

TEFMA Board Charter

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1 Overview

The purpose of the Charter is to define the rights and responsibilities of the Directors of the association to assist them in fulfilling their duties and obligations. The Board is bound by the Constitution & By-laws, and the Laws [Associations Incorporation Act 2009 (NSW) & Associations Incorporation Regulations 2016 (NSW)]. It also works to the policies of the organisation that are largely reflected in this Charter, which the Board can change as and when it needs. The Directors must bear in mind that other documents as referred to in this Charter may need to be read in conjunction with this Charter in order to gain a full understanding of how the Board may operate and of Directors' responsibilities.

Status of this Charter

The policies in this Charter should be adopted by the Board and apply from the date shown on the document and as reviewed from time to time.

All policies in this Charter are to be read in the context of the Constitution & By-laws and the relevant Acts and Regulations.

The Charter will be reviewed by the Board as required and at least once every three years to ensure currency of content and consistency with the Constitution & By-laws, Laws and current policies of the Association.

2 Role of the Board

The Directors jointly as the Board provide leadership, set strategic and policy direction; and oversee the business and affairs of the association for the purpose for which the association is established. The Board is accountable to the members of the association for the overall performance of the association.

The Board does not manage the day-to-day operations of the association. This is delegated to the Executive Officer and the Secretariat.

3 Responsibilities and functions

The Board in performing its role has a range of responsibilities that generally include:

3.1 Strategic Direction

- Periodic review of the mission, objectives/goals and ensuring consistency with the purposes in the Constitution.
- Overseeing the development and approval of the strategic plan.
- Ensuring that the association has appropriate processes for regular review of the strategic plan, alternative strategies.

- Monitoring and assessing achievements and performance against strategic and business plans.
- Identifying and acting on any impediments, structural or otherwise, that are impeding achievement of the strategic plan.
- Approving the association's annual budget.

3.2 Policy setting

- To facilitate the efficient working of the association the Board considers and approves broad policies developed by management
 - Strategic Partnerships
 - Other Professional Associations
 - Sponsorship [tiers, values and benefits]
 - Financial Reserves as a buffer against an emergency or a major loss-making event [minimum of 50% of annual budgeted expenditure]
 - Conflict of Interest [including the Form: Statement of Private Interests and Associations]
- Such policies should follow a standard format, be as short as reasonable, be clear as to meaning and be readily available.

3.3 Finance and Accounting

- Assessing the Board's capability and financial knowledge and whether it has the necessary capacity to oversee the business and affairs of the association.
- Taking steps needed to ensure the Board addresses any shortfall in its financial knowledge and capacity to oversee the business and affairs of the association.
- Providing direction to management on financial matters.
- Reviewing routine management financial reports.
- Approving annual accounts and reports.
- Ensuring appropriate financial policies and procedures are in place to safeguard the cash and finances of the association.

3.4 Risk Management

- Ensuring relevant and suitable risk assessment and management strategies are in place.
- Reviewing risk management on an annual basis.
- Create a document and policy register to capture versions of documents, review of this annually to ensure that any updated documents or latest version of documents are being circularised or used by the board.
- Ensuring relevant insurance cover is in place and reviewing the adequacy of that cover annually.
- Considering the social, ethical and environmental impact of the association's activities and modifying policies as appropriate.
- Ensuring there is continuing education and information provided to Directors regarding:

- the business of the association;
- the role of the Board and its functions and obligations; and
- other relevant corporate governance issues.

3.5 Reporting and Monitoring

- Overseeing the association's financial position including approving financial statements and monitoring financial performance at each Board meeting.
- Monitoring the application of the association's financial control procedures to ensure internal compliance with established policies.

3.6 Compliance

- The Board is responsible for meeting specific statutory obligations:
 - Review of tax status – completed annually with the financial statements
 - Meeting the reporting requirements of the Laws by approving and signing those requirements.
 - Authorising the calling and holding of the AGM within 6 months of the end of the financial year.
- The Board is responsible for ensuring the Association meets the requirements of the Constitution & By-laws.

3.7 Corporate Governance

- The Board plays a pivotal role in the corporate governance of the association, predominantly overseeing, reviewing and updating corporate governance practices and procedures as necessary to support the association to good practice corporate governance.
- The Board is responsible for ensuring the Association is in compliance with all applicable laws, regulations, standards and best practice guidelines including:
 - Associations Incorporation Act 2009 (NSW) & Associations Incorporation Regulations 2016 (NSW)
 - Fair Work Act 2009
 - Work Health and Safety legislation.
- Annually reviewing the appropriateness and effectiveness of compliance frameworks and controls to ensure compliance with relevant laws, regulations and industry codes.

3.8 Appointments

- Appointing and removing the Executive Officer (EO) and determining his/her remuneration and conditions of service.
- Overseeing the performance of the EO.
- Reviewing (annually) management succession and development plans and progress against the plans.
- In accordance with the By-laws and Laws, appointing and removing the Public Officer and determining their terms of engagement.

3.9 Accountability

- Developing and implementing a system of accountability to other appropriate stakeholders eg staff, funders, service users, related organisations etc.
- Improving the credibility and objectivity of established accountability processes, including financial reporting.
- Gathering information from members and stakeholders about their concerns, needs, suggestions and aspirations.
- Assessing effectiveness of, and compliance with, internal plans, policies and procedures
- Providing specific delegations to management.
- Identifying and managing, and minuting, conflicts of interest; as set out in the Form: Statement of Private Interests and Associations
- Confirming annually that all these responsibilities have been carried out.

3.10 Decision making

- Directors essentially do 1 of 2 things with matters that come before the Board:
 - **Note** matters the Board needs to be aware of
 - **Decide** on matters before the Board – either where a matter is put before the Board for a decision, or a matter before the Board raises issues and the Board decides it wants action to clarify the matter.
- No individual Director has decision making power other than as specified in the Constitution & By-laws or delegated by the Board.
- Decisions are made by the Board collectively. In coming to a decision each Director must:
 - Manage any conflicts they may have
 - Come to their own objective decision that is in the best interest of the Association
 - Consider relevant briefing advice, matters raised by their fellow Directors and their own experience
 - Raise matters which in their view are of significance to the decision
 - Ask questions if they are unsure
 - Come to a decision for or against when a decision is taken, unless they are not in a position to make a decision and should abstain (eg they are attending a meeting via telephone and the matter is a visual presentation before the Board that they are not able to see)
 - Support the decision once it is taken whether the vote is for or against – a Director who feels they cannot support a decision should resign.

3.11 Communication

The Board:

- provides information to members as per the Constitution & By-laws.
- provides information to the following key stakeholders:

- UA Universities Australia
- UNZ Universities New Zealand
- ATEM Association for Tertiary Education Management
- Australian Government [Department of Education & Training]
- Tertiary Education Commission New Zealand
- communicates relevant decisions clearly to management via the minutes of each meeting.
- reviews at least annually the scope, style, form and frequency of routine management reporting to the Board.

3.12 Representation

- Directors are expected to volunteer their time to participate where possible at external networking events in order to project the reputation of the Association
- It is anticipated that is a minimum of 3 events per annum per director.

4 Board composition

The Board is structured according to Article III, Section B of the By-laws.

5 Board selection and renewal

Directors are required to submit themselves for re-election at intervals in accordance with Article III, Section C of the By-laws.

Board renewal is important to enhance the overall performance of the Board and the association. Re-election is not automatic and is subject to Article IV, Section A of the By-laws.

Managed Director rotation is important to minimise the risk of losing too much corporate memory in any one year. Consequently Article III, Section C of the By-laws determines the requirements of how many of the Directors retire and stand for election each year.

As part of the strategic planning process the Board at least every third year shall complete a matrix analysis that assesses desirable skills and perspectives the Board needs to have in line with the strategic plan, reviews the skills and perspectives available on the Board and identifies the desirable skills and perspectives not available on the Board. In the interest of good governance, the Board shall then consider ways in which those shortages of skills and perspectives might be addressed.

When assessing the nominations, the Board must consider the requirements for desired skills and perspectives and consider how best to communicate concerns about shortfalls to members.

The election process is to be done in accordance with Article IV of the By-laws.

To be eligible for election, it is a requirement of Article II, Section C of the By-laws that the person is either an Institutional Member or Associate Member.

The desired skills and experience can also come from up to 3 independent directors that can be co-opted to be appointed [as opposed to elected] to the Board. Any person can be co-opted; including independent, non-member persons.

6 Role of President, Director, Executive Officer and Secretary

6.1 President

The President is elected to the position in accordance with Article III, Section C of the By-laws.

The President is the official representative and spokesperson for the Board. The President's responsibilities include:

- Providing leadership to the Board;
- Ensuring the efficient organisation and conduct of the Board;
- Chairing Board meetings; leading Directors to resolution by consensus, ensuring all Directors are heard, ensuring agenda items are given the attention they warrant, maintaining the focus on the discussion on the issue before the Board, ensuring decisions of the meeting are clearly enunciated, ensuring all procedural matters are addressed (quorum, conflicts etc) and ensuring all matters on the agenda are dealt with;
- If it is Board policy, ensuring procedures for the continuous monitoring of the performance of individual Directors, the Board and relevant committees;
- Promoting an environment of trust, respect and openness to ensure consultative and constructive relationships among the Directors and between the Board and the association's EO and operating team;
- Ensuring adherence to accepted principles of good governance as this relates to the separation of policy and management accountability.
- Being the spokesperson for the association.
- After the completion of the term as President, the Past-President serves on special projects; which reflects the importance of continuity and experience.

6.2 Individual Directors

Individual Directors are required to:

- Attend Board meetings unless they are indisposed;
- Consider adequately prior to the Board meeting the briefing material provided – including clarifying with the President or EO basic queries related to the briefing material they may have – generally around 3 hours preparation would be required prior to each meeting;
- Prepare for Board meetings by considering issues they wish to raise on the matters on the agenda;

- Participate openly and respectfully with their fellow Directors in the meetings;
- Consider whether they may have conflicts or material personal conflicts with any matters on the agenda – where a matter arises, as a first step, Directors are expected to inform the President prior to the meeting and with a material personal interest explain the conflict to the meeting then absent themselves from the Board until the Board advises otherwise;
- Become familiar with the Constitution & By-laws, with the regular reports, policies and operations of the Association and with the environment in which the Association operates and the laws applicable to the Association;
- Draw to the attention of the Board matters of concern in relation to the Association of which they become aware;
- Inform the Secretary with 1 week of any changes to their circumstances and complete a renewed Statement of Private Interests and Associations form for the first Board meeting after each AGM;
- Inform the Secretary of dates when they will be absent and unavailable for Board meetings.

6.3 Executive Officer

The EO's responsibilities include:

- Being the primary source of advice to the Board on matters affecting the Association;
- Implementing and being accountable for the strategic plan;
- Managing and administering the day-to-day operations of the association;
- Supervising staff and representing them to the Board;
- Informing the Board of any matters of which the Board should be made aware; and
- Exercising such specific and express powers as are delegated to the EO by the Board from time to time.

6.4 Secretary

The Secretary supports the effectiveness of the Board and as an officer under the Laws has a role as chief governance officer to:

- Monitor Board actions to ensure that policy and procedures are followed and to draw to the attention of the Chair failure to follow requirements; and
- Monitor legal obligations and to draw to the attention of the President when legal responsibilities of the association are at risk of not being met.

The Secretary has specific obligations in accordance with the Laws regarding regulatory obligations.

All Directors have direct and confidential access to the Secretary for advice or assistance on governance matters.

7 Committees

Article III, Section F of the By-laws deals with Committees of the Board.

Subject to this, the Board may from time to time establish Committees to assist the Board to consider particular matters in detail.

Subject to this, all Committees operate under terms of reference that detail their purpose, composition, meeting and reporting requirements, and review date.

The terms of reference and continuation of each Committee should be reviewed on an annual basis.

Current Standing Committees are:

- Membership
- Education
- Information Services
- Executive

Details on the web site here <https://www.tefma.com/committees>

8 Board processes

8.1 Board induction

All new Board Directors must be provided with information that covers Directors' roles and responsibilities, Board operations and overview of the association. New Directors will be provided with a board welcome pack that comprises:

- A letter or written confirmation of appointment
- Brief history of the organisation
- Constitution & By-laws, and this governance charter
- Last annual report and the last 3 years audited statements
- List of Board members
- The current year schedule of Board and Committee meetings
- List of Committees with names of members and terms of reference for each Committee
- How the Board operates including confidentiality
- Minutes of most recent AGM and Board meeting
- Strategic Plan & Value Proposition
- Budget
- A copy of Directors' and Officers' liability insurance policy
- Relevant policies and procedures

The Board conducts an annual review of the Board induction process to ensure that it is relevant and effective.

8.2 Ongoing training

The Association's policy in regard to ongoing training for Directors is to be developed and documented.

Where appropriate, Board meetings will include a component where management or external experts will present or workshop material for Directors that will likely impact on the Association.

Directors are expected to maintain and develop the skills required to discharge their obligations to the Association. For this purpose, Directors may attend relevant technical or professional development courses to assist them to develop their skills. The budget for this activity is up to \$X (TBA) for each Director per term.

8.3 Board records

Directors have rights of access to books and records of the Association to allow them to fulfil their statutory obligations as Directors. Directors, as a right, do not have access carte blanche to all records of the Association.

Privacy, conflict of interest, commercial-in-confidence, contractual and service obligation issues all impinge on the rights of a Director to access to the books and records of the Association.

8.4 Access to association employees

Except in unusual circumstances Directors do not manage the Association so it is vital that in any communications with staff a Director is not seen to be 'issuing instructions'. That is the role of the EO. When dealing with staff:

- Access must always be through the EO or with the EO's agreement;
- Must always respect the EO's role and not bypass or undermine the EO in any way;
- Directors have direct and unfettered access to the Secretary in the role of Secretary.

9 Director behaviour

To effectively perform their role, Directors are expected to:

9.1 Understand a Director's role and duties by:

- Gaining a clear understanding of the role or purpose of the Board as well as the statutory and regulatory requirements of a Director carrying out their duties.
- Developing an understanding of the environment in which the Board operates.
- Staying informed about all relevant activities affecting the Board.
- Complying with legal obligations and implement the decisions taken by the Board.

- Acting in good faith.
- Acting in the best interests of the Association as a whole.
- Acting with care and diligence.
- Acting for a proper purpose as determined by the Purposes in Article II in the Constitution.
- Maintaining confidentiality of Board decisions, materials and discussion
- Publicly acting in solidarity with decisions made by the Board.
- Acting in accordance with statutory and common law duties.
- Being independent in judgement and action
- Disclosing and appropriately managing conflicts of interest as set out in the Statement of Private Interests and Associations form
- Respecting accountability and commit to delivering results and meeting deadlines
- Be willing to undertake Director training
- Identifying and appropriately managing related party transactions
- Providing support to staff in areas of expertise as requested and where available
- Promoting the Association, its services and membership through community networking etc.
- Disclosing any matters that may impact on insurance policies or other undertakings of the Association in relation to Directors, including change of personal details.

9.2 Directors will at all times not:

- Make improper use of information acquired as a Director
- Engage in conduct likely to bring discredit upon the Association
- Personally benefit at the expense of the Association or give the appearance of doing so
- Take inappropriate advantage of their fiduciary positions
- Make improper use of information acquired in their role
- Exercise powers of the Board individually without the approval of the Board, subject to paragraph 18.1.3 of the By-laws.

9.3 Be active by:

- Attending all Board meetings. Where attendance is not possible, the Director must submit an apology
- Making available adequate time to fulfil their duties
- Preparing and participating in the discussion and the deliberations of the Board
- Bringing to the Board table, and share with the group, their individual skills, experience, competencies and knowledge
- Making a time commitment which includes attending Board meetings plus 4 hours per week for other association activities such as Committee meetings
- Attending the Annual General Meeting and any Special General Meetings.

9.4 Respect each other by:

- Treating each other with respect, courtesy and professionalism
- Listening to all Directors
- Fostering a positive working relationship with other Board members and staff
- Not improperly influencing other Board members, including not caucusing
- Acting loyally and in good faith.

9.5 Consult

- Consult with stakeholders and associated parties regarding issues under consideration but in consultation with the Board.

9.6 Raise concerns by:

- Expressing concerns to the President prior to meetings about issues or decisions that run contrary to the Board's duty
- Expressing concerns during the meeting about issues or decisions that run contrary to the Board's or the Directors' duties
- Being prepared to resign if you feel the Board is refusing to deal with an important matter in an appropriate way.

10 Association obligation to Directors

10.1 General commitments

The Association will support Directors in their role.

To support the work of Directors the following resources are available.

- A. Document Portal
 - refer to the web site section: My Portal > My Content > Committees
- B. User Guide – How to access Board & Committee Resources
 - This PDF is a step-by-step resource to accessing the Document Portal listed in A

10.2 Protections

Apart from as indicated elsewhere, in support of their role as Directors the Association will:

- Indemnify Directors to the full extent permitted by law. The Association cannot provide indemnity for a:
 - liability owed to the Association;
 - liability for a pecuniary penalty order;
 - liability arising out of conduct that is not in good faith
 - legal costs in defending criminal proceedings or actions if liability is established.
- Provide Directors' and Officers' Liability Insurance.
- Offer induction and exit interviews.

- Deed of access to Board documents once they cease to be members of the Association until 7 years after they left the Board.

10.3 Reimbursement, remuneration and insurance

- Given the Purpose of the Association as listed in Article II of the constitution, there is no scope for remuneration of Directors.
- All costs associated with travel, accommodation and attendance at Board meetings are borne by the Director's institution.
- TEFMA does not carry public liability, travel insurance or workers compensation cover for Directors while doing business of behalf of the Association. Directors must check with their institution that they are covered under their institution's insurance policies.

11 Board meetings

11.1 Overview

The Board meets approximately 5 times per year. 2 of these meetings are scheduled to coincide with the annual TEM Conference / Annual General Meeting. The remaining 3 meetings are held about every 3 months.

The EO attends Board meetings by standing invitation of the Board, to be of assistance and the principal adviser in the consideration of items of business before the Board. It may be required that Directors/EO need to leave for some items (eg Director's conflicts of interest).

The Secretary is an elected position separate to the Secretariat and therefore should normally attend all Board meetings and be present at all times. The Secretary has governance duties to ensure the Directors are proceeding in accordance with requirements.

Regular attendees at Board meetings are officers under the law and/or fiduciaries, and so have a duty to keep all information presented to (whether written or oral) or discussed at Board meetings confidential, or as otherwise agreed by the Board.

11.2 Annual Schedule

At the last meeting of the calendar year the Board will agree an annual Schedule for meetings that:

- Ensures sufficient frequency and time to fulfil responsibilities (5 Meetings for the year with a meeting every 3 months).
- Provides time and opportunity for annual events such as strategic and risk planning, the statutory audit, consideration of the annual accounts, annual report and AGM, strategic review of services, etc, etc.
- Allow time for internal and external presentations on strategic aspects of the Association and the environment
- Allocates time for professional development activities for the whole Board

- Programs the review of Board Performance including progress against any Board Plan

11.3 Agenda

In determining the agenda:

- The agenda as circulated will make it clear what items require decisions or are only for noting, to help focus Directors' attention in preparation for meetings.
- The Secretariat will develop the agenda taking into account matters suggested by Directors, the annual schedule and issues that have arisen.

11.4 Board papers

Directors should not consider any matter without appropriate briefing advice. Mostly briefings will be in writing, perhaps supplemented by a verbal/visual presentation. Sometimes for urgent matters briefings may be verbal.

Briefing notes should ideally be a 1-page summary, with a clear recommendation, clear statement of the issue, a summary of pros and cons and a review of the implications, including financial, to the Association.

The Board should agree how long before the Board meeting papers are required – generally up to about a week is common (papers that come too early might be out of date or need revision).

The Board should agree the format of reports with a focus on what the Board wants to see rather than what management wants to give.

11.5 Minutes

The Constitution & By-laws deals with minutes.

The law requires minutes of Board meetings and AGMs. It requires the minutes cover proceedings and resolutions. It requires the minutes be signed (can be electronic) by the Chair or Chair of the following meeting.

Resolutions passed without a meeting should be minuted in the subsequent meeting.

The purpose of the Board verifying or confirming minutes at the next meeting is to give comfort to the Chair who has the legal obligation to sign them as a correct record.

Minutes shall be taken by the Secretariat and distributed within 2 business days after the meeting.

The Board should agree the broad form it wishes the minutes to take.

As the Board is responsible for the minutes and may need to rely upon the minutes the Board should agree the form in which the minutes are kept.

11.6 Access to books

See point 8.3 above.

11.7 Committees of the Board

See point 7 above.

11.8 Directors contribution to Board meetings

Directors agree to contribute constructively to Board meetings by:

- Applying point 9 above as well as the following:
 - Respecting other people's ideas and opinions by being open and flexible – even if they differ from my own. This means accepting that there may sometimes be more than one “right” solution or answer to an issue or problem
 - Actively listening to what the other person is saying
 - Letting the other person finish what they are saying before making any comments
 - Being succinct when making any comments
 - Ensuring that when wanting to contribute to a discussion, that recognition is received by the Chair prior to speaking
 - Publicly supporting all Board decisions.

12 Review of Board performance

The Board is to undertake a formal review of its performance, policies and practices periodically. The Board's performance is based on agreed performance criteria including how it performs against this charter. The review includes:

- Assessment of the performance of the Board against the requirements of this Charter;
- Assessment of the performance of the Board Committees against the requirements of their respective Terms of Reference;
- Examination of the effectiveness and composition of the Board, including the required mix of skills, experience and other qualities which the Directors should bring to the Board for it to function competently and efficiently;
- Assessment of outcomes in relation to the association's strategic direction and objectives have been met;
- Assessment of the appropriateness of corporate governance practices within the association; and
- Assessment of whether the expectations of varying stakeholders have been met.

13 Review of Charter

The Board will review the Charter periodically to ensure that it meet the needs of the association and the Board.

14 Delegation to management schedule

The Board delegates management of the association to the EO.

(There are 2 basic approaches to delegation. The most frequently followed approach is to specify what can be done. The alternate is to specify what cannot be done, which tends to be a shorter list, so that anything else by definition can be done.)

Examples of delegated authority of the EO and management are outlined below. All delegations are premised on their coherence with the strategic plan and the approved budget.

Subject	Instruction	Officer	Comment
Appointment and retention of staff	Creation of a new permanent position.	Board	Within the context of the strategic plan and the budget.
	With respect to an approved permanent position, approve the appointment terms and conditions of employment, discharge and remuneration of staff.	EO	Negotiation of salary for new appointments, resulting from performance reviews and for actions must be in accordance with relevant Board policies. Board to be advised.
	Approval of temporary employment.	EO	Provided expenditure is contained within salary estimates. Board to be advised.
Leave / Travel approval	Approve leave of absence of the EO.	President	
	Approve leave of absence of staff.	EO	
	Approve domestic travel.	EO	Provided expenditure is contained within budget.
	Approve overseas travel.	EO	Provided expenditure is contained within budget. Board to be advised.

Subject	Instruction	Officer	Comment
Approval of project variations and progress payments	Project variations up to \$10,000	President	Provided expenditure is contained within approved estimate totals.
	Project variations over \$10,000	Board	Provided expenditure is contained within approved estimate totals.
Consumable goods, equipment and services	Value up to \$10,000	President	Provided expenditure is contained within approved estimate totals.
	Value between \$10,001 and \$15,000	Executive Committee	Provided expenditure is contained within approved estimate totals.
	Value over \$15,000	Executive Committee	Provided expenditure is contained within approved estimate totals.
Write-offs / debt recovery / disposal of property	Any and all Write-offs	Executive Committee / Board	Board to be advised of amounts and reasons of write-offs.
Operational policy approval	Approve policies and administrative orders that effect the overall management of the association.	EO	Policies must be consistent with Board decisions and relevant statutes.
Public Relations	Authorise routine public / media statements on behalf of the association.	EO in consultation with Executive Committee	
	Respond publicly to significant issues on behalf of the association.	President in consultation with Executive Committee	

Subject	Instruction	Officer	Comment
Special Functions and Entertainment	Up to \$1,000	EO	Provided expenditure is contained within approved estimate totals.
	Between \$1,001 and \$1,500	President	Provided expenditure is contained within approved estimate totals.
	Over \$1,500	Executive Committee	Provided expenditure is contained within approved estimate totals.
Reimbursement of Expenses	Expenses incurred by member of staff, Board member or Committee member engaged in an authorised activity.	EO	Provided expenditure is contained within approved estimate totals.
	Unplanned expenses up to \$500 incurred by member of staff, Board member or Committee member.	EO	
	Unplanned expenses over \$500 incurred by member of staff, Board member or Committee member.	President	
Staff Development	Approve expenditure on staff development up to \$2,000 per annum	EO	Part of annual budget.
	Approve expenditure on an individual staff development programme over \$2,001	Executive Committee	Provided expenditure is contained within approved estimate totals.