complimentary meal in lieu of an allowance.
- (e) No allowance is payable when complimentary meals are provided including during air travel or when included in conference registration.
- (f) If an employee, Branch Executive Member or Branch Conference Delegate seeks reimbursement for a meal they have purchased instead of a meal allowance, and the reimbursement exceeds the amount of the meal allowance, the Secretary may still approve the payment of that reimbursement if it was reasonably incurred in accordance with this policy.

12. Ordinary and extraordinary expenditure

12.1 Application

- (a) This clause applies to all employees, Branch Executive Members and Branch Conference Delegates.
- (b) This clause is subject to any other clause of this Policy which deals with delegations, procurement or legal assistance.

12.2 Ordinary expenditure

- (a) In accordance with rule 99(d)(2), the Branch Executive may resolve to incur expenditure for ordinary purposes. However, not all expenditure for ordinary purposes requires prior approval from the Branch Executive.
- (b) "Ordinary purposes" include:
 - (i) expenditure on Branch Cards for work-related purposes;
 - (ii) expenditure for the general administration of the AEU or the Branch including the payment of salaries, honoraria, travelling expenses, payroll deductions, taxes, rates, rent, interest of loans, accounts for stationery, printing, hire of premises for meetings, legal costs and disbursements, transcript, telephone, telegraph, telex and postal services and expenses of like kind reasonably incidental to the general administration of the AEU or the Branch.

12.3 Extraordinary expenditure policy

- (a) "Extraordinary purpose" means a purpose not provided for in the AEU Rules or Branch Rules.

12.4 Extraordinary expenditure procedure

- (a) In accordance with Rule 99(d)(3) of the Branch Rules, the Branch must not incur expenditure for an extraordinary purpose unless the following procedure is followed:

Section 15: Purchasing, procuring and leasing

- (i) EFT payments;
 - (ii) BPAY;
 - (iii) Direct debit;
 - (iv) International money transfers; and
 - (v) Branch Card.
- (f) A reference to a signature under the Branch Rules, or this policy, means a signature for the purpose of section 9 of the *Electronic Transactions (Northern Territory) Act 2000* or any successor to that legislation.

14.2 Responsibilities

- (a) The Secretary is responsible for ensuring that all staff and Branch Executive Members are aware of this Policy and these procedures.
- (b) The Secretary, the Treasurer and the President are responsible for complying with this Policy and the Branch Rules.

15. Purchasing, procuring and leasing

15.1 Application

- (a) This policy and procedure applies to all employees and Branch Executive Members.

15.2 Policy

- (a) The Branch is committed ensuring that all its financial management processes are ethical, accountable and transparent.
- (b) Branch Executive members are responsible for the financial management and governance of the Branch.
- (c) All major purchasing, procurement and leasing decisions made by the Branch will:
 - (i) be undertaken for the benefit of members;
 - (ii) be made in accordance with the Union's objectives (as set out in the AEU Rules, strategic and operational plans and budget); and
 - (iii) represent the best value for goods and services procured and represent the competitive market rate for any lease.

15.3 Procedure – general

- (a) The Secretary is responsible for advising the Branch Executive on the need to review or revise the policy and procedure for purchasing, procuring and leasing when necessary.
- (b) The Branch Executive is responsible for:
 - (i) developing and reviewing the policy and procedure for purchasing, procuring and leasing contained in this clause; and
 - (ii) determining a list of preferred suppliers.

Value of Goods/Services	Procurement Rules
	▪ confirmation that this expenditure has/has not been budgeted for and from which accounting line monies will be allocated; ▪ a list of those asked to submit a quotation; ▪ a copy of the written request for quotation; ▪ copies of quotations obtained; ▪ criteria used for selecting those asked to submit a quotation; ▪ if fewer than three quotations were obtained, reasons why; and ▪ a full explanation/justification/recommendation for the acceptance of the quotation, which must address all specified selection criteria.

- (b) The Secretary must report all procurement decisions to the Finance Committee at the next meeting after the decision has been made.
- (c) The Secretary must make the supporting documents maintained for the purpose of this policy available for inspection by the Branch Executive, or a Branch Executive Member, if requested.

15.6 Leasing procedure

- (a) All leasing proposals:
 - (i) will be developed by the Secretary in consultation with the Finance Committee;
 - (ii) must be subject to professional advice regarding the suitability of a lease rather than an outright purchase; and
 - (iii) must be endorsed by the Branch Executive prior to acceptance.

16. Receiving gifts and hospitality

16.1 Application

- (a) This policy and these procedures apply to all employees and Branch Executive Members.

16.2 Policy principles

- (a) The Branch's reputation must be beyond reproach. Its reputation will be shaped by the actions of its employees and Branch Executive Members and the integrity they display in the performance of their duties.
- (b) While the Branch acknowledges that, from time to time, receiving gifts and hospitality will be acceptable and advance members' interests, it is critical that the receipt of gifts and hospitality is transparent and does not call into question the integrity of the Branch.
- (c) Consequently, gifts and hospitality may only be received in compliance with this policy and these procedures.
- (d) The *Fair Work Act 2009* (Cth) also contains various offences regarding the receipt of corrupting benefits.
- (e) All employees and Branch Executive Members are required to familiarise themselves of the requirements of the Fair Work Act and not give, receive or solicit any corrupting benefit.

Section 17: Giving gifts and hospitality

- (A) perceive the gift or hospitality has been offered solely to influence the recipient in the performance of their duties;
 - (B) suspect the gift or hospitality has been offered to obtain for the person offering the gift an undue benefit; or
 - (C) consider the gift or benefit would undermine the integrity of the Branch.
- (iii) accepting any cash or in-kind payment from an employer of AEU members in contravention of the Act;
 - (iv) accepting cash, cash-like payments, or electronic payments (note, this does not include gift cards) other than in accordance with this Policy;
 - (v) directly or indirectly being party to any bribes.

16.6 Register of gifts and hospitality procedures

- (a) The Secretary must maintain a register of gifts and hospitality (the **Register**) declared in accordance with this clause 16.
- (b) The Register must include:
 - (i) the date the gift or hospitality was offered and that date (if any) it was accepted;
 - (ii) a description of the gift or the hospitality;
 - (iii) the person who provided, or attempted to provide, the gift or hospitality;
 - (iv) the person to whom the gift or hospitality was offered or provided;
 - (v) whether the gift was accepted; and
 - (vi) the name of the person who authorised the receipt of the gift or hospitality.
- (c) The Secretary must provide a copy of the Register to the Finance Committee and to the Branch Executive in December each year (or, if that is not practicable, at the next meeting of the Finance Committee or the Branch Executive following the end of December).

17. Giving gifts and hospitality

17.1 Application

- (a) This policy and these procedures apply to all employees and Branch Executive Members.

17.2 Policy principles

- (a) The Branch's reputation must be beyond reproach. Its reputation will be shaped by the actions of its employees and Branch Executive Members and the integrity they display in the performance of their duties.
- (b) While the Branch acknowledges that, from time to time, giving gifts and hospitality may be reasonable to advance members' interests, however it is critical that the receipt of gifts and hospitality is transparent and does not call into question the integrity of the Branch.
- (c) Consequently, gifts and hospitality may only be given in compliance with this Policy.

Section 18: Detecting and dealing with fraud

- (b) In the event that the Secretary is suspected of fraud, this must be reported to the President.
- (c) In the event that both the Secretary and the President are suspected of fraud, this must be reported to the Vice President (General).
- (d) Reports of suspected fraud may be verbal or in writing, and may be made anonymously.
- (e) If the fraud is of a serious nature, including suspected theft, the Secretary, President or Vice-President should report this to the Branch Executive.

18.5 Investigation procedures

- (a) As soon as practicable after receiving a report, the Secretary, President or Vice-President will cause an investigation to be commenced. An investigation may be conducted internally or by an external firm.
- (b) To the extent possible, the investigation should:
 - (i) Provide procedural fairness;
 - (ii) Make findings of fact on the balance of probabilities;
 - (iii) Be confidential; and
 - (iv) Result in a report to be presented to the Branch Executive.

18.6 Findings of fraud procedures

- (a) If an investigation finds that an employee or Branch Executive Member engaged in fraud, the Secretary, President, or Vice-President will report the matter to the police.
- (b) Engaging in fraud amounts to serious misconduct and, subject to the Rules, may result in summary dismissal.

18.7 Follow up procedures

- (a) In circumstances where fraud has resulted in financial loss, the Branch should take advice on whether civil action should be pursued against the employee or Branch Executive Member.

18.8 Anti-victimisation procedures

- (a) Employees and Branch Executive Members must not victimise any person who has made a report of suspected fraud.
- (b) Victimisation includes any adverse action, including dismissal, threatened dismissal, bullying, demotion, suspension, or altering a person's position to their prejudice.

18.9 Good faith disclosure procedures

- (a) Provided a disclosure of suspected fraud is made in good faith, an employee or Branch Executive Member will not be subjected to any disciplinary action. This includes circumstances where an investigation does not result in a finding of fraud.
- (b) Vexatious reports of fraud will breach this policy and these procedures and may result in disciplinary action.

Section 20: Conflicts of interest and material personal interests

- (a) Sub-clauses 20.3 to 20.7 of this policy apply only to Branch Executive Members.
- (b) All other aspects of this policy and these procedures apply to all employees and Branch Executive Members.

20.2 Policy principles

- (a) The Branch acknowledges that conflicts of interest can arise in the course of Branch business.
- (b) However, it is imperative that conflicts of interests and material personal interests are managed in accordance with this policy and procedures, and in accordance with the Act.
- (c) Failing to comply with this policy and these procedures can expose the Branch and Branch Executive Members to legal liability.
- (d) Broadly, Branch Executive Members and employees must not improperly use, or seek to use, their position, information obtained in the course of their duties, or their status for any benefit or advantage for themselves or another person.
- (e) This Policy and the associated procedures are built on principles of:
 - (i) good governance;
 - (ii) transparency; and
 - (iii) preserving the integrity of the Branch.

20.3 Statutory obligations of Branch Executive Members

- (a) The Act establishes ongoing obligations on Branch Executive Members. These obligations include:
 - (i) disclosing to the Branch any material personal interests in any matter relating to the affairs of the Branch that the Branch Executive Member, or a relative of the Branch Executive Member or, has or acquires; and
 - (ii) disclosing to the Branch all remuneration that the Branch Executive Member receives:
 - (A) because the Branch Executive Member is a member of a board and holds that position solely because of their position as a Branch Executive Member of the AEU or the Branch;
 - (B) because the Branch Executive Member is a member of a board and holds that position because they were nominated by the AEU, the Branch or a peak body; and
 - (C) from a related party of the AEU, in connection with the performance of the Branch Executive Member's duties.

20.4 Procedure for handling material personal interests of Branch Executive Members

Section 20: Conflicts of interest and material personal interests

a matter to which they have a material personal interest (e.g. if there is a requirement to provide natural justice to the relevant Branch Executive Member).

20.6 Recording of material personal interests disclosed by Branch Executive Members

- (a) All disclosures of material personal interests by Branch Executive Members must be recorded in the minutes of the meeting at which the interest was disclosed, or if it was disclosed to each member of the Branch Executive individually between meetings, at the next meeting after the disclosure was given.

20.7 Disclosure of material personal interest to members

- (a) If a member of the Branch requests, in writing, to be provided with a copy of any material personal interest disclosures made by Branch Executive Members to the Branch Executive, the Secretary must provide that member with a copy of such disclosures within 28 days of the request.

20.8 Conflicts of interest affecting Branch Executive Members and employees

- (a) While the material personal interests provisions in the Act apply to Branch Executive Members, all Branch Executive Members and employees must also ensure that they appropriately disclose and avoid acting upon any conflicts of interest.
- (b) A conflict of interest may arise where a Branch Executive Member or employee has a personal interest in a matter which could influence, or could be perceived to influence, how they may deal with a matter concerning union business.
- (c) A conflict of interest may also arise where the person who could stand to benefit from the employee's conduct is a relative (namely a spouse, defacto partner, parent, stepparent, child, stepchild, grandparent or sibling) or an entity controlled or owned by a relative.
- (d) Employees also have a statutory obligation to not use their position, or information they have obtained because of their position, to confer a benefit upon themselves or anyone else.

20.9 Disclosing conflicts of interest

- (a) If a Branch Executive Member or employee believes that they may have a conflict of interest in relation to a matter, they must declare the interest and the matter to the Secretary using the form set out at **Appendix C**.

20.10 Dealing with disclosed conflicts of interest

- (a) If a conflict of interest is disclosed to the Secretary, it must be reported to the Branch Executive at the next meeting.
- (b) The Secretary must exercise their reasonable judgment between meetings of the Branch Executive in determining whether the nature of the interest disclosed warrants the matter being treated as a conflict of interest.
- (c) If the Branch Executive, or the Secretary, determines that a conflict of interest has arisen, the Branch Executive or Secretary (as the case may be) must decide whether it is appropriate for the employee to continue to be involved in the matter.

21.3 Procedure

- (a) The President or Secretary may approve Branch funds being used for flights taken by employees, Branch Executive Members Branch Conference Delegates or members where there is a benefit to the AEU, the Branch or its members.
- (b) The President and Secretary should approve each other's flights when paid for using Branch funds.
- (c) Except in exceptional circumstances, or when booked by a FTO using a Branch Card, all flights will be booked by the Branch using its corporate accounts.
- (d) Administration staff will, once approval has been given by the Secretary or President, arrange for flights to be chosen through the Branch's corporate accounts.
- (e) The President or Secretary will then approve the chosen flight if they consider that it is appropriate having regard to the policy in this clause.
- (f) The Finance Committee will be responsible for dealing with any issues regarding the operation of corporate accounts.

21.4 Frequent flyer points

- (a) If a Branch Executive Member, Branch Conference Delegate, employee or member travels by air on union business, they are entitled to accumulate frequent flyer points.
- (b) Branch Executive Members, Branch Conference Delegates, employees and members are entitled to use their accumulated frequent flyer points for personal use, even if those points have been accumulated by travelling on union business.
- (c) The Finance Committee may recommend any amendment to the policy or procedure regarding frequent flyer points to the Branch Executive.

22. Sponsorships

22.1 Application

- (a) This policy applies to all employees and Branch Executive Members.

22.2 Policy

- (a) The Branch Executive is committed to ensuring that its dealings with third party are ethical and in the best interests of members.
- (b) The Branch Executive acknowledges that sponsorships can be a powerful way to build and strengthen partnerships and relationships with third parties that may share common goals with the Branch or the Union.
- (c) The Branch will not enter into any alliance or partnership with any business or organisation, or accept any sponsorship from any business or organisation, that would jeopardise the Branch's integrity or adversely impact the Branch's standing and reputation in the community.

Section 24: Membership Subscriptions

- (i) the legal assistance costs would exceed the agreed budget allocation; and/or
 - (ii) there would be any relaxation of the conditions for legal assistance, other than those set out in this Policy.
- (g) The Branch Executive may consider approving legal assistance for fully financial members and unfinancial members provided that their financial status is restored and automatic subscription payments are arranged before assistance is provided.
- (h) Legal assistance will not be provided for matters which arose at a time when the member was not a member, or was an unfinancial member, unless the Secretary agrees to waive this requirement for strategic reasons, such as where the matter has an impact on other members and its pursuit would have a collective benefit, or in accordance with a circumstance set out in clause 24.
- (i) The procedure for applying for legal assistance and further eligibility conditions are set out in the *Factsheet – Legal Assistance Policy for Members* (contained at **Appendix E**).
- (j) Where this clause refers to a budget allocation, this may include a weekly, monthly or quarterly allocation if the Branch Executive has approved a budget on a weekly, monthly or quarterly basis for legal assistance or expenditure.

23.3 Procedure

- (a) The Secretary must:
 - (i) make recommendations to the Branch Executive regarding appropriate legal services providers and the range of legal services that the Branch may seek from legal services providers; and
 - (ii) issue a *Factsheet – AEU NT Legal Assistance Policy for Members* to relevant employees and all members that request legal assistance.
- (b) The Branch Executive must:
 - (i) determine the legal services providers and range of legal services which will be made available to members based on the recommendation of the Secretary; and
 - (ii) periodically review and approve the *Factsheet – Legal Assistance Policy for Members* prepared by the Secretary.

24. Membership Subscriptions

24.1 Application

- (a) This policy and procedure applies to employees and Branch Executive Members in respect of the Branch's members.

24.2 Policy and procedure – general

- (a) The Branch Executive is authorised to determine entrance fees, subscriptions, levies and fines for members under rule 11 of the AEU Rules and rule 102 of the Branch rules.
- (b) This policy, the AEU rules, and rule 102 of the Branch Rules, outlines the process by which all entrance fees, subscriptions, levies and fines will be set, the circumstances in which

Section 24: Membership Subscriptions

- (g) The Secretary will recommend to the Branch Executive, when appropriate, any limitation that should apply to the range of services that the Union will provide to an individual or groups of members for matters that occurred when they were not a member.
- (h) Despite clauses 24.4(a) and 24.4(b), the Secretary will have the discretion to waive the entrance fee if:
 - (i) the support that is to be provided to the member is modest in nature. Examples include providing generic, verbal advice to members or directing members towards applicable policy documents, enterprise agreement clauses or dispute resolution mechanisms; or
 - (ii) the matter for which the member seeks assistance is a matter the Branch is already assisting other members with, such as in the case of issues which affect a class of employee or multiple employees in one workplace.

24.5 Maintaining financiality

- (a) The Secretary must ensure there is adequate infrastructure and mechanisms in place to accurately record and report on membership subscription payments.
- (b) Each month, the Administration Manager must provide a reconciliation report to the Secretary for review and approval. The reconciliation report must record the number of financial members of the Branch and any variance between expected total membership fees from those members and the actual membership fees received.
- (c) To maintain financiality, members must not be more than 60 days in arrears with their subscriptions.
- (d) Unfinancial members have restrictions placed upon their rights, in accordance with the AEU Rules.
- (e) The following procedure applies to manage the number of unfinancial members:
 - (i) One month prior to a member becoming unfinancial due to non-payment of their membership dues, Letter 1 shall be sent to them (see **Appendix F**).
 - (ii) As soon as a member becomes unfinancial they shall be sent Letter 2 (see **Appendix G**).
 - (iii) Three months after a member has become unfinancial they shall be sent Letter 3 (see **Appendix H**).
 - (iv) If no response is received, the person will be sent Letter 4 (see **Appendix I**) via registered post, will cease to be a member and will be removed from the register of members.

24.6 Re-joiners and arrears

- (a) The Secretary will ensure that a member who resigns or ceases to be a member due to unfinanciality and owes a debt to the Union will be requested to pay that debt at the time of re-joining the Union if they seek to re-join the Union within 12 months of incurring the debt.

Section 24: Membership Subscriptions

- (C) Members represented through appeals and Fair Work Commission processes following dismissal.
 - (D) Career Breaks (members who are currently not working or are on approved special leave without pay).
 - (E) Retired members and others who wish to retain an association with the Union.
- (d) From time to time specific groups or sections of members and potential members may be selected for targeted recruiting for bargaining and campaigning purposes, in which case reduced fee rates or waived fee periods may be applied.
 - (e) Where the Secretary has reasonable grounds to believe that a member's salary has increased to a different salary increment, and the member has not informed the Branch, the Secretary may notify the member that their membership subscription amount has increased.
 - (f) A member that receives a notice under clause (e) above may appeal the increase in their membership subscriptions to the Branch Executive within three weeks of receiving the notice.

24.9 Refunds

- (a) Where an error has been made by the Union in collecting membership fees members are entitled to a full refund of fees that the Branch was not entitled to collect, for a period of up to three years.
- (b) Where a member has cancelled their membership, but fees continue to be deducted, Union employees will contact third party subscriptions providers (payroll sections or banks) and will endeavour to contact the cancelled member to alert them and request that they contact their bank or payroll provider to end the deduction.
- (c) When an error was made by the member concerned, refunds will only be considered in exceptional circumstances and up to a maximum period of six months prior to the date of the written application for the refund claimed.
- (d) Guidelines that explain members' responsibilities for managing their subscriptions are published on the AEU website and in the Member Handbook, alongside information regarding the process for resigning from membership, changing employer details, changing fee rates and applying for waiver status.
- (e) Applications for refunds can be made by e-mail or letter to AEU NT Membership, who will investigate and determine the amount owed by the Union. Union employees will obtain a nominated bank account from the member and process the refund by an electronic funds transfer or by credit card if fees were paid this method.
- (f) The Branch Executive may authorise a refund of membership fees to a member or prospective member outside of this policy if satisfied that it is reasonable to do so.

24.10 Membership resignations

- (a) Requests for termination of membership, other than where a member has ceased to be eligible to become a member of the Union:
 - (i) must be received in writing (by email, letter or signed resignation form); and

Section 27: Investment planning

- (b) It is the responsibility of the Secretary to ensure that the Strategic Plan is effectively implemented.
- (c) It is the responsibility of all employees to assist the President and Secretary to effectively implement the Strategic Plan.
- (d) The President and Branch Executive will develop the Strategic Plan by:
 - (i) reviewing the current Strategic Plan six months prior to its expiration;
 - (ii) calling a special meeting or meetings of the Branch Executive solely for the purpose of discussing and finalising a new Strategic Plan;
 - (iii) inviting employees to give input about the new Strategic Plan;
 - (iv) incorporating decisions of the Branch Conference;
 - (v) giving consideration of the need to seek advice from other parts of the AEU or union movement;
 - (vi) determining the period of time the Strategic Plan will cover.
- (e) Branch Executive will monitor the implementation of the Strategic Plan by receiving a report from the Secretary or their delegate at least once each school semester.
- (f) The Secretary will effectively implement the Strategic Plan by:
 - (i) allocating the specific actions in the plan to appropriate staff;
 - (ii) providing staff with sufficient resources to achieve the actions in the plan;
 - (iii) regularly discussing progress towards achieving the actions at staff meetings; and
 - (iv) reporting to Branch Executive on the achievement of the specific actions at least once each school semester.
- (g) The Strategic Plan will be reviewed every 12 months.

27. Investment planning

27.1 Policy

- (a) The Branch Executive is responsible for:
 - (i) ensuring that the Branch operates within a responsible, sustainable financial framework;
 - (ii) ensuring that the organisation has adequate resources to carry out its work; and
 - (iii) maintaining and extending the assets of the Branch, to provide for its long-term financial viability.
- (b) This policy is designed to ensure that any assets not required for the current operating budget will be invested in accordance with the Investment Plan.

- (b) The Branch Executive is responsible for the approval of the annual budget.
- (c) The budget process will be as follows:
 - (i) the Secretary will, with the assistance of the Treasurer and in consultation with the Finance Committee, consider the Branch's Strategic Plan and prepare a draft annual budget which supports the effective implementation of the Strategic Plan;
 - (ii) the Secretary will take all reasonable steps to ensure that the draft annual budget is presented to the Branch Executive by the second last Branch Executive meeting for the year for consideration; and
 - (iii) the Branch Executive will use its best endeavours to ensure that the annual budget is passed before the commencement of the financial year to which it relates.
- (d) If the annual budget has not been passed before the commencement of the financial year to which it relates, the persons responsible for financial expenditure in the delegations register should exercise their reasonable discretion to incur expenditure in accordance with the previous year's budget or, if a draft budget has been prepared, the draft budget.
- (e) However, if there is any doubt about whether expenditure should be incurred, or the amount of expenditure to be incurred, the expenditure should be deferred until such time as the Branch Executive next meets to approve the expenditure, or until the budget has been approved.
- (f) While the Branch's budgets are approved on an annual basis, for the purpose of the delegations register in Appendix B, the Branch Executive can decide to set a weekly, monthly or quarterly budget for a specific item of expenditure at the time it approves its annual budget.

Section 0: APPENDIX A – BRANCH CARD FORM

I will immediately advise the Accounts Officer of any change in name or contact details.

Upon termination

I will immediately return my card to the Accounts Officer upon the cessation of my employment with the Australian Education Union, or at any other time if instructed to do so by the Branch Secretary.

Declaration

I acknowledge that I have read and understood the Branch's *Financial Management Policy*.

Signed: _____

Date: _____



Section 0: APPENDIX B – DELEGATIONS REGISTER

and monitor their implementation		
Effectively implement strategic plans	Secretary	
Business case for new services, or new initiatives and projects in the strategic plan	Secretary	May sub-delegate as appropriate
Develop and approve Investment Plan	Branch Executive	The Secretary, in consultation with the Finance Committee, is responsible for recommending an Investment Plan to Branch Executive
Approve business plans and annual operational and capital budgets	Branch Executive	The Secretary is responsible for preparing a draft annual budget, with the assistance of the Treasurer and in consultation with the Finance Committee
Allocate budget amounts	Branch Executive	The Secretary, with the assistance of the Treasurer and Finance Committee will propose budget amounts for approval by Branch Executive. The Branch Executive may set a budget for individual items of expenditure on a weekly, monthly, quarterly or annual basis.
Set membership subscriptions, entrance fees and fines	Branch Executive	The Finance Committee must make recommendations to the Branch Executive regarding the amount of any entrance fees, subscriptions, levies and fines payable by members
Regulatory compliance and responding to regulatory correspondence	Secretary	
Filing regulatory reports	Secretary	
Instigate or defend legal actions and proceedings	Branch Executive	Day-to-day instructions to be provided by the Secretary, or

Section 0: APPENDIX B – DELEGATIONS REGISTER

Ensure that all Branch vehicles are legally registered and insured	Secretary	
Determining appropriate legal service providers and range of legal services	Branch Executive	To be recommended by the Secretary
Determining to provide legal assistance to members in accordance with approved budgets (up to an amount of \$10,000 for a single member or issue)	Secretary	The Branch Executive may set a budget for individual items of expenditure on a weekly, monthly, quarterly or annual basis
Determining to provide legal assistance to members outside approved budgets or for an amount exceeding \$10,000 for a single member or issue	Branch Executive	To be recommended by the Secretary. The Branch Executive may set a budget for individual items of expenditure on a weekly, monthly, quarterly or annual basis.
Approving legal assistance to members beyond agreed budgets, or on different conditions to this Policy	Branch Executive	To be recommended by the Finance Committee. The Branch Executive may set a budget for individual items of expenditure on a weekly, monthly, quarterly or annual basis.
Appoint auditor	Branch Executive	
Liaise with auditor	Secretary	
Open and close union bank accounts	Secretary	Subject to direction and approval of Finance Committee
Branch Cards approval and setting of limits	Finance Committee	
Issuance of Branch Cards	Secretary	Once approved by the Finance Committee
Monitoring the use of Branch Cards and compliance with Branch Card policy	Secretary	

Section 0: APPENDIX B – DELEGATIONS REGISTER

General authority to manage the day-to-day operational activities and requirements of the AEU NT Office and affairs	Secretary	Subject to direction of Branch Executive
Development of the Strategic Plan	President	In collaboration with the Branch Executive
Implementation of the Strategic Plan	Secretary	President and employees to assist with implementation. Implementation to be overseen by the Branch Executive.

APPENDIX D – CONTRACTS FOR THE PROVISION OF SPONSORSHIP

Sponsorship contracts and letters of agreement involving the Union should normally include the following clauses:

1. **Description of the Sponsorship Alliance:** The contract will contain a comprehensive description of the item, project or event around which the sponsorship alliance is constructed, including a list of obligations for both parties. Obligations of the parties in market research or sponsorship analysis will be explicitly itemised in the contract. (See also item 7 below.)
2. **Terms of Agreement:** the dates for commencement and conclusion of sponsorship alliances must be included in the contract.
3. **Key Personnel:** The contract will include the names of the individuals from both parties primarily responsible for the sponsorship, and to whom issues regarding the contract are to be referred.
4. **Limitations on and Approval of the Use of the Union's Name:** The following clause limits the use of our name by the sponsor in its own internal and external promotion and advertising as per the negotiated arrangements: *'Neither party, in any situation, whether within or outside the parameters of the sponsorship, shall be deemed to be the spokesperson for, or the representative, of the other party.'* The accepted use of the Union's word mark, or logo must be stipulated in all contracts and agreements.
5. **Exclusivity:** The Union may wish to offer outright or industry exclusivity to a sponsor, or the sponsor may request such exclusivity within the sponsorship alliance. Where relevant, the following statement regarding exclusivity will be included in the contract: *'The Union agrees that [Name of Sponsor] shall be the sole and exclusive sponsor of [Name of Initiative] for the term of this agreement.'*
6. **Financial Terms and Schedule of Payments:** The total value and payment schedule of the sponsorship agreement between the parties will be clearly identified in the contract.
7. **Obligations of the Parties to Each Other:** The obligations of the parties are dependent upon the form of the alliance and will be determined on an individual basis. Responsibility for any market research or program or evaluation duties, reporting, and approvals will be specified in the contract, along with specific criteria and methodologies for the evaluation of the sponsorship.
8. **Breach of Contract:** The contract should stipulate what shall occur in the case of a breach of contract; for example: *'Prior to initiating formal notification of breach of contract, the parties will undertake all appropriate and reasonable efforts to resolve the matter. Should these efforts not prove successful, either party may notify the other of breach of contract in writing, sent by mail or courier, return receipt requested. Such notification will request a written response by a specific date. A failure to respond, or to rectify a material breach, by the specific date will constitute cause for dissolution of the contract.'*
9. **Right to Discontinue the Sponsored Program or Event:** The contract shall ensure the Union reserves the right to cancel the sponsorship should circumstances dictate.



- (v) the member is defending the action or pleading not guilty to the allegation or charge;
- (vi) AEU NT legal assistance has been sought, and approval given prior to any legal costs being incurred. No reimbursement for legal expenses already incurred will be considered;
- (vii) the member agrees to use the AEU NT's solicitors unless the AEU NT determines otherwise and if it decides otherwise, the Branch may impose such conditions as it believes suitable;
- (viii) the member agrees to share relevant information with the AEU NT (including, potentially, the waiver of privilege in respect of advice that is obtained).

3. Procedures for seeking legal assistance from the AEU NT Branch

- (a) In the first instance, the member should contact a Full-Time Officer or an AEU NT employee. A Full-Time Officer will advise whether it is a matter for which the member should apply for legal assistance.
- (b) The member seeking assistance must complete the AEU NT Application for Legal Assistance form, available through the AEU NT Office, and send it to a Branch employee or Full-Time Officer.
- (c) The Branch employee or Full-Time Officer may refer the matter to the Secretary for approval, who may decide to refer the matter to the Branch Executive to consider further.
- (d) The Branch will advise the member of its decision, either to support or not support the application, or request further information.
- (e) Approval may be given by the Branch subject to conditions, including an obligation for the member to personally satisfy any adverse costs order imposed against them in a legal proceeding.
- (f) Where approval is given by the Branch, and the member obtains a favourable costs order in a legal proceeding, the member must reimburse the Branch for those legal fees to the value of the costs order.
- (g) In all cases where legal assistance is granted, the AEU NT Branch Executive reserves an absolute discretion to discontinue such assistance at any time.
- (h) Where a member discontinues a legal action without the AEU NT Branch's consent, the AEU NT reserves its right to withdraw legal assistance funding and is entitled to the reasonable reimbursement of legal costs already paid.

4. Police interviews

- (a) The only information a citizen is legally obliged to give the police is their name and address. If arrested, it is unwise to engage in discussion with police without first obtaining legal advice.
- (b) Members are strongly advised not to plead guilty without first consulting a solicitor.

5. Confidentiality

- (a) Members should note that the proceedings of the AEU NT Branch Executive are entirely confidential in respect to cases where the Union provides legal assistance to members.



Section 0: APPENDIX F – LETTER 1

APPENDIX F – LETTER 1

[or email/text/phone message]

Dear [Member's Name]

On [insert date] the attached account was sent to you.

As of today, the AEUNT has not received any fees from you for two months. Members who are more than 60 days in arrears with their fees are no longer a financial member of the Union.

During any period when you are not a financial member you are not entitled to access the services provided by the Union, including free legal advice.

The Union has been greatly appreciative of your previous contributions and looks forward to your continued membership. If you are experiencing any hardship (financial or otherwise), or your employment circumstances have changed, please contact our office and speak with one of our Officers.

Alternatively, you may restore your financial status by paying your outstanding fees.

Again, please don't hesitate to contact our office on 8948 5399 or via email admin@aeunt.org.au if we can assist you further.

Yours sincerely

Branch Secretary

[Insert Date]



APPENDIX H – LETTER 3

Dear

As advised in previous correspondence dated [Letter 1]. And [Letter 2] you have an outstanding debt to the Union of \$[INSERT].

Unless we receive a response from you about settling this account within fourteen days from the date of this letter, your membership will be cancelled.

Should you wish to discuss this matter then please contact our office on 8948 5399 or via email admin@aeuntorg.au.

Yours sincerely

Branch Secretary

[Insert date]