



Australian Government

Department of Agriculture, Fisheries and Forestry

Rural Financial Counselling Service Programme resource manual

For management committees, rural financial
counsellors and administrative staff

October 2005

To be read in conjunction with the current funding agreement and any variation.

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Preface

This edition (October 2005) of the *Rural Financial Counselling Service Programme resource manual* updates and replaces the June 2004 edition. It explains the requirements of the funding agreement and provides information on other issues about the day-to-day operations of rural financial counselling services for management committees, rural financial counsellors and administrative staff.

This manual is a guide only and should be read in conjunction with the current funding agreement and any variation. The funding agreement is the formal document that sets out the responsibilities between rural financial counselling services and the Australian Government. If there are discrepancies between the funding agreement and the manual, the funding agreement takes precedence.

Compliance with this resource manual is a specific condition of funding under the funding agreement (see item 10 of the schedule to the funding agreement).

For more copies of this resource manual, phone the Department of Agriculture, Fisheries and Forestry on 02 6272 4617. There is also an electronic copy available as a PDF on our website at **www.daff.gov.au/financialcounselling**

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Acronyms

AIRC	Australian Industrial Relations Commission
ARC	Australian Rural Counselling database
ASIC	Australian Securities and Investments Commission
ATO	Australian Taxation Office
Cwth	Commonwealth
DAFF	Department of Agriculture, Fisheries and Forestry
GST	goods and services tax
RFCS	rural financial counselling service

Funding agreement clauses

The following is a guide to some of the significant clauses of the funding agreement between the Australian Government and rural financial counselling services. It is provided as a reference only – services must be familiar with and comply with the entire funding agreement.

- Clause 1 Interpretation**
- Clause 2 Term of the agreement**
- Clause 3 Other Commonwealth funding**
Services must inform the Department of any other Australian Government funding received in addition to funding under the RFCS Programme.
- Clause 4 Payment**
- Clause 5 Management of funding**
Services must spend RFCS Programme funding only on activities specified in the funding agreement and in accordance with the budget set out in the schedule, must maintain a separate bank account for RFCS Programme funding and must keep financial records relating to the RFCS Programme funding.
- Clause 6 Other contributions**
Services must find matching funding to provide the service from other people, organisations, agencies or state governments. If the other contributions do not match the RFCS Programme funding, the Australian Government may reduce the funding to match the total of the other contributions.
- Clause 7 Assets**
Services must not use the RFCS Programme funding to purchase any assets valued at more than \$5,000 without written approval, except those detailed in the schedule (this is usually a motor vehicle). Any assets purchased with RFCS Programme funding must be used for the purposes of providing a rural financial counselling service and must be fully insured.
- Clause 8 Records**
Services must keep full and accurate records of the activity for at least seven years.
- Clause 9 Reporting**
Services must provide progress reports as stated in the schedule, including an audited statement of receipts and expenditure, an audited statement that the funding and other contributions were expended in accordance with the funding agreement, and a certificate that funding and other contributions were expended in accordance with the agreement and that salaries and allowances were paid in accordance with the applicable award or agreement.
- Clause 10 Taxes, duties and government charges**
- Clause 11 Commonwealth material**
- Clause 12 Intellectual property**
- Clause 13 Disclosure of information**

- Clause 14** **Protection of personal information**
- Clause 15** **Indemnity**
- Clause 16** **Insurance**
- Clause 17** **Conflict of interest**
- Services must ensure that no conflict of interest arises during the term of the agreement. If a conflict of interest does arise, services must notify the Department in writing of the conflict and of the steps the service will take to resolve the conflict.
- Clause 18** **Access to premises and records**
- Services must allow the Department and certain other Australian Government organisations access to the premises at which records and material associated with the activity are located. Services must also give the Department and such agencies reasonable access to their employees.
- Clause 18A** **Performance audit**
- The Department may, with reasonable notice, conduct an audit of a service's systems, books and records to establish compliance with the funding agreement and performance against the requirements of the resource manual.
- Clause 19** **Delay**
- Services must notify the Department if there will be any delay in progressing or completing the activity in accordance with the agreement.
- Clause 20** **Termination with costs**
- The Department may terminate the agreement and will pay any outstanding amount of RFCS Programme funding that the service has committed for expenditure. The service must return any funds not committed for expenditure.
- Clause 21** **Termination for default**
- The Department may terminate the agreement if (among others) the service fails to fulfil its obligations under the agreement, is unable to pay its debts when they fall due or ceases to carry on business.
- Clause 22** **Subcontracting**
- Services must not subcontract the performance of any part of the activity without the Department's prior written approval.
- Clause 23** **Acknowledgment and publicity**
- Services must acknowledge the Department's financial and other support in publications, promotional and advertising materials, public announcements and activities.
- Clause 24** **Confidential information**
- Clause 25** **Compliance with laws and our policies**
- Clause 26** **Negation of legal relationship of employment, partnership and agency**
- The service, its employees, partners and agents will not be deemed to be employees, partners or agents of the Department.
- Clause 27** **Entire agreement, variation and severance**
- Clause 28** **Waiver**
- Clause 29** **Assignment and novation**

Clause 30 Incorporation

Services warrant that their constitution is not inconsistent with the agreement and will provide a written copy of the constitution to the Department on request.

Clause 31 Funding precondition

To be entitled to funding, services must have an Australian business number (ABN) and must supply proof of GST status, if requested.

Clause 32 Dispute resolution**Clause 33 Applicable law and jurisdiction****Clause 34 Liaison and monitoring****Clause 35 Notices****Schedule****Item 1 Interpretation****Item 2 Program and activity (program, activity and activities not to be performed)**

The service must (among others) employ suitably qualified staff, ensure that rural financial counsellors meet the minimum competencies identified in the resource manual, ensure that the counsellor attends training if they do not meet the minimum competencies, ensure that no less than 75% of the counsellor's time is spent on financial counselling and 25% on incidental matters, target non-English speaking background clients and Indigenous clients, monitor the counsellor's performance and provide four-monthly statistical reports to the Department.

Services must not use RFCS Programme funding to provide succession planning or to lobby government about matters that can be directly raised with the Department.

Item 3 Funding and payment**Item 4 Reports****Item 5 Assets**

Services may purchase or lease a motor vehicle, in accordance with clause 7 of the funding agreement, for purposes relating to the activity.

Item 6 Insurance

Services must maintain at least workers compensation insurance, public liability insurance, insurance over any assets purchased with the RFCS Programme funding, directors and officers insurance and professional indemnity insurance.

Item 7 Conflict of interest

Examples of conflict of interest include a management committee member or staff member with an interest in a business that provides services to a client, an employee who is also a member of the management committee, a committee member who is currently or who was in the past two years a client of the service, and a committee member who is the immediate family or a business associate of the rural financial counsellor.

Item 8 Acknowledgment and publicity**Item 9 Compliance with laws and policies**

Item 10 Resource manual

Services must comply with this resource manual.

Item 11 Notices**Annexure A: Minimum information to be provided on tax invoices**

Annexure B: Statement of certification – confirmation of existence of information critical to the operation of the service (for example, insurance, employment contracts, staff performance review, confidentiality requirements, the service's ability to pay its debts, and the achievement of the 75%/25% split between financial counselling and incidental activities)

Annexure C: Budget

Annexure D: Manner of acknowledgment – departmental logos and wording to be used on publicity material

Annexure E: Reporting – details of the reports to be provided before payment will be released: a statement of certification (Annexure B), a tax invoice (Annexure A), four-monthly reports using the ARC database, and any other reports identified in Annexure E.

Introduction

What is the Rural Financial Counselling Service Programme?

The Rural Financial Counselling Service (RFCS) Programme provides grants to approved community-based management committees that wish to establish a rural financial counselling service (service) and employ suitably qualified rural financial counsellors (counsellors). The grants are administered by the Department of Agriculture, Fisheries and Forestry (DAFF; the Department) on behalf of the Australian Government. The Australian Government provides this support to rural communities through cash grants matched by funds generated by the management committees, including from state governments and local communities.

The counsellors work with primary producers, fishers and small rural businesses experiencing financial difficulty who need information and assistance to make decisions about their business directions.

A rural financial counselling service must be a non-profit organisation, must be an incorporated body with a constitution or rules of association, and must represent an appropriate cross-section of local interests. The main responsibility of the service is to provide free, objective and confidential financial analysis to primary producers, fishers and small rural businesses in need.

To receive funding under the RFCS Programme, the service enters into a contractual arrangement, known as a funding agreement, with the Australian Government.

Under the terms of the funding agreement, the service must ensure that it has suitable management procedures in place.

Rural financial counselling includes:

- assessment of the client's current financial position and cash flow budgeting
- in the presence of the client, negotiation with the clients' lenders
- information on government assistance schemes
- information on Centrelink and other professional counselling services, and
- information to help clients make decisions about financial management.

Note: For succession planning, counsellors may only help the client to gather and coordinate information for consideration by a professional succession planner – counsellors must not provide the service of succession planning (see **3.12 Activities NOT to be performed by counsellors**).

Chapter 1 Establishing or closing a rural financial counselling service

1.1 Identifying community need

The Australian Government needs to know the extent of general community need and support for the proposed service.

Information that can help determine the need for a rural financial counselling service in the area includes:

- the number of primary producers, fishers and small rural businesses in the area
- a general description of circumstances in the region that indicate financial stress
- an indication of the relative drop in incomes – for example, down an average of 25% in the last 12 months
- the increase in the number of farmers unable to meet interest repayments
- the number of farmers who are moving into a negative cash flow situation
- estimates from lending institutions of the number of clients expected to be in difficulty now and in the next 12 months
- an assessment from the state department of agriculture on financial stress and need, and
- information from any neighbouring rural financial counselling service on demand patterns.

1.2 Management committee responsibilities

Composition of the management committee

The management committee membership can comprise representatives from the following groups:

- community services
- welfare departments
- financial institutions
- local government
- rural producers
- state department representatives

- appropriate non-government agencies, and
- individuals who have the required specialist expertise.

Counsellors and committee membership

Rural financial counsellors are contracted employees and **must not be members of the management committee** (see item 2 of the schedule to the funding agreement). Counsellors are employed by, and are answerable to, the management committee of the service.

As a general rule, counsellors would not attend committee meetings. However, it would be expected that the management committee would seek a report from the counsellor (and, if relevant, from the administrative assistant) on their activities for consideration at each management committee meeting. The management committee may request rural financial counsellors and administrative assistants to attend management committee meetings to present these reports and to answer any questions from the management committee. If the committee wishes to consider the report further or needs to discuss sensitive issues, the counsellor should be excused from the meeting during this period.

Keep the employer–contracted employee relationship in mind at all times.

Service management committee reporting

Each service must provide details of its management committee members in its annual report.

Management committee operating with an executive

Many rural financial counselling services cover vast areas and some management committee members must travel long distances to attend committee meetings. Management committees may therefore nominate an executive of three to four members (usually the Chair and other office bearers) to deal with the day-to-day management of the rural financial counsellor and the service.

When important decisions need to be made, the executive may choose to circulate the relevant information to the full management committee. The full committee may then advise the executive of the preferred course of action. Alternatively, the committee could hold a teleconference to discuss the options and decisions of all members, and record the minutes of the meeting in the usual way. This would reduce the risk to the executive, who might otherwise be held accountable for any decisions it might make which may be contrary to the decision of the majority of the management committee. The risk to the non-involved management committee members also might be reduced, as they may be held accountable for any decision made by the executive even if they are unaware of the executive's actions.

Media liaison

Rural financial counselling services have a responsibility to the Department in their communications with external and internal stakeholders to represent the Department in a fair and accurate manner. The Australian Government provides funding to each rural financial counselling service – therefore, any comments made in reference to the Department generally should be in the context of funding only.

There are several ways to advertise a service to ensure that the service has maximum exposure to potential clients. Determine existing regional networks such as local newspapers, radio and community radio stations, the internet and other government services.

Using existing regional networks and associated stakeholders such as financial institutions to promote the service is one of the most effective ways to make people aware of what the service offers and how it can be contacted. Determining local demographics and how a community communicates can save time and money on expensive advertising that does not reach the intended target group.

In all publications, promotional and advertising materials, public announcements and activities, acknowledge the financial and other support you receive from the Department in the approved format as outlined in Annexure D of the funding agreement.

1.3 Constitution or rules of association

A constitution or rules of association is the legal foundation of a rural financial counselling service.

The constitution or rules of association should be clear and simple so that members understand their rights and responsibilities, committee office bearers understand their mandate and how to be accountable, and members of the public understand why the service exists and how it operates.

The constitution or rules of association will have detailed and clear sections on:

- **the purpose** of the service: why the service exists, who should benefit from its work and how they should benefit
- **the objectives** of the service: what it intends to achieve
- **the membership of the committee** of the service: who may become a member, and the duties and rights of members; how members join or volunteer, and how they can resign or be expelled
- **the structures and main procedures** of decision making in the service:
 - annual general meetings and other meetings
 - elections and appointments for the different structures of the service
 - their powers and functions
 - who makes what decisions

- how the service is governed and how decisions are made, and
- how it is organised to get the work done
- **the roles, rights and responsibilities** of people holding specific positions and of the different structures: what different individuals or structures are responsible for and to whom they are accountable
- **how the finances and assets of the organisation are controlled** so that no money or resources belonging to the organisation can be abused or misused
- **an end of financial year and audit process** that states when the annual financial account will be finalised and audited and who will receive the report, and
- **closing a service:** what process must be followed and what will happen to the money and assets of the organisation (see also **1.7 Closing a rural financial counselling service**).

The service should draw up a constitution or rules of association at an early stage as this document is necessary for certain other processes – for example, incorporation (see following) and sales tax exemption. The constitution or rules of association is a record of agreements on the basic principles of the organisation and is legally binding on all members. The constitution or rules of association records all those agreements that will be important for the whole life of the service and play a key role at different times in the service's lifecycle.

When starting a rural financial counselling service, the process of developing a constitution or rules of association helps members to develop clear agreements about the purpose of the service and how it will operate.

When the service is operational, the constitution or rules of association describes how it is governed and the committee's responsibilities and rights.

When there is tension or conflict in a service, the constitution or rules of association helps members resolve key matters such as accountability and finances. It also helps ensure solutions are appropriate to the purpose of the service.

When a service is going to close, for whatever reason, the constitution or rules of association should state the procedure to be followed for the wind-up of the service and its resources.

Services must get the Department's written approval for any amendments made to their constitution that may affect their eligibility for funding or their capacity to comply with the funding agreement (see clause 30).

Incorporation

A rural financial counselling service can be incorporated in various ways, such as under the *Corporations Act 2001*. Services should seek advice from their legal advisers on the best method for their organisation.

In general, the steps taken to incorporate an association are as follows.

1. Decide on the name of the proposed association and apply to the Registrar for approval of the name.
2. Draft the constitution or rules of association or rules of the entity. Take the rules to the Registrar for approval. In the case of incorporating an association, model rules are usually available from the Registrar if required.
3. In the case of incorporating an association, place an advertisement in a local paper stating the intention to apply for registration. The advertisement should also state the association's objects.
4. Apply to the Registrar for incorporation of the association.

1.4 Insurance

Rural financial counselling services must have adequate policies of insurance in place to cover the full extent of their potential liability under clause 16 the funding agreement. There is an obligation to protect the Australian Government against claims for compensation made as a result of neglect or wilful misconduct (clause 15).

Services should consider all their insurance requirements carefully and seek appropriate guidance before making any decisions. The types of insurance mentioned in this section are not necessarily a complete list and there may be other risks the service needs to take into account.

Types of insurance a service may need include:

- **Professional indemnity insurance** – indemnifies the insured against claims for compensation for breach of professional duty by reason of negligence by way of act, error, omission or advice. It is usually a Claims Made policy (that is, the policy covers incidents that happen while the policy is in force and any claims must be made before the policy expires).
- **Directors and officers insurance** – indemnifies the directors, committee members, trustees, executive officers and any other officers of the organisation against wrongful acts committed in their respective capacities within the organisation, but excluding any claim made which in any way involves injury, sickness, disease or death of any person, or damage to property. Directors and officers insurance is usually Claims Made.

- **Public liability insurance** (to the value of \$10 million) – protects the organisation and its members against actions taken alleging negligence which results in injury or damage to property, excluding negligence by way of error or omission of advice. Public liability insurance is usually Occurrence/Event Based (that is, the policy covers incidents that occur before the policy expires but claims may be made after the policy has expired).
- **Workers compensation insurance** – workers compensation is compulsory for all employers in Australia, with varying policies across the different states and territories. Workers compensation is in place to make your workplace safer and achieve earlier return to work outcomes for employees. Employees can receive: weekly earnings, medical and hospital treatment, rehabilitation, legal costs and lump sum payments.
- **Assets insurance** (full replacement value) – for assets purchased in accordance with clause 7 of the funding agreement.

Note: It is in the interests of services to consult their insurance broker about their possible risk profile. Insurance brokers are best placed to assess future insurance risk, as they have the required knowledge of the service's insurance policies and business.

When a service closes, it should consider taking out 'run-off cover' to insure against claims made in the future for actions carried out while the service was in operation. The funding agreement does not specify a period for run-off cover. It is best practice to make a decision about run-off insurance based on your insurance broker's risk advice and it is up to the service to determine the most appropriate insurance provisions for run-off requirements.

When taking out insurance for the first time the service must notify the insurance company of any outstanding claims or any likely claims against the service. Failure to do so may invalidate your insurance cover.

Other types of insurance that services may need include:

- **fire and theft insurance:** covers against fire, theft or damage to property of the service on service premises – you should also consider insuring against the cost of re-establishing the business after a fire
- **comprehensive motor car insurance**
- **building insurance:** insures against damage to a building owned by the service and its fittings (if you are renting office space, your landlord should have this cover)
- **insurance for office contents and equipment:** this does not cover loss or damage to a portable computer outside the office. A special policy is essential if computers (for example, laptops) or printers are taken out of the office – this includes taking them home
- **volunteer worker insurance:** this covers injuries to committee members and other volunteers.

1.5 Assets

Services may use RFCS Programme funding to purchase or lease a motor vehicle for use by the service in RFCS-related activities (see item 5 of the schedule to the funding agreement). If the service wishes to use the funding to purchase or lease any other asset valued at more than \$5,000 (including GST), they must notify the Department in writing (see clause 7 of the funding agreement).

1.6 Other contributions – possible sources of funding for a service

The funding agreement requires that services meet at least 50% of the funding required to operate the service from state and community-based contributions ('other contributions' – see clause 6 of the funding agreement). If the amount of other contributions is less than the Australian Government's funding, the Australian Government may reduce its funding to match the other contributions (see subclause 6.4 of the funding agreement). Services must provide evidence that the other contributions will be provided **before** funding can be paid. This evidence is supplied in the budget at Annexure C of the funding agreement and in the statement of certification at Annexure B.

It is the responsibility of the management committee to source sufficient other contributions to ensure the service remains solvent. The statement of certification at Annexure B of the funding agreement has a statement to this effect and the office bearer signing the statement is required to certify that the service '**will be able to meet its debts and liabilities as and when they fall due**'.

Funds generated by management committees for a service can be in-kind or cash donations. Funding can be matched fully by cash donations but there are some maximum allowable limits for the dollar value associated with in-kind contributions (see **Maximum allowable in-kind contributions** later in this section).

Potential sources of other contributions

Rural financial counselling services have developed many innovative ways to raise other contributions, such as:

- state departments of agriculture
- state departments of community welfare
- service clubs
- church organisations
- industry organisations (for example, banking, chemical, commodity, agribusiness)
- local government

- regional development authorities
- state rural counselling trust funds
- sponsored seminars
- field days
- surcharge on entry fee for field days
- donations of fuel, cars, office space and equipment, accountancy services and secretarial support for the service
- fundraising concerts with corporate sponsorship
- donation of professional time for supervision and/or support for the rural financial counsellor
- donation of office space in rural financial counsellor's home by the rural financial counsellor
- donations of legal advice by legal firms
- donations of printing and stationery
- use of other organisations' meeting facilities
- donation of computer consultancy expertise
- free training opportunities for the rural financial counsellor
- input of management committees members' time (an in-kind contribution)
- donations of the value of accommodation costs when the rural financial counsellor stays with friends or family while travelling away from home, and
- state lottery commissions.

Approaching potential donors

When approaching potential donors it is important to have 'done your homework' and in particular to be able to provide detailed information if required.

This may include:

- name, address and telephone number of the person to contact in your organisation
- copy of your most recent annual report, including the most recent audited annual statement
- documentary evidence of your status under the tax legislation
- copy of your organisation's constitution or rules of association and/or aims and objectives

- names and roles of all persons involved with the organisation
- the objective of the proposal, and the methods by which it will be achieved
- how the community will benefit (including nature and extent of the problem)
- period of time over which the money/in-kind donation will be expended
- the amount of funds required
- qualification of individuals within the service
- supporting letters from heads of departments, directors, parliamentarians etc
- methods by which the potential donation will be publicised
- a budget showing total costs, level of government support and level of private support expected over the next few years, and
- methods by which the project will be evaluated.

Include a one-page summary of the proposal for quick assessment by an enquirer.

This information may not be required by all potential donors, but it is a good idea to prepare it so that it can be provided if necessary.

Fundraising legislation

Before embarking on any fundraising activities, services should ensure that they comply with any relevant state or territory legislation.

Legislation may cover such matters as:

- the record keeping required
- whether authority is required to conduct an appeal for funds
- whether a financial report is required
- auditing requirements
- power of inquiry and inspection
- fundraising efficiency ratio required
- how fundraisers are to be identified
- limitations on collection times
- involvement of commercial fundraisers
- telephone canvassing
- participation of children
- use and design of collection boxes, and
- penalties for contravention of the legislation.

Community contributions – in-kind

Each service is required to meet at least 50% of the funding required to operate the service from state and community-based contributions ('other contributions' – see clause 6 of the funding agreement). The community contribution may consist of cash donations or in-kind donations and must be **accounted for by the service**. Where cash is not involved, these donations are referred to as 'in-kind' contributions and can include:

- office furniture and equipment
- use of office accommodation, which can include cost of electricity, telephone, use of photocopiers, computers
- administrative assistance
- motor vehicle use
- paper, stationery and printing costs
- use of hall hire for public meetings to promote services
- whole or part of audit costs or cost of legal advice or assistance
- accommodation for rural financial counsellor and/or committee when absent from home
- travel costs
- whole or part of the cost of training seminars or workshops, or
- voluntary time given up by the management committee.

A reasonable market value that reflects local values for an in-kind service or item should be attributed to these contributions within the limits outlined later in this section.

Recording in-kind contributions

All in-kind contributions must be recorded to meet the legislative and accountability requirements in each state. Some recommended options for recording contributions are:

- record all contributions in a receipt book, and provide a receipt to the contributors where required
- use a spreadsheet or similar document to record contributions received, and
- provide letters of acknowledgment to contributors.

The service's auditor will also require the details and value of all in-kind donations and expenditure for the annual audited financial statements.

Maximum allowable in-kind contributions

The maximum allowable amounts accepted by the Australian Government for in-kind contributions are shown below.

Item	Maximum amount	Comments
Management committee expenses:		As committee members are volunteers and not paid managers, this amount is to cover the time spent managing the grant, attending to business and travelling to and from meetings.
for one rural financial counsellor	\$5,000 pa	
for two rural financial counsellors	\$7,500 pa	If a group can clearly demonstrate that their management costs exceed this amount, larger contributions may be considered.
Audit costs	\$900 pa	Audit services donated to assist services
Accounting costs	\$1,000 pa	Accounting services donated to assist services
Annual report	\$600 pa	To cover production costs (if any)
Administrative support	Up to \$15.00 per hour	The total hours involved is considered in light of client numbers and rural financial counsellors employed
Motor vehicle costs	\$12,000 pa	The costs vary significantly between locations and lease firms
Office accommodation and equipment	Up to \$11,000 pa including pro-rata use for equipment	This amount depends on the premium for office space in the location involved, who owns that premises and the size and nature of the project, and whether space is shared with others. Some services operate an outreach service in distant communities, which may involve additional office and accommodation costs.
Donated office equipment	Full value	The percentage of the use of the equipment that is for grant project purposes should be calculated for the purpose of this in-kind contribution
Travel costs	\$2,300 pa	The value of accommodation provided to rural financial counsellors and committee members for overnight stay, where this travel is related to the delivery of the service
Professional counselling	\$2,300 pa	For professional counselling received by rural financial counsellors as part of regular clinical debriefing

Training costs: Management committee members, counsellors and staff

The maximum amounts accepted by the Australian Government for cash or in-kind donations for training in 2005–06 (pro rata for part-year) are shown below.

Training (actual cash):		The funding cap for training is based on an assessment of reasonable training expenditure experienced in the past across all services, and was agreed to by two assessment groups.
per counsellor	\$2,500 pa	
management committee (total)	\$2,500 pa	

State government funding for services

State governments may provide varying levels of contribution towards the service, depending on their policy and the budgets available. Some states provide cash; others provide cash and in-kind contributions.

1.7 Closing a rural financial counselling service

To close a service, the management committee needs to take a number of important steps. These can include obligations under the funding agreement and dissolving the incorporation.

Remember: liability and obligations can continue after the service has closed or the funding agreement has expired.

Obligations under the funding agreement

Some clauses under the funding agreement continue to operate even after the agreement has expired. This places an obligation on the service to:

- ensure that it safely and securely retains all records for a minimum of seven years (clause 8 of the funding agreement)
- continue to protect the Australian Government against expenses, losses, damages and costs that arise from a breach of the funding agreement or as a result of any negligent act or omission or wilful misconduct of the grantee or its contracted employees (clause 15). The management committee members must familiarise themselves with the conditions attached to all insurances, and
- have adequate policies of insurance in place to cover the full extent of their potential liability under the funding agreement (clause 16).

To fulfil the reporting and accountability requirements under the funding agreement, when a service closes it is required to submit information to the Department including:

- an audited annual report and financial statement (clause 9 of the funding agreement and item 2 of the schedule), and
- the identification and return of unspent funds (see subclause 21.2).

These issues are covered more fully in the following section.

Annual/final report

If a rural financial counselling service ceases to operate, or the funding agreement ceases or is terminated, the management committee is required to provide the Department with a final written report, including independently audited financial statements within 90 days of the service ceasing to operate or the ending of the funding agreement.

The final report must include information on the following matters:

- independently audited financial statements
- a final ARC report covering the period from the last report to the date of closure
- reasons for closure, and
- any other matters the Department may require by notice in writing to the management committee.

Audited financial statement

The final audited statement referred to in the funding agreement at item 2 of the schedule will:

- include an audited statement of income and expenditure for the grant which shall include a definitive statement as to whether the financial accounts are true and fair, and a statement of the balance of the service's banking accounts, and
- be carried out by a registered company auditor or qualified accountant who is not a contracted employee, office bearer or member of the management committee.

In particular, the set of audited financial statements for the year must show (see clause 9 of the funding agreement):

- all expenditure of grant monies
- whether the expenditure has been in accordance with the conditions relating to the funding agreement
- details of interest accrued on grant monies and the expenditure or commitment of that interest
- details and value of all in-kind donations and expenditure certified by the auditor as having been received, expended (where applicable) and also certified as reasonable estimates of the costs and values involved.

If the service forms part of a group community organisation or service centre, separate audited financial statements are required, including a separate balance sheet, for the rural financial counselling service component of the organisation.

Unexpended funds (net cash and other assets)

Any unspent money or any assets owned by the service must be refunded to contributors (the Department, state and the community) according to the following formula:

$$\text{Reimbursement to contributor} = \frac{\text{contributor's total contribution}}{\text{total funds received}} \times \text{total net funds remaining}$$

Assets

With approval from the Department, services can dispose of assets on a non-commercial basis to other community organisations. In considering these requests, the Department would need a description of the asset, an estimated final value, details of the proposed recipient, and the purpose of the asset's future use.

Client files and records

Services should notify clients, in writing, of the closure and offer the option of passing on a copy of the file to another rural financial counsellor of the client's choice.

Downsizing a rural financial counselling service

Downsizing the service may be necessary when client demand declines. If there is a reduction in the size of the service, the management committee should:

- notify the Department and the state department of agriculture or equivalent
- notify all clients, in writing, of the change
- notify suppliers of cash or in-kind support that the service is being downsized
- consider notifying insurers (downsizing may result in a reduction in insurance premiums)
- notify other local community organisations who may be asked to provide similar assistance or referral services
- if an organisation has provided assets or funding to purchase assets, inform them of the service's change of status and the implications this has for the asset, and
- submit all Australian Rural Counselling (ARC) database reporting requirements to the Department.

Checklist for closure processes

The following is a suggested checklist to assist with closure processes:

- notify the Department, in writing, and the state funding provider (the department of agriculture or the equivalent)
- notify, in writing, surrounding rural financial counselling services of the closure
- notify any other local community organisations that may be asked to provide similar assistance or referral services
- examine the constitution or rules of association to determine the steps to be taken and the timeline required to dissolve the incorporated body (if this is intended)
- notify active clients, in writing, of the closure and offer the option of passing on a copy of the file to another rural financial counsellor of the client's choice
- with the assistance of the departing counsellor, prepare copies of ongoing files for hand-over, close files as requested and keep original records for storage
- notify the Department of the location of the stored files
- notify donors of ongoing cash and in-kind support that it will no longer be required
- obtain approval from the Australian Government before distributing or disposing of assets
- submit a final report, including independently audited financial statements, to the Department
- fulfil all ARC reporting requirements to the Department
- ensure the Department is informed of all unexpended grant funds and outstanding debts
- return any unspent funding to contributors
- ensure that all accounts (financial and/or credit with service providers) are closed

Chapter 2 Policies and procedures

2.1 Business plan

Services should have a business plan that outlines their direction, structure and values.

2.2 Risk assessment

For good governance, management committees may wish to consider developing a risk assessment focusing on risks that will prevent the service achieving its objectives. Risks that have been identified for services include RFCS Programme outcomes not being achieved and the service becoming the subject of litigation.

The management committee would undertake the risk assessment and record the risks in a risk table. The following format can be used for a risk table:

Identify the risk	Document the risk (how the risk may happen)	Identify the impact of the risk	Current control strategies and effectiveness I = inadequate M = moderate A = adequate	Current risk level			Acceptability A = acceptable U = unacceptable
				Likelihood	Consequence	Current risk level	

Risks should be treated by actions in the business plan. A quality assurance review is a treatment that can address a number of risks. External quality assurance reviews will also enable a service to balance privacy and confidentiality issues. Quality assurance reviews do not have to be structured and formal – they can include peer reviews by another counsellor with informal feedback provided to the management committee.

2.3 Committee members' duties and responsibilities

The information in this section is a guide for the effective operation of a management committee and has been adapted from *Corporate governance and risk management*, a workshop manual developed by Holmes and Reynolds Pty Ltd, NSW.

A clear understanding of each committee member's role is essential for the smooth operation of the committee. Each member should be encouraged to contribute their ideas.

Signs of a committee functioning well

- Purpose of the committee is clear to all.
- Careful time control.
- Sensitivity to each other's needs.
- Good communication among all members.
- An informal, relaxed atmosphere.
- Good preparation on the part of the Chair and members.
- Interested, committed members.
- Minutes are complete and concise.
- Periodic self-assessment of the committee's performance.
- Recognition and appreciation are given to members so that they feel they are making a contribution.
- The work of the committee is accepted and makes a valuable contribution to the service.
- All committee members are comfortable that the rural financial counsellors are fulfilling their role with efficiency, impartiality, skill and compassion.

Duties of an office bearer

The responsibilities of an officer bearer cannot be underestimated. Each appointment on the management committee has certain duties that are unique to that office. A person who holds an office should be aware of the duties that are their responsibility and fulfil them to the best of their ability.

Duties of a president/chair

The Chair's duties generally include organising the committee and ensuring that all requirements under the RFCS Programme are met. Core responsibilities can include organising the committee to:

- employ and supervise the rural financial counsellor and administrative staff
- have regular meetings
- ensure temporary or permanent replacements of committee members if they are sick, on leave or resign
- prepare an agenda, in conjunction with the secretary
- determine the level of experience of the members of the committee and the skills they bring to their positions
- ensure that all members read and apply the service's constitution or rules of association in their work for the committee
- delegate and keep apprised of necessary tasks, and
- organise subcommittees to deal with issues such as finance, supervision of employed staff and counsellor work performance reviews.

Duties of a secretary

The duties of the secretary are generally to:

- organise meetings – distribute notices (or advertise the meeting) informing members of time, place and venue and, in conjunction with the president/Chair, prepare the agenda
- assist the Chair during the meeting
- brief the Chair on any changes to the agenda, special announcements and late correspondence
- record the minutes of the meeting, including records of motions, mover/second, amendments and foreshadowed amendments with a brief note on contents of each item
- list correspondence in order and read only relevant or significant items
- take notes during the meeting and write up the minutes for the next meeting accurately and in a timely manner
- maintain a complete file of present and past minutes and correspondence
- attend to any correspondence, and
- arrive at the meeting early to check that all is in order.

Duties of a treasurer

The duties of the treasurer are generally to:

- prepare the budget for the service, in conjunction with the president/Chair
- manage all financial matters related to committee meetings
- register the signatures of signatories for cheques with the bank
- keep a cashbook and spreadsheet with day-to-day running expenses
- collect all dues and fees
- keep a record of monies received
- keep a record of monies paid (always obtain a signature of the person receiving monies, and attach an account with details of expenses to the receipt)
- keep and file all receipts and bank statements for proof of electronic transactions
- at each committee meeting present a financial statement, and
- at each annual general meeting, present an audited and signed balance sheet.

Duties of other committee members

The role of other committee members includes:

- election of all office holders including a vice-president or deputy chair
- participation on sub-committees
- regular attendance at all meetings, and
- the volunteering of new ideas.

2.4 Conflicts of interest – committee members

All committee members must avoid real, possible or perceived conflicts of interest (see clause 17 of the funding agreement). If a conflict of interest (real or perceived) is unavoidable, it is essential that the committee manages the conflict of interest, and documents their management procedures.

If a current committee member is a client of a rural financial counsellor from that same service, this is a potential conflict of interest. It is recommended that, wherever possible, a committee member in need of financial counselling should seek assistance from a rural financial counsellor in a neighbouring service. If the use of an alternative service is not practicable because of distance and the complexity of the issue, and a counsellor from the same service is used, the committee member must inform the committee of the presence of a client/counsellor relationship by letter and must table that letter at the next committee meeting. A committee member in such a relationship must be mindful of the possibility of a conflict of interest, declare the client/counsellor relationship at any committee meeting whenever an issue which may be affected by such a relationship is raised, and abstain from voting on issues as appropriate. See the example of a conflict of interest statement at appendix 2.

Counsellors, members of the counsellor's immediate family and committee members are prohibited from accepting gifts, money or gratuities from:

- persons receiving benefits or services from the service
- any person or entity performing or seeking to perform services under contract with the service, and
- persons who are otherwise in a position to benefit from the actions of any staff member of the service.

2.5 Code of conduct

Management committees may wish to draw up a code of conduct that identifies the minimum standard of conduct expected of a contracted employee or as a representative of the employer. An example (taken from the standard applicable to Australian Government public servants) requires officers to:

- behave with honesty and integrity
- act with care and diligence
- treat everyone with respect and courtesy, and without harassment
- comply with all Australian laws
- comply with a lawful and reasonable direction of the employer
- maintain confidentiality
- use resources in an appropriate manner
- not provide false or misleading information
- not make improper use of inside information or their position to gain a benefit for themselves or another person, and

- disclose and take reasonable steps to avoid a conflict of interest (real or apparent) in connection with their employment.

A code of conduct for the individual service would be developed and included for signature as part of the employment contract.

A model code of conduct is at appendix 3.

2.6 Meeting procedure

Meeting procedure refers to the laws, rules and customs that govern the conduct of meetings.

Correct meeting procedure ensures the efficient transaction of business and protects the rights of members to be heard, to have their views considered and to exercise their voting power.

The Chair is the facilitator of the meeting. The aim should be to see that the meeting achieves the purpose for which it was called without wasting time and to ensure that people attending have the opportunity to express their views. The Chair should be impartial and apolitical, and should spend time before the meeting helping the secretary prepare the agenda. The Chair should have a good knowledge of meeting procedure, as well as the rules and regulations of the particular organisation. The Chair should allow discussion and encourage equitable speaking time for all members and speak clearly, firmly and decisively.

Agendas

The key for a well-run meeting is the agenda. This should be prepared by the secretary in consultation with the Chair. The agenda sets out the business to be completed at the meeting, and is usually distributed to the members before the meeting so that they can undertake research if necessary to participate in debate on a particular subject.

An agenda can be structured like this:

1. Opening and welcome
2. Introduction
3. Apologies
4. Minutes of previous meeting
5. Business arising from the minutes
6. Correspondence
7. Business from the correspondence
8. Treasurer's report
9. Discussion of counsellor's report (may be presented by the Chair or secretary)

10. General business
11. Any other business
12. Summary of tasks to be completed by next meeting, including deadlines and the people responsible
13. Date, time, venue of next meeting
14. Close meeting

Proposing a motion

A motion is a proposition to be debated during a meeting. A motion should never be proposed by the Chair or a counsellor (a counsellor **cannot** be a member of the committee).

A motion is moved according to this structure:

- 'I move that' (the speaker outlines arguments in favour of the motion).
- The motion is seconded and the speaker adds further arguments or reserves the right to speak. If the motion is not seconded, there is no further discussion of the motion.
- The Chair asks for discussion on the motion.
- A speaker against speaks, followed by a speaker in favour.
- Speakers are only allowed to speak once on a motion.
- The mover has the right of reply. In the right of reply, the mover rebuts any arguments and summarises the case. No new material can be introduced.
- After some discussion on the motion an amendment can be proposed. An amendment can add some words, delete some words or substitute some words. However, it must not negate the original motion. Only one amendment should be discussed at one time.
- After all discussion, the motion (or the amended motion) is put to the vote. The Chair should give clear instructions on the method of voting – for example, a show of hands.
- All comments should be directed through the Chair of the meeting.

Minutes

The minutes are the official record of the meeting and form an important part of the history of the management committee. The secretary takes notes during the meeting and compiles the minutes from them. After the meeting the minutes are formally recorded and circulated to be confirmed at the next meeting. Once they have been accepted as a true and correct record they cannot be altered. The minutes must be available to all committee members, stored in dedicated files and saved in hard copy as well as electronically.

Motions carried at the meetings should be recorded with the exact wording. It is not necessary to include the voting figures unless it is laid down in the by-laws of the organisation. It is important to record the time of the closing of the meeting. No further official discussion can take place once the meeting is closed by the Chair.

2.7 Complaints mechanisms

Client complaints about the service

- The committee should develop a logical and transparent complaints process for clients of the service. The service should make clear to clients what this process is.
- The service should provide clients with anonymous feedback sheets (an example is at appendix 4).
- Counsellors should keep detailed notes of contacts. A nominated committee member should check hard copy file notes of events against what is claimed by the client, if necessary.
- The committee should handle any legal disputes, having appointed a qualified lawyer to represent the service, and notify the Department of the process and outcomes.

Note: The service should make sure its liability insurance is up to date and sufficient. This may include public liability, professional indemnity, motor vehicles and assets insurance and any other material and professional insurance that may be appropriate.

Chapter 3 Employing rural financial counsellors

Services are responsible for employing rural financial counsellors who are suitably qualified and who meet the minimum competencies identified in this resource manual (see item 2 of the schedule to the funding agreement and **3.13 Minimum qualifications**). This chapter provides guidance about services' responsibilities as employers and general information about employment contracts. Services should seek advice about their obligations as employers, and about the content of employment contracts that best suits their organisation.

3.1 Nature of employment – contracted employees

Rural financial counsellors employed by a service are **contracted employees**, not permanent employees. This has significance for the duration of their tenure and the nature of their entitlements. This must be made very clear in the employment contract.

Counsellors may be employed full-time or part-time and more than one rural financial counsellor may be funded according to circumstances – for example, several part-time counsellors could be suited to the needs of a sparsely settled area.

Australian Government's role in employment contracts

Counsellors employed by a rural financial counselling service, as with management committee members and/or the incorporated service, **are not employees or agents of the Australian Government**. Issues or disputes about employment contracts can only involve those persons who are a party to the employment contract.

3.2 Employment contracts

As there are currently no specific state awards for counsellors, an employment contract forms the basis of the contracted employee/employer relationship. It is **critical** that the service, as employer of a counsellor, develop an employment contract detailing what is expected from the contracted employee in exchange for payment, and what rights and responsibilities each party has under the agreement. Each service should develop its own employment contract with the assistance, as necessary, of appropriate legal and financial advice.

It is the management committee's duty to properly advise the contracted employee about the extent of the employee's rights and responsibilities during the period of the employment contract, to ensure these rights are adequately maintained, and to provide information to the contracted employee about avenues to address problems relating to their employment.

Employment contracts may vary depending on the matters negotiated between the parties. As the employer, the service requires the flexibility to negotiate outcomes and vary the priorities to achieve effective and efficient service delivery.

The contract must reflect the requirement for minimum standards for qualifications and performance for suitably qualified staff as identified in the current funding agreement and later in this chapter.

Employment contracts should reflect terms that are consistent with legislative or common law rights to ensure they are enforceable. Information about legal rights to demand specific performance, compensation or termination of an employment contract is on the Department of Employment and Workplace Relations' workplace website at www.workplace.gov.au (search on 'employment contract').

For employment contracts for rural financial counsellors, management committees should include:

- a start and completion date that aligns with the current funding agreement, including any probationary period – that is, the end date must not be later than the funding agreement's completion date
- for employment contracts subject to grant funding, include a statement that 'this contract is subject to the availability of funding' (to avoid any misunderstanding, it is recommended that this stipulation also be expressly stated in any clauses relating to termination payments)
- information about confidentiality and ownership of the service's information, and
- information about the performance outcomes and reporting requirements in the funding agreement that are to be achieved or undertaken by the rural financial counsellor.

When drawing up employment contracts for counsellors, avoid:

- using clauses (or verbal assurances) that commit the service beyond the period of the funding agreement
- situations where employment continues past the expiry date specified in the contract, without conducting a performance review and obtaining a written agreement by the parties for the continuation of employment (in the event of a dispute, continuing employment in these circumstances may involve complex legal issues relating to employment rights based on accepted practice), and
- automatic renewal of the contract without revision of its terms. Remember: when a contract expires, the service is no longer bound to all the terms of the contract. It is an ideal opportunity to re-negotiate the terms and decide on new inclusions or deletions that benefit the parties.

Criminal history check

There is no requirement under legislation or the funding agreement to get a criminal history check on an employee. If services wish to make a criminal record a bar to employment as a rural financial counsellor, they should state this in the employment advertisement and at the interview with the prospective counsellor.

A criminal history character check form is available from the state or territory police service.

For more information, visit your local police service or the following websites:

Federal and ACT:	www.afp.gov.au	South Australia:	www.sapolice.sa.gov.au
Western Australia:	www.police.wa.gov.au	Queensland:	www.police.qld.gov.au (see 'documents available for purchase')
Victoria:	www.police.vic.gov.au	New South Wales:	www.police.nsw.gov.au
Tasmania:	www.police.tas.gov.au	Northern Territory:	www.nt.gov.au/pfes/police

Advertising for a rural financial counsellor

Place the advertisement in the relevant press. This should extend beyond the immediate location of the service to a major paper in the state capital city and state-wide rural newspapers. Clearly identify the type of skills and abilities required for the position of the rural financial counsellor.

3.5 Conditions of employment

Awards and agreements

As there is no single award or agreement for a rural financial counselling service or for contracted employees of that service, each service should negotiate individual employment contracts. However, a similar award or agreement can be used as a guide when drafting and negotiating an employment contract.

As rural financial counsellors are not contracted employees or agents of the Australian Government or state government, Australian Government contracted employee awards, agreements or pay scales are not binding on the service or the rural financial counsellor.

There are a number of federal awards (available at www.airc.gov.au) that may be helpful in deciding the terms of the employment contract with a rural financial counsellor because they set the employment conditions of similar professions.

Access to tools of the trade

A rural financial counselling service must provide all the necessary tools for rural financial counsellors and administrative staff to effectively perform their duties. These can include a computer with up-to-date software (including ARC), appropriate office furniture and a consultation room, telephones, access to files, secure storage and a serviced motor vehicle. Failure to provide adequate resources may result in a breach of the *Workplace Relations Act 1996* (Cwth) or a state occupational health and safety Act.

Professional development

A professional development plan, regularly reviewed and actioned, will help maintain up-to-date work practices, improve rural financial counsellor skills, and identify whether the employer is meeting its obligation to provide access to tools of the trade. Clinical debriefing is also a critical component of a rural financial counsellor's plan and should be identified, in addition to minimum training time. An attachment outlining professional development needs and an undertaking by the employer to provide a minimum number of training days, plus an allowance for travel costs, should be included as part of each employment contract.

Leave entitlements

Check leave entitlements and accruals information with your state department of industrial relations.

Contracted employee leave entitlements such as annual, long service, sick, parental, carer's, bereavement or personal leave can vary between states and conditions of contract. The minimum entitlement may depend on whether the contracted employee is engaged on a permanent, part-time, temporary or casual basis. It is important to check entitlements with your state department of industrial relations.

Unions

Every worker has the right to join or not join a union. By law, an employer cannot stop a contracted employee joining a union and cannot discriminate against or terminate a contracted employee for being a union member. Union members and officials have certain rights allowing them to enter workplaces and hold discussions with employees. They can also represent contracted employees in negotiations with employers.

Salaries

The level of salary paid to staff, including any salary packaging options, should be decided by the management committee. It should be based on relevant experience and qualifications, and subject to regular performance review by the employer (the service).

3.6 Superannuation

All employers have compulsory superannuation obligations. Legislation requires employers to pay a minimum amount, calculated as a percentage of a contracted employee's wage or salary, into a superannuation fund. As there is currently no award to cover rural financial counsellors, services must know the amount of superannuation the service is required to pay, whether there is a limit and how that amount is calculated. A qualified accountant, solicitor or other professional can provide advice on these matters.

Superannuation guarantee

The superannuation guarantee was introduced in July 1992 to ensure that as many Australians as possible have access to superannuation and to provide higher standards of living in retirement for future generations. Under the superannuation guarantee, employers need to provide a minimum level of superannuation for eligible contracted employees or pay the superannuation guarantee charge to the Australian Taxation Office (ATO). Superannuation support provided for contracted employees will usually be tax deductible up to certain limits.

If eligible contracted employees are not provided with sufficient superannuation to avoid the superannuation guarantee charge, services should:

- increase the amount of superannuation already provided to at least the minimum level set out in the superannuation guarantee legislation, or
- introduce contracted employee superannuation where none exists, at the level set out in the superannuation guarantee legislation.

As the superannuation guarantee is self-assessing, there is no need for a service to fill in any forms or lodge returns as long as it provides sufficient superannuation support. However, the service must keep adequate records to prove it has given its contracted employees the minimum support required. More information about the superannuation guarantee is on the ATO website at www.ato.gov.au

3.7 Workplace legislation

The service (the employer) and its contracted employees (the counsellor and administrative staff) should familiarise themselves with the range of legislation that applies in the workplace.

Management committees and rural financial counsellors must also be aware of their rights and responsibilities. A dispute under current contractual arrangements will usually be about the interpretation of the terms and conditions of the employment contract. The right to seek independent review generally exists in legislation and a process should be identified in an employment contract.

In addition to obligations created under an employment contract, employers and contracted employees have obligations or duties to each other under common law. Legislation and accompanying regulations also determine the rights and obligations of employers and contracted employees. These obligations or duties are regarded as legal standards of behaviour in the employment relationship.

Legislation applicable to a workplace includes:

- ***Workplace Relations Act 1996 (Cwth)***

The principal object of this Act is to provide a framework for cooperative workplace relations, which promotes the economic prosperity and welfare of the people of Australia. This Act is limited in its application to those states, territories or persons who make application under the Act. A copy of the Act is at www.austlii.edu.au/au/legis/cth/consol_act/wra1996220/

- **Occupational health and safety Acts**

Each state and territory has passed an occupational health and safety (OH&S) Act. The principal object of these Acts is to secure the health, safety and welfare of contracted employees at work; to promote an occupational environment for contracted employees that is adapted to their health and safety needs; and to foster a cooperative consultative relationship between employers and contracted employees on the health, safety and welfare of contracted employees at work. A failure to provide a safe working environment may expose an employer to legal action by a contracted employee or the governing work safety authority in each state. In such an event a contracted employee may be able to claim damages. A copy of the relevant state or territory OH&S Acts is at www.austlii.edu.au

- **Racial discrimination or anti-discrimination Acts**

The states and territories, as well as the Commonwealth, have passed racial discrimination or anti-discrimination Acts. The principal object of these Acts is to eliminate any act involving a distinction, exclusion, restriction or preference based on race, colour, descent or national or ethnic origin which impairs the recognition, enjoyment or exercise, on an equal footing, of any human right or fundamental freedom in the political, economic, social, cultural or any other field of public life. Copies of these Acts are at www.austlii.edu.au

- **Sex Discrimination Act 1984 (Cwth)**

The principal object of this Act is to eliminate discrimination against persons on the ground of sex, marital status, pregnancy or potential pregnancy in areas that include work, accommodation, education and services. This includes dismissal of contracted employees on the ground of family responsibilities; sexual harassment in the workplace. Harassment or discrimination by an employer or a contracted employee on another contracted employee may expose the individual or the employer to legal action by a contracted employee. The contracted employee may be able to claim damages. A copy of the Act is at

www.austlii.edu.au/au/legis/cth/consol_act/sda1984209/

- **Disability Discrimination Act 1992 (Cwth)**

The principal object of this Act is to eliminate discrimination against persons on the ground of disability in areas which include work, accommodation, education, access to premises, clubs and sport; and to ensure, as far as practicable, that persons with disabilities have the same rights to equality before the law as the rest of the community. A copy of the Act is at

www.austlii.edu.au/au/legis/cth/consol_act/dda1992264/

3.8 Workers compensation

Workers compensation insurance is compulsory for all employers in Australia, with varying policies across the different states and territories. Workers compensation is in place to make your workplace safer and achieve earlier return to work outcomes for employees. Employees can receive weekly earnings, medical and hospital treatment, rehabilitation, legal costs and lump sum payments.

3.9 Subcontracting

Services must not subcontract any activities covered by the funding agreement without the Department's prior written approval (see clause 22). Any subcontractors approved by the Department at the date of the agreement must be identified in the schedule. Services are responsible for ensuring that subcontractors are suitable for the work to be carried out and for ensuring that the work meets the requirements of the agreement. Services must not enter into a subcontract with a subcontractor named by the Director of the Equal Opportunity for Women in the Workplace Agency as an employer currently not complying with the *Equal Opportunity for Women in the Workplace Act 1999* (Cwth).

3.10 Public benevolent institution status and fringe benefits tax

Some rural financial counselling services may be endorsed as public benevolent institutions in order to receive certain exemptions from fringe benefits tax. For information about how to apply for public benevolent institution status, visit the Australian Taxation Office (ATO) website at www.ato.gov.au (each case is considered on its own merits).

If a counsellor is given a motor vehicle that can be used for their private purposes or a housing allowance or other allowances, the service may be responsible for fringe benefits tax. This should be taken into account when preparing the budget.

For further information on taxation issues, including benefits and liabilities, contact the ATO or visit their website at www.ato.gov.au, or contact a legal or financial adviser.

3.11 Duties of a rural financial counsellor

Rural financial counselling services are funded to provide **financial counselling** only. It is anticipated that 75% of a counsellor's time will be spent working on activities related to client contact. The remaining 25% will involve administrative tasks. Requests for personal counselling, succession planning, family counselling or financial advice should be referred to other professionals and or agencies, as they are not part of the agreed role of the service. See also **3.12 Activities NOT to be performed by counsellors**.

Duty statement

A duty statement identifies the duties that need to be carried out in order to achieve the outcomes that have justified the engagement of a rural financial counsellor. The statement can be included as part of the employment contract.

The key responsibilities of a rural financial counsellor are as follows:

1. Provide assistance to primary producers, fishers and small rural businesses who are experiencing financial difficulties in identifying their financial and business options.

The types of activities that a rural financial counsellor might undertake include:

- gain an overview of the business and its operation by analysing the client's farming or business activity (both systems and practices) and financial position using gross margin analysis, 'rules of thumb' and other financial analytical tools in order to help the client identify their options
- in the presence of the client, communicating and negotiating with clients' lenders
- refer clients to appropriate professionals, such as accountants for financial advice, solicitors, agricultural advisers and educational services

- refer clients to appropriate professionals for guidance on issues such as succession planning, family mediation and personal counselling
 - provide information on government and other assistance schemes
 - provide information on, and referral to, Centrelink if required.
2. Report on the outcomes and achievements of the service.
 3. Collect, enter and analyse data about clients and the operation of the service to meet reporting requirements and, if applicable, check the work of an assistant who does this work.
 4. Work with a range of clients and, if applicable, with a small office team responsible for reporting to the management committee.
 5. Maintain appropriate case notes and records.
 6. Understand the importance of confidentiality and an ethos that promotes this approach within the service.
 7. Understand the operating environment of the service.

3.12 Activities NOT to be performed by counsellors

The employment contract should provide a clear understanding of what activities are **not** covered by the funding agreement as cited in item 2 of the schedule to the funding agreement.

Activities not permitted under the funding agreement include the provision of succession planning, lobbying the government on behalf of a rural financial counselling service and providing financial advice to clients.

Services may wish to use the information sheet at appendix 5 to inform clients of the activities counsellors may and may not undertake.

Succession planning

The funding agreement lists activities that are **not to be performed** using Australian Government funding. Succession planning (which also includes such names as 'inter-generational change/transfer') is explicitly excluded as an activity that services can perform or provide (see item 2 of the schedule to the funding agreement).

If the rural financial counsellor, in undertaking an assessment of the needs of a client, believes that further discussion on succession planning may benefit the client, the counsellor should **recommend** a referral to an appropriately qualified person or organisation. The referral **cannot** be to another person who is also employed as a rural financial counsellor under the RFCS Programme.

The assessment about whether the client may benefit from succession planning should be made from either the initial client interview or from undertaking a current financial position analysis of the business or personal finances, particularly as it relates to matters of land or other assets ownership.

Counsellors might find it appropriate to recommend succession planning options in stages. This will allow family meetings and discussions to be facilitated by a professional facilitator or mediator before making other referral options to deal with the more technical aspects of succession planning, such as legal and financial matters.

It is not appropriate for rural financial counsellors or services to undertake the facilitation or mediation of family meetings or discussions.

Financial advice

Under the *Financial Services Reform Act 2001* (the FSRA), which commenced in 2002 and was enforced in 2004, three options apply to anyone involved in the financial services industry:

1. be licensed
2. be granted exemption from the requirement to be licensed, or
3. ensure that no regulated activities are undertaken.

The funding agreement between the Australian Government and each service explicitly identifies the provision of financial advice (a regulated activity) as **an activity not to be performed**.

Therefore, the FSRA does not apply to the provision of services by rural financial counsellors as long as they do not provide financial advice.

Other activities not to be performed

Counsellors undertaking Farm Help Financial Assessments (currently referred to by Centrelink as Farm Enterprise Financial Assessments [FEFA], or formerly referred to as Farm Enterprise Viability Assessment [FEVA]) and other fee-chargeable work for Australian Government agencies **may not charge a fee** for provision of these services.

3.13 Minimum qualifications

Minimum qualifications for rural financial counsellors are:

- relevant tertiary qualifications and/or strong relevant work experience
- recognised counselling qualifications and/or significant demonstrated counselling experience, with an ability to understand the boundaries that exist between a rural financial counsellor and a social counsellor, and the ability to refer personal issues on to the appropriate professional

- sufficient qualifications as prescribed by Centrelink or other Australian Government or state agencies to permit involvement in representations or applications required on a client's behalf, and
- a current unrestricted driver's licence.

3.14 Minimum standards of performance

Rural financial counsellors employed by a service must comply with a minimum standard of performance to fulfil the requirements of a rural financial counselling service position and the funding agreement. This ensures that the service's clients are receiving the best possible service and that the service is fulfilling the provisions of the funding agreement.

Minimum standards of performance should be determined at the point of signing the contract with the rural financial counsellor. Ideally, they should be clearly outlined in the performance agreement and reviewed at least every six months.

Suggested minimum standards

Suggested minimum standards of performance for rural financial counsellors are as follows.

Rural financial management

- demonstrated knowledge of farm level financial operations
- sound knowledge of rural industries relevant to the area to be serviced by that service, or a capacity to develop the knowledge within a reasonable time period
- a sound working knowledge of farm management economics
- ability to prepare detailed financial analyses of business operations and develop options concerning existing viability and means of improving viability
- an understanding of practical farm management operations
- an ability to prepare business and financial plans under a range of scenarios and to analyse the business and financial implications of each
- ability to identify a number of options for a rural producer or enterprise in financial difficulty
- demonstrated ability to communicate effectively with clients
- demonstrated ability to identify the type and extent of assistance requested by the client and assistance which may be more appropriately provided by other agencies

Interpersonal skills

- demonstrated ability to identify financial difficulties and recognise social problems and their link with financial problems
- demonstrated ability to communicate financial options to clients in a non-judgemental manner
- demonstrated ability to transfer knowledge and skills to the client

Administrative skills

- demonstrated ability to use computer software (MS Office including Excel, Access, PowerPoint, relevant financial counselling software)
- demonstrated ability to keep accurate file records
- demonstrated ability to compose letters and reports that are appropriate to individual situations
- demonstrated ability to identify type of debt and the legislation that applies to it

Knowledge requirements including legal

- knowledge of the legal steps involved in the recovery of an unsecured debt and the likely outcome of legal action in specific circumstances
- knowledge of the different types of securities and the processes of enforcement for each
- awareness of unfair/illegal debt collection procedures and the ability to identify them
- awareness of the legal responsibility and consequences of action taken on behalf of the client where appropriate
- an understanding of the difference between an advocate, mediator and conciliator, and a demonstrated ability to act as an advocate and negotiate on behalf of the client
- knowledge of the practices of major creditors and the ability to negotiate with them to the benefit of the client

Performance agreements

Performance agreements can be used to monitor and correct poor performance. If a contracted employee has not met agreed standards or goals, the performance agreement is a useful written record of performance expectations. If the contracted employee fails to meet the identified standard, and enough time has lapsed to allow the employee to correct the failure, this constitutes possible grounds for termination of the employment contract.

Alternatively, performance reviews can be used as a mechanism to identify and reward outstanding performance. Performance reviews should be regularly conducted, preferably every four months but at least every six months. These reviews form an important historical profile of the contracted employee and can be used to determine further training needs.

As a part of these performance reviews, management committees could conduct a file review to ensure that the management committee is fully aware of the services provided by the counsellor. This can be performed either by another rural financial counsellor located close to the office, or by a member of the management committee.

The performance review discussion should be directed toward producing a clear and mutually understood working relationship. Conducting performance discussions with the contracted employee, although sometimes difficult, is a vital aspect of a supervisor's function and influences the effectiveness and productivity of the service. Management committees and counsellors may find the following points useful to consider before the performance review. For a suggested format for a performance review, see appendix 6.

Job description

- Is the original job description adequate?
- What are the rural financial counsellor's duties and functions?
- Have they changed during the past year?

Work performance

- How well is the rural financial counsellor performing the duties and functions in the job description?
- Has the rural financial counsellor undertaken any training needed to comply with minimum competency requirements?
- In what areas has the rural financial counsellor's performance exceeded expectations?
- In what areas has the rural financial counsellor's performance fallen short of expectations?
- In what ways can the management committee help employees improve performance?
- What specific performance improvements are expected within the following quarter?

Work relationships

- What positive or negative aspects are there in work relationships with colleagues, clients, other supervisors or managers?
- Is the work relationship between management committee and the rural financial counsellor functional and effective?
- Can the management committee facilitate any improvement of the work relationship?

Career development

- What career development needs or aspirations does the rural financial counsellor have?
- How might the management committee assist in identifying career development opportunities and resources (for example, tuition assistance, employee training programs)?
- How realistic are the rural financial counsellor's career aspirations in their current job?

Future goals/expectations

- What specific performance goals can be established for the next performance review?
- What goals or expectations does the rural financial counsellor have for accomplishment by the next performance review?
- How will achievement of goals or expectations be measured?
- Does the rural financial counsellor have the requisite skills to accomplish these goals or expectations?
- How might the supervisor assist the rural financial counsellor in attaining their goals?

3.15 Conflict of interest – employees

Contracted employees are to avoid any conflict of interest and even the appearance of a conflict of interest.

A conflict of interest is defined as an actual or perceived interest by a rural financial counsellor or committee member in an action that results in, or has the appearance of resulting in, personal, organisational or professional gain to counsellors, committee members, family members or friends (see clause 17 of the funding agreement).

The definition of conflict of interest can include any bias or the appearance of bias in a decision-making process that would reflect a dual role played by a member of the organisation or group.

Examples of a potential conflict of interest include:

- employment of friends or family by the service
- a committee member or employee of the service also being a client of the service
- staff attending meetings not related to the core business of the service and expressing a view that can be interpreted (real or apparent) as that of the service or the staff in their official capacity. (If a contracted employee attends such a meeting, they should make it clear that any statement is the view of the individual in their capacity as a citizen or community member, and not as a member of staff.)
- steps taken to make a personal gain as a result of inside information about a client's circumstances obtained through the employment or professional relationship

- a counsellor providing options to a client which aims to achieve a benefit to the counsellor
- an immediate family member of the counsellor being a client of the service
- a counsellor providing options to a client which aims to achieve a benefit for another person without first declaring any interest the counsellor has in that arrangement, or
- financial or personal gain by a counsellor through referring a client to a specific organisation or service.

Rural financial counsellors are to maintain professional distance and objectivity with clients, and the community. If the management committee develops a code of conduct, it should require counsellors to maintain a sense of fairness, civility, ethics and personal integrity. They must report any conflict of interest, potential conflict of interest or the appearance of a conflict of interest to the management committee or supervisor immediately.

If a counsellor makes a declaration of a conflict of interest, it must be kept in the strictest of confidence by the management committee. In addition, committees should establish a system that allows a counsellor to formally notify the management committee of a possible conflict of interest when it arises.

Counsellors, members of the counsellor's immediate family and committee members are prohibited from accepting gifts, money or gratuities from:

- persons receiving benefits or services from the service
- any person or entity performing or seeking to perform services under contract with the service, and
- persons who are otherwise in a position to benefit from the actions of any staff member of the service.

Rural financial counsellors may, with the prior written approval of the management committee, receive honoraria for lectures and other such activities while on personal days, compensatory time, annual leave or leave without pay. If the contracted employee is acting in any official capacity, honoraria received by a contracted employee in connection with activities relating to employment with the service are to be paid to the service.

3.16 Orientation for new rural financial counsellors

The new rural financial counsellor should spend at least the first week of the new job with the nearest counsellor. Orientation activities could include:

- farm visits to new and existing clients
- preparation of cash flow budgets
- visits to bank managers with clients

- office procedures – for example, prioritising clients on first contact, reporting back to clients, client records
- techniques for assisting difficult clients
- networking with other organisations
- researching useful resource materials
- learning about Farm Business Management Programmes
- time management
- preparation of loan applications
- applications and procedures for the RFCS Programme provided by Centrelink and the Rural Adjustment Authorities
- discussion of case studies
- role of negotiation and mediation
- methods of presenting options to farmers
- visits to regional trading bank offices
- referral to specific professional advisers
- familiarisation with ARC
- networking with Centrelink, the state department of agriculture or equivalent and Rural Adjustment Authority personnel
- regional trading bank offices
- welfare agencies
- farming organisations, and
- the Department.

The new rural financial counsellor should familiarise themselves with:

- the management committee
- information from the Department
- the service's policy on client file management
- rural financial counselling brochure
- the funding agreement and funding guideline, and
- this resource manual.

The rural financial counsellor should be made aware of:

- meetings of rural financial counsellors
- training opportunities
- reporting requirements
- the member of the management committee who has primary responsibility for contact with the counsellor between meetings with the group, and
- sources of information and expertise within the local community.

Networking

A list of rural financial counselling services is on the departmental website at

www.daff.gov.au/financialcounselling

The following is a list of some of the organisations the rural financial counsellor may work with, or obtain referrals from, while assisting clients.

Local businesses

- finance providers
- stock agents
- accountants
- solicitors
- doctors
- industry organisation representatives
- ministers from local churches
- farm consultants, veterinary practitioners

Local government

- financial counsellors
- shire clerks or human services officers
- local welfare providers
- lifeline and other counselling services

State government and agencies

- Rural Adjustment Authority
- departments of agriculture, departments of primary industries or equivalent
- community services
- community health services
- state consumer credit legal services
- education providers, TAFE, agricultural college

Australian Government agencies

- Centrelink

3.17 Ending an employment contract

As rural financial counsellors are contracted employees, their employment can only span the duration of the contract or the funding agreement. Procedures of review and decision-making leading up to a renewal or finalisation of contract should be closely documented for transparency, protecting the service and the rural financial counsellor. Open dealing with rural financial counsellors during their review periods should ensure that the management committee and the rural financial counsellor agree about their progress and training needs during the period of the employment contract.

Termination of contract

An employer has a right to terminate an individual's contract, and equally a contracted employee has rights attached to their employment that must not be breached.

When developing an employment contract, it is good practice to ensure that a contracted employee's termination rights are protected, that arrangements leading to termination are fair and reasonable and that parties are fully informed of their rights and obligations at the start of the contract period.

Services should hold a formal performance review **at least every six months year** (see **Performance agreements in 3.14 Minimum standards of performance**), so that the contracted employee has an opportunity to respond to issues causing concern. Performance review should be linked to the outcomes of the RFCS Programme as detailed in the current funding agreement. Ongoing review and discussion is preferable to termination with little notice on the grounds of unsatisfactory performance. Committee members are permitted access to client paper files, and regular formal review of a sample of such files should be included as part of the management committee's supervisory role and counsellor work performance review processes.

Client files and records

Client paper files and all records obtained in the performance of counselling are the property of the rural financial counselling service – **they are not the property of the counsellor**.

When a counsellor leaves a service:

- the service must retain all files
- the counsellor must not take client files, papers from client files or any copies of any papers relating to clients.

If a file is no longer active and has been closed, the service must keep the file in a secure place for at least seven years (see clause 8 of the funding agreement).

The ARC database and its client details are also the property of the service. The password for the database should be left with the service for the in-coming counsellor. One option may be to provide this password, in a sealed envelope, to the Chair of the committee.

Checklist for resignation of a rural financial counsellor**Rural financial counsellors leaving a service should:**

- notify the management committee in writing, including a date of effect

The management committee should:

- notify the Department
- prepare a reference, if appropriate
- decide whether to continue the service, and
- prepare a letter to all clients notifying them of the change and offering the options of:
 - closing their file
 - passing their file to a new rural financial counsellor, or
 - passing their file to a nearby counsellor (if appropriate).

With the assistance of the departing rural financial counsellor, the management committee should:

- send the above letter to all clients
- close files as requested
- prepare ongoing files for handover
- prepare a list of contacts for the new rural financial counsellor
- submit an activity report to the Department and copy to the management committee, and
- submit an ARC statistics data file to the Department.

Chapter 4 Client assistance and day-to-day activities

4.1 File and information management

File management

Accurate file and record management is not only required under law but is also important for the efficient running of a service. All records are the property of the service. Information and records must be securely stored and counsellors must respect the privacy of families using the service by not discussing their personal details, other than for administrative purposes.

Client paper files are the property of the service. Committee members are allowed access to client paper files, and the management committee should regularly review a sample of such files.

The funding agreement specifies that the service must allow access to records for the purpose of audit (see clause 18 of the funding agreement).

Client files should contain at least the following:

- evidence of the date, time and location of any contact the counsellor has with a client – it is acceptable for all phone calls to or from the client to be maintained in a telephone log as long as the telephone log accurately records the approximate time and length of the phone call and a brief description of the matters discussed
- all copies of correspondence to the client, or to banks or other parties on behalf of the client
- copies of all reports, cash flow or other documents generated on the client's behalf.

A client file can take the form of a paper or electronic file, a diary or a phone log. All should be linked by an identifier that links the paper file with the electronic file, the phone logs and the diary for an audit trail. Electronic files should be backed up and the back-up file stored securely off site.

If a service obtains important or valuable documents on behalf of a client, such as certificates of title, transfers of land, share certificates, wills and powers of attorney, ask the client to sign a receipt for them when the documents are handed over. These documents remain the property of the client. It is also a good idea to issue a receipt to the client for any personal or valuable documents you accept from them.

If a claim is made against the counsellor or the service or a problem arises, the counsellor must be able to review the information they were given, the options they gave and the action they took.

Materials counsellors prepare for their own record or protection

A rural financial counsellor should keep records of conversations, either by telephone or in person, with the client. To assist in the investigation and resolution of possible future complaints, counsellors should record their clients' different attitudes, agreements and changes of and states of mind. All records that counsellors create, including those for their own protection, belong to the service. This includes copies of letters counsellors write to the client, diary entries and computer records.

Archiving records

All information created under the funding agreement, including client records, remains the property of the service. No person, including the rural financial counsellor or other counsellor members, has the right to remove, delete or destroy service property without the permission of the management committee.

Under the funding agreement (clause 8), a service is required to keep complete and accurate business records in electronic and paper copy formats for a minimum of seven years which:

- set out the details of the work carried out under the funding agreement
- record the deposit and expenditure of the grant and other contributions
- observe the terms of the *Privacy Act 1988* (including prevention of unauthorised access)
- maintain confidentiality, and
- ensure that the Australian Government is able to examine or inspect records after the termination or expiration of the funding agreement, if the need arises.

Retaining business records may also be useful for:

- recommencing a service in the region or amalgamating with another service
- providing reliable information if a service faces legal action, or
- an audit by the ATO.

If a service closes, store all files in a secure location and notify the Department of that location. One option is to have all of the files transferred to the nearest rural financial counselling service for storage.

4.2 Privacy

When collecting information the service should ensure that:

- the information is collected for a lawful purpose that is directly related to a function or activity of the service
- the means of collection are lawful and fair
- the person is informed of the reason for the collection of the information
- the client is told who the information is provided to
- the information is relevant to the purpose of collection, is up to date and complete
- the information does not unreasonably intrude upon the person's personal affairs, and
- the service does everything within its power to make sure the information is not misused.

A service should not use personal information for purposes other than for which it was collected, except:

- with the consent of the person
- to prevent a serious threat to a person's life or health
- as required by law, or
- as required by the funding agreement.

4.3 Confidentiality

Establishing a confidentiality policy

Contracted employees and committee members have access to confidential and sensitive information and data. As disclosure could harm individuals and enterprises both inside and outside the service, the service should ensure that it has strong confidentiality policies that detail clear, reasonable and fair standards of confidentiality to minimise risk of harm to clients and the counsellor. Services should include the confidentiality policy with the code of conduct documents to be acknowledged and signed by all members of the service.

All staff and management committee members must have a clear understanding of the need for confidentiality in some of their operations. Contracted employees and management committee members should also understand the type of information deemed confidential by the service, how they can mark information as confidential, how they can handle confidential information, and how breaches of confidentiality will be handled.

The confidentiality policy should extend to all staff, committee members and volunteers of the service. Individuals accountable under the policy may not purposefully disclose confidential, sensitive or proprietary information within or outside the service except to individuals known to be authorised to receive such information, such as representatives of the Department's RFCS Programme. As stated in clause 18 of the funding agreement, persons authorised by the Department must have access to files and assets relating to the RFCS Programme held by services.

Any apparent inappropriate disclosure by a member of the service should be followed up using the service's performance review or disciplinary processes.

The capacity to maintain client confidentiality is an important issue for services. It is equally important to maintain a perception that a confidential service is provided. This perception is tested more in small regional towns than in most other places.

Examples of confidential documents, activities and sources

Information that is confidential, sensitive or proprietary may result from various activities and sources. These may include but are not limited to:

- current and prospective client records, including personal and business data
- contracted employee personnel matters and actions, including personnel records with responsibilities, qualifications and compensation information as well as medical records or data that will be unduly invasive of personal privacy
- information generated by self-regulatory proceedings, such as ethics and professional conduct investigations, certification, standards setting, accreditation or other business or governance enforcement
- opinions and other privileged information, whether received from legal counsel, other learned experts including contracted employees or another source
- minutes and notes of any management committee meetings
- any financial statements, agreements, data, budgets and plans relating to a service, its clients or contracted employees.

4.4 Client management procedures

Services should note that it is expected that a client will not remain a client for more than 12 months. Services must provide, if requested by the Department, an explanation of why the client has been a client for more than 12 months (see item 2 of the schedule to the funding agreement).

The following outlines client management procedures that should be adopted at all rural financial counselling services.

Event	Steps	Documentation
Initial client contact	<p>Client contacts service</p> <p>If client can't speak to a counsellor or if the client's issues cannot be addressed immediately, log the client's call in the phone log.</p> <p>If the client can be assisted by providing information to them or by referring to another service, no further action is required. Record the time taken to help the client in ARC under 'Assistance type: Casual enquiry'.</p>	Client phone log
Initial client meeting	<p>Prepare a temporary file with standard forms for new clients.</p> <p>Complete the new client details form with details obtained from the client.</p> <p>Obtain details of the client's issues from the client and document them in the meeting notes.</p> <p>Complete the confidentiality and privacy forms (if used by the service).</p>	New client details form (see appendix 7)
Establish and maintain client file	<p>For one-off clients, file all initial meeting notes in a client file. Record time spent in ARC under 'Assistance type: Casual enquiry'.</p> <p>Establish a new client file:</p> <ul style="list-style-type: none"> • attach a completed client administration form to the front cover • attach a client activity sheet to the inside front cover • include a new client details form and the notes from the initial meeting. <p>Create a new client in ARC.</p> <p>Client files should reflect all work completed for the client. Each time a discussion is held with a client or on behalf of a client, place a record of the discussion on the file. Details should include at least:</p> <ul style="list-style-type: none"> • date and time of the discussion • matters discussed • type of discussion (phone, in person, location etc) • agreed actions. 	Client file administration form (see appendix 8) Client activity sheet

Event	Steps	Documentation
	<p>Place all reports and notes for reports on the client file.</p> <p>Update the client contact sheet for all meetings and phone calls. For email correspondence, print out each email and place on file.</p> <p>Place any client correspondence to the counsellor on the file.</p> <p>Place reports and report notes generated on behalf of the client on file.</p> <p>Update ARC from the client activity sheet only. All ARC entries should be supported by documentation on the physical client file.</p>	
Closure/handover of client files	<p>If assistance to the client ceases or the client's counsellor changes, record these events on the client administration form attached to the front cover of the file.</p> <p>Record the handover of each file, including action items for the new counsellor, on a file note attached to the file.</p>	Client file administration form

Note: Client files remain the property of the rural financial counselling service at all times. They should not be returned to clients and should not remain in the property of counsellors once they have left their position.

Activity type as per the ARC database (version 1.1.2):***ActivityType***

Administration, Office
ARC Data Entry
Client - Contact
Client - Representation
Client - Research
Client - Travel
Clinical Supervision
Committee Administration
Committee Meetings
Committee Travel
Counsellor Mentoring
General Enquiry
Leave
Meeting called by DAFF
National Conference
Professional Debrief
Public Holiday
Research / Networking
Service Promotion
State Meeting
Training
Travel to Training
Vehicle Maintenance

Chapter 5 Payment of funding

5.1 Criteria for payment of grant

Funding is usually on a financial year basis (that is, from 1 July to 30 June) and may be paid by instalments in advance on presentation of a tax invoice and completed milestones (see item 3 of the schedule to the funding agreement). For details about the amounts of each instalment, see item 3 of the schedule of the service's funding agreement.

Services must inform the Department of any other Australian Government funding they receive within 20 business days of entering into the arrangement to receive that funding. They must also inform the Department of any existing Australian Government funding they receive at the time of signing the RFCS Programme funding agreement (see clause 3 of the funding agreement).

Services must have an Australian business number (ABN) (see clause 31 of the funding agreement) and must establish a separate bank account for RFCS Programme funding (clause 5).

Funding is subject to:

- availability of funds from Australian Government budget appropriation
- provision of a satisfactory audit of accounts
- evidence of satisfactory performance
- evidence of continuing need
- evidence of the ability to pay 50% of the costs of the service (detailed in the budget and notified in the statement of certification at Annexure B), and
- the service's compliance with the Department's reporting requirements.

If a service is at any time unable to meet its 50% share of costs, the Department will not be liable for any costs or awards arising from any breach of contract.

5.2 Funding instalments

Funding instalments are normally payable and due every four months. Payments are conditional on fulfilment of the reporting requirements identified in Annexure E of the funding agreement.

Instalments are paid on the provision of a correctly documented **tax invoice** (Annexure A of the funding agreement).

5.3 Reporting requirements

Reporting requirements for payment of instalments include:

- three four-monthly statistical reports from the Australian Rural Counselling (ARC) database (Annexure E of the funding agreement)
- information about milestones achieved (Annexure E)
- a statement of certification (Annexure B)
- an annual report which includes audited financial statements, due September each year – 90 days after the end of the financial year (Annexure E) , and
- an independent financial and performance audit (Annexure E).

If the service cannot provide reports by the due dates, notify the Department immediately.

Reporting on expenditure against the budget

It is recommended that the treasurer also prepare a comparison of actual expenditure against the projected funding agreement budget on a quarterly basis. Any areas of overspending or underspending should be discussed by the management committee and brought to the Department's attention.

Audited annual financial statements for the service should include an illustrative statement of financial position (balance sheet) and an illustrative statement of activities (profit and loss statement), as per the *Corporations Act 2001*.

ARC database (formerly ATLAS4)

The ARC database software program is the requisite software used by rural financial counsellors. For information on this program or help using ARC, phone:

(02) 6272 3549, or

(02) 6272 4587

or email financial.counselling@daff.gov.au

Services are required to maintain complete and accurate client information on the ARC database.

5.4 Annual report guidelines

A full annual report is required within 90 days after 30 June each year. It must contain an audited financial statement for the financial year together with a report on the activities of the financial counselling service in accordance with the requirements set out in the funding agreement.

If the service forms part of a group community organisation or service centre, separate audited financial statements are required, including separate balance sheet, for the rural financial counselling service component of the organisation.

The annual report must contain a statement of income and expenditure and a balance sheet certified by a registered company auditor or qualified accountant who is not a contracted employee of the service or otherwise retained by the service. The service's budget, which contains 'projected' versus 'actual' costings, should be included as well (this can be simply a consolidated version of the four-monthly statistical report). These financial statements must show:

- all expenditure of grant monies
- all grant monies committed, but not yet expended, in the period to which the returns relate
- whether the expenditure has been in accordance with the conditions relating to the funding agreement
- details of interest accrued on grant monies and the expenditure or commitment of that interest, and
- details and values of all in-kind donations and expenditure certified by the auditor in accordance with criteria set out in the statement of certification at Annexure B of the funding agreement.

The annual report must include:

- details of any changes in the composition of the community organisation that is the employing group during the period covered by the report, of the interests the members represent, and of the office bearers, and
- details about the rural financial counsellors employed, including periods of appointment, experience and qualifications (if not specified in a previous report), and training undertaken during the period covered by the report.

The report must also contain information that will allow an evaluation of the financial counselling service against the following criteria:

- a demonstrated need and demand for ongoing financial counselling
- the number of adjustment successes, and
- the performance of the rural financial counselling service including a description and quantification of the services supplied to clients.

See appendix 9 for an annual report checklist.

To give the information required in an annual report, the following points could be included:

Enquiry details

- number of enquiries with some indication of counselling effort and time involved
- number of clients still being counselled

The referral network

- who referred clients to the rural financial counsellor (for example, banks, state department officers, client's own initiative)
- referrals by the rural financial counsellor to other agencies (for example, family counselling)

An outline of the type and outcome of assistance provided

- provision of assistance with on-farm financial management or rationalisation of assets
- assistance with applications to state Rural Assistance Authorities
- assistance with applications for Centrelink benefits (with an indication of the success rate)
- assistance with referrals for personal problems or other problems requiring alternative professional assistance

The report could also contain information on some or all of the following points:

- any change in farming patterns and problems within the district since the grant was made
- seasonal and market conditions for major primary products produced in the district
- general localities and numbers of farm families experiencing severe financial difficulties
- impact of the RFCS Programme on women
- methods adopted to develop a referral network and provide assistance
- seminars or workshops organised to provide information to farm families
- amount of time spent on duties other than those directly involved in providing financial counselling assistance (for example, time spent advising rural financial counsellors from other areas)
- any other factors affecting case-load or outcome of advice (for example, debt/asset ratios, size of farms, distance from rural financial counsellor's office), particular difficulties or successful approaches experienced or developed by the rural financial counsellor and the committee
- comments on the RFCS Programme or on other government programmes relevant to rural financial counsellors and their clients.

5.5 Managing RFCS Programme funding

Costs exceeding grant level

Any cost in excess of the amount in the approved budget for a financial year will not be met by the Department either in part or in full, unless special conditions are agreed to in advance.

Interest accrued

Interest accrued by a service on grant monies which have been advanced by the Australian Government should:

- be held over as an advance against a following year's grant monies, or
- returned to the Australian Government, or
- be treated as an additional part of the original grant and expended to meet the costs of the service in accordance with the budget if matched by the community contribution.

Report on any interest earned in the annual report.

5.6 Audits

From time to time, the Department will ask services to be subject to one or more of the following audits:

1. Performance audit – self audit

A questionnaire directs a self-assessment of a service's performance against various criteria.

2. Performance audit – peer review

An experienced counsellor from another service performs an audit of the service.

3. Full external audit report

This will be performed by the Department and may involve a nominated independent audit provider. This will be a wide-ranging audit applied to a proportion of services.

5.7 Funding agreement termination

The Department may terminate a funding agreement if it considers that a service is not being managed with competence and diligence or if the service changes its purposes and composition to become ineligible in accordance with the funding agreement. The money not used for the agreed purpose or any unexpended money must be refunded to the Department within ninety (90) days from written notice (see clause 20 of the funding agreement).

The formula for calculating the distribution of remaining funds is in **1.7 Closing a rural financial counselling service**.

Appendix 1: Budget preparation notes

A member of the management committee should prepare the budget for the rural financial counselling service. If there are specific restrictions on the amount that can be claimed under a budget heading, state these clearly; otherwise, where possible, indicate the order of magnitude customarily accepted or typical amounts used by a majority of services.

The budget must be set up so that its progress can be monitored through the year through 'projected' versus 'actual' columns, which are reconciled at least every four months. **This is mandatory from July 2005.**

The budget detail sheet is required to give concise information on each item. Some of the items you should include in your budget are:

- accommodation rental
- rural financial counsellor salary and wages including superannuation
- provision for long service leave
- annual report and financial audit
- insurance costs
- training
- travel.

Recruitment costs

The main cost of recruitment is advertisements in the press. An advertisement should be placed in at least one major newspaper from the state capital city seeking expressions of interest or full applications for the position of rural financial counsellor.

Travel assistance for applicants attending interviews and the reimbursement of relocation costs for the successful applicant are a matter of negotiation between the service and the person concerned.

Publicity costs

Recently established services will have a greater need to promote their services to the local community. Remember also that the Australian Government is constantly promoting the services through the Australian Government Regional Information Directory, through the Agriculture Advancing Australia package, online through the Regional Entry Point (www.regionalaustralia.gov.au) and through the issue of relevant brochures.

Services should consider the high costs associated with advertising and promotion.

Committee and reporting costs

The allowable costs for a committee with one counsellor is \$5,000 and for two counsellors \$7,500.

Often committee members do not seek cash reimbursement for these expenses from their committee but prefer to donate the equivalent sum as in-kind support to the service.

Annual audit of finances

The funding agreement with the Australian Government requires all services to provide an audited statement of receipts and expenditure distinguishing Australian Government monies from other funds, together with certification that the in-kind claims constitute a fair and reasonable assessment of the value of the service for each year ending 30 June (see clause 9 of the funding agreement).

Financial audits performed free of charge can be used as an in-kind expenditure claim. The Department has looked closely at audit charges across all services and found that the average claim is about \$450.

Annual report

An annual report is required under the funding agreement. This need not be an expensive exercise (usually up to \$600).

Training costs

There is a per-service training cap of \$5,000 per annum for one rural financial counsellor and \$7,500 per annum for two rural financial counsellors. This provides counsellor training costs of up to \$2,500 each and committee training costs (total) of up to \$2,500 per service per annum.

Appendix 2: Conflict of interest statement – example

For rural financial counsellors, directors, committee members and consultants

No member of the rural financial counselling service management committee, or any of its committees, shall derive any personal profit or gain, directly or indirectly, by reason of his or her participation with a specific rural financial counselling service. Each individual shall disclose to the service any personal interest that he or she may have in any matter pending before the service and shall refrain from participation in any decision on such matter.

Any member of the board, any committee member or counsellor who is an officer, board member, a committee member or counsellor member of a borrower organisation or a loan applicant agency shall identify his or her affiliation with such agency or agencies; further, in connection with any credit policy committee or board action specifically directed to that agency, he/she shall not participate in the decision affecting that agency and the decision must be made and/or ratified by the full board.

Any member of the board, any committee member and any rural financial counsellor shall refrain from obtaining any list of rural financial counselling service clients for personal or private solicitation purposes at any time during the term of their affiliation.

This is to certify that I am not now nor at any time during the past year have been:

1. A participant, directly or indirectly, in any arrangement, agreement, investment, or other activity with any vendor, supplier, or other party; doing business with the rural financial counselling service which has resulted or could result in personal benefit to me.
2. A recipient, directly or indirectly, of any salary payments or loans or gifts of any kind or any free service or discounts or other fees from or on behalf of any person or organisation engaged in any transaction with the rural financial counselling service.

Date: _____

Printed Name: _____

Signature: _____

Appendix 3: Model code of conduct

Model code of conduct for management committees & employees of rural financial counselling services

Prepared for

Australian Government Department of Agriculture, Fisheries and Forestry

Prepared by

Holmes & Reynolds Pty Ltd

Tel: (02) 4285 5538

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Foreword

This code of conduct has been prepared to provide guidance to, and encourage, management committees to develop and adopt a code. The code is intended to apply to members of the management committee and employees of the rural financial counselling service.

Management committees may amend the code to meet their local conditions. Please note that any local changes will need to be made in conjunction with your local legal adviser.

It is a condition of the funding agreement that a management committee must not adopt a provision that is inconsistent with the funding agreement, the resource manual or the code of conduct.

1 The objectives of the code of conduct

This code of conduct (the code) has been adopted by the management committee of the [insert service name details] Rural Financial Counselling Service to provide to members of the management committee, employees and the community at large (including funding bodies), guidelines on appropriate conduct. The code embodies the commitment of members of the management committee and employees to act honestly and exercise a high degree of care and diligence in the discharge of their responsibilities. Members of the management committee and employees acknowledge their obligation to undertake their activities in a manner which ensures public confidence in the administration of the service.

2 The relationship of the code to the law and funding agreement

Nothing in the code overrides or diminishes any obligations under federal and state law. The code is intended to support the implementation of the funding agreement. Specific obligations in the funding agreement prevail over the code. In interpreting the code, the fullest effect will be given to the spirit of the funding agreement.

3 Management committee member and employees to observe the code

Members of the management committee and employees are to be aware of the content of the code and to observe it when undertaking activities on behalf of the management committee and the rural financial counselling service.

4 Conflicts of interest – definition

A **conflict of interest** occurs when the private interest of a member of the management committee or employee could possibly clash with the obligations to act with honesty and integrity in the discharge of their public duty.

5 Duty to act in the public interest

Members of the management committee and employees must at all times ensure they put their public duty before any private interest. In discharging their responsibilities, members of the management committee and employees shall take all relevant information into consideration and must not take any irrelevant information or opinions into consideration. In the discharge of their obligations, members of the management committee and employees must take all reasonable steps to ensure that the information upon which decisions or actions are based is factually correct and that all relevant information has been obtained. The management committee and employees should treat each matter on its merits, having full regard to the funding agreement.

6 When a conflict of interest may arise

A conflict of interest may arise when a matter under consideration by the management committee involves a private interest of a member or employee and there could be a perception that the private interest could influence the member or employee. The conflict of interest could include also the private interest of a relative or a person in close association with the member or employee.

7 How should a conflict of interest be dealt with?

A member of the management committee or employee must ensure that their private interest does not influence their decision or actions. Decisions and actions relating to rural financial counselling service matters on the part of the members of the management committee and employees must be made in the interests of the service. The interests of the service are taken to include the obligations stated in the funding agreement.

8 Pecuniary interests

A pecuniary interest is an interest that a member of the management committee or an employee has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person or another person with whom the person is associated. The interest must be of a financial nature and it is a reasonable expectation that the financial interest could be altered in an appreciable way as the result of any decision or action that the rural financial counselling service may make in regard to the matter. The value of the interest is not a consideration for determining if a pecuniary interest exists. It is the responsibility of the member of the management committee and employee to ensure that they observe the requirement to make a declaration of pecuniary.

9 Family associates of members and employees

An associate of a member or employee includes the following categories of relationships:

- spouse, including de-facto relations
- children, including stepchildren and adopted children
- parents, including parents in law
- siblings, including step siblings
- aunts, and
- uncles.

10 Business associates of members and employees

A business associate of a committee member or employee refers to any formal relationship which may exist, or will exist between the member or employees and other third parties. It includes but is not limited to partnerships, directors of a private company or any other legal entity which is undertaking, or considering undertaking, a business or commercial activity and involves the member or the employee.

11 Non-pecuniary interests

Where the interest is non-pecuniary, the member of the management committee or employee must ensure that it does not influence them in the discharge of the obligations.

12 Declaring pecuniary conflicts of interest

A member of the management committee or employee person who has declared a pecuniary interest in a matter must leave the meeting area during deliberations and voting on the matter. The member of the management committee or employee must not return to the meeting until the discussion on the matter has been concluded.

13 Employee's conflict of pecuniary interest

An employee must not be involved in the handling of a matter in which they have a pecuniary interest. The employee is to notify the Chair of the management committee of any conflicts of pecuniary interest. Notification is to be as soon as the conflict occurs and must not be delayed.

14 Recording conflicts of interest

The declaration and departure of a member of the management committee and employee from the meeting is to be recorded in the minutes of the meeting.

15 Relationship with fellow members

Members of the management committee shall acknowledge and respect the views of fellow committee members and not act towards them in a discriminatory manner. Members of the management committee shall extend respect and courtesy to fellow members of the committee.

16 Equitable treatment of clients

Members of the management committee and employees shall treat members of the community fairly and equitably and with respect and sensitivity in the discharge of their duties. They shall refrain from any form of conduct in the performance of their rural financial counselling service duties which may cause embarrassment or give rise to the appearance of improper conduct or partial performance of their public duties.

17 Relationship with employees

Members of the management committee shall ensure that their relationship with employees is conducted in an appropriate manner and through the proper channels. Unless delegated by the management committee, members of the management committee shall not direct individual employees in the discharge of their duties.

18 Employees' relationship with management committee

Employees shall refrain from any form of conduct in the performance of their duties that could raise questions about the policies or procedures adopted by the management committee. Relationships with members of the management committee and fellow employees shall be conducted in an appropriate manner. Employees shall also refrain from any form of conduct in the performance of their rural financial counselling service duties that may cause embarrassment or give rise to the appearance of improper conduct or partial performance of their public duties.

19 Use of committee's resources

Members of the management committee and employees shall use the service's resources effectively and economically in the course of their duties, and must not use them for private purposes unless, in respect of employees, as part of a contract of employment. Any other private use must be approved in advance by the management committee and is subject to proper payment being made. Members of the management committee and employees shall not convert to his or her own use any property of the service.

20 Confidentiality of information

All information obtained by an employee or volunteer of a rural financial counselling service is the property of the service and must remain under the control of the service. Information of a confidential nature must be protected by members of the management committee and employees.

Confidential information includes, but is not limited to the following:

- personal matters concerning particular clients, employees and members of the committee
- information that would, if disclosed, confer a commercial advantage on a third party
- information affecting the personal security of the clients, employees and members of the committee
- advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

21 Use of information

Members of the management committee and employees must not use any information received in the course of their duties on behalf of the service to gain a profit or advantage for themselves or for any third party with which they are associated. Members of the management committee or employees must not make available information to third parties which would enable the third party to gain a benefit. Information is to be treated in a confidential manner unless it is in the public forum and available to all.

22 Protection of personal information

Personal information is considered to be any information which could lead to the identification of a person. The funding agreement places an obligation on members of the management committee and employees to take all reasonable steps to protect any personal information which is collected by the service in the course of its activities. In accordance with the funding agreement, the Information Protection Principles (IPPs) to be observed are the IPPs set out in the *Privacy Act 1988* (Cwth). Members of the management committee and employees are to protect the personal information which is made available to them in the course of their rural financial counselling service activities and not to make the personal information available to third parties other than in accordance with the IPPs.

23 Relationship with media

A member of the management committee or employee shall not issue any statements concerning the adopted policies or procedures of the rural financial counselling service to the media unless authorised by the management committee. The Chair may be delegated by the management committee to make such media statements as are considered appropriate.

24 Gifts and benefits

Neither a member of a management committee nor an employee shall seek or accept a gift or a benefit arising from their involvement with the rural financial counselling service from a client or other parties. If, after every endeavour, it is not possible to refuse a gift or benefit, the acceptance must be notified to the management committee which will determine what to do with the gift or benefit. The decision of the management committee is to be recorded in the minutes of the meeting. Token gifts of small value incorporating a commercial logo are not to be considered as gifts for the purpose of the code.

25 Inappropriate behaviour

Members of the management committee and employees shall conduct themselves while representing the service in an appropriate manner. It is inappropriate behaviour for a member of the management committee or an employee to seek an improper inducement to act in a particular manner in relation to rural financial counselling service business activities. Inappropriate behaviour includes, but is not limited to, the following:

- taking advantage of their position to improperly influence other committee members and employees in the performance of their rural financial counselling service duties for the purpose of securing a private benefit for themselves or third parties, and
- by virtue of their involvement with the service, seeking or accepting or acquiring a profit or advantage of a pecuniary value for themselves or third parties.

26 Provision of services by members

There is a potential conflict of interest in the provision of services by members of the management committee to clients of the rural financial counselling service. The potential conflict may emerge by the nature of the service relationship, or by a feeling of obligation on the part of the client. Members of the management committee are required to exercise good judgment as to how the relationship is conducted. The major consideration is that the members of the management committee should not take advantage of their position to pursue a business interest with a client. It is also recognised that the member should not be placed in a position of disadvantage nor unduly restricted in pursuance of their normal and usual business interests within the community by virtue of their membership of the management committee.

27 Dealings with business interests of services clients

Particular attention has to be given to dealing with the business interests of the service's clients. Members of the management committee and employees are required to exercise good judgment in dealing with the business interests of the service. Members of the management committee and employees should not take advantage of their position to deal with a business interest of a client. It is also recognised that a member of the management committee should not be placed in a position of disadvantage nor unduly restricted to pursue their normal and usual business interests within the community by virtue of their membership of the management committee.

28 Secondary employment of employees

An employee of the rural financial counselling service must not place themselves in a position that could generate a potential conflict of interest with their employment with the service. An employee must not engage in secondary employment or contract work outside the service of the service that relates to the business of the service or that might conflict with the employee's duties to the service.

29 Notification of secondary employment

The management committee must be advised in writing and permission sought from the management committee before commencing the secondary employment. The obligation to notify and request permission is not dependent on the value, remuneration or duration of the secondary employment. Notification is for all secondary work.

30 Secondary employment approval may not be granted

The management committee may prohibit an employee from engaging in secondary employment or contract work outside the rural financial counselling service that relates to the business of the service, or that might conflict with the employee's duties. An employee must not engage in private employment or contract work outside the service of the service if prohibited from doing so by the management committee. Permission for secondary employment shall not be withheld by the management committee if it can be satisfied that the primary employment will not be adversely affected.

31 Provision of services to members and employees

Members of management committees and employees should not be disadvantaged in their individual access to the rural financial counselling service. However, to avoid potential conflicts of interest, members of management committee and employees, should if possible, seek the services of neighbouring services. If accessing neighbouring services is not a practical option, then it is permitted to access the local rural financial counselling service. In accessing the local service, particular consideration must be given to ensure that there is no conflict of interest. As considered necessary, a member of the management committee should make a declaration of interest and not participate in any matter that could involve a conflict of interest arising from being a client of the local service.

32 Obligation to cooperate

In accordance with the funding agreement, the management committee shall, by way of resolution, delegate to the Chair the responsibility to notify the Department of Agriculture, Fisheries and Forestry (the Department) in writing of any conflict of interest that has arisen and of the steps proposed to take to resolve or otherwise deal with the conflict of interest. In informing the Department, the Chair shall make full disclosure and provide all relevant information relating to the conflict of interest.

Members of the management committee and employees are to cooperate to the fullest extent to enable the Chair to fully inform the Department. Members of the management committee and employees shall not purposely withhold or delay the forwarding of any information which would assist the Chair to comply with the resolution to notify the Department.

33 Breaches of the code of conduct

Members of the management committee and employees of the rural financial counselling service are presumed to be aware of and familiar with the code and their individual obligations to act in accordance with the code. Failure on the part of a member of the management committee or an employee to act or a failure to exercise diligence in accordance with a provision of the code is a breach of the code. For the purpose of determining if a breach has occurred it is not necessary to establish that there was an intention to act contrary to the code.

34 Penalties that may be imposed on members

If a member of the management committee is considered, after due consideration by the management committee, to be in breach of a provision of the code, the management committee may, by way of resolution, impose one of the following penalties:

- a written reprimand, or
- a written reprimand and an interview with the Chair or other persons as delegated by the management committee to review the incidence, or
- a motion of no confidence in the member and a request to resign.

The member is not to be present at the meeting when the motion to impose a penalty upon that member is before the meeting. Before a penalty is imposed the member shall have the right of address to the management committee.

35 Penalties that may be imposed on employees

If an employee of the rural financial counselling service is considered, after due consideration by the management committee, to be in breach of a provision of the code, the management committee may, by way of resolution, deal with the matter as a disciplinary matter. The matter shall be dealt with in accordance with the grievance procedures in the contract of employment or workplace agreement. Consistent with the employment contract, or workplace agreement, the management committee may consider, by way of resolution, the following disciplinary measures:

- a written reprimand, or
- a written reprimand and an interview with the Chair or other persons as delegated by the management committee to review the incidence, or
- termination of contract in line with the following procedure:
 - If the management committee holds, by way of resolution, that the breach was of such a serious nature that it breaks the fundamental trust of the employment contract or workplace agreement, then it must advise the employee in accordance with the grievance procedures and ensure that the employee has the opportunity to present their views fully and directly to the management committee before deciding on any penalty. An employee is not to be present at the meeting when the motion to impose a penalty upon that employee is before the meeting.

End of code

Appendix 4: Client satisfaction survey – example

[Name of counselling service] client survey

The management committee of the [name of counselling service] would like to ask you to help us to further improve the way services are delivered to clients by completing this questionnaire. It will only take a few minutes to complete.

Your response to this survey will be treated in strictest confidence and information will only be made available in statistical summaries. After the information has been taken from the survey it will be destroyed.

1. Please tell us your gender:

Male Female

2. Please tell us your age group:

29 or less 30–39

40–49 50–59

60–69 70 or more

3. Have you seen the rural financial counsellor in a professional capacity within the last 12 months?

Yes No

4. What type of farming or rural business do/did you operate?

Horticulture Cropping

Dairy Grazing

Aquaculture Fishing

Retail Manufacturing

Other (please specify) _____

5. If you are in agriculture/aquaculture, what is/was the approximate size of your property (ha)?

6. How did you first learn of the service?

- Friend/colleague Phone directory
- Internet site Bank or creditor
- Industry or farmer association Community organisation
- Advertising
- Other (please specify) _____

7. What service did you FIRST seek from the rural financial counsellor?

- Financial assessment Bookkeeping/financial monitoring
- Development of options for your business Personal counselling
- Cash flow budgeting Information on rural/welfare matters
- Negotiations with banks Loan applications
- Succession/estate planning
- Other (please specify) _____

8. Please indicate any actions you have taken as a result of seeing the rural financial counsellor:

9. Please rate how well the rural financial counsellor increased your ability to:

	Good	Average	Poor	Not applicable
Work out whether your business has a future				
Look at a wide range of possible options for your business				
Find sources of information or assistance for your business				
Develop a plan to improve your business				
Develop and manage your own budget/cash flow				
Work through conflict about your business eg with the banks or the family				
Fill in applications for assistance				
Look at other options such as succession/estate planning or retirement by providing referrals if required				

10. How would you rate the rural financial counsellor?

	Good	Average	Poor	Not applicable
Ensured that all information about your affairs was kept confidential				
Showed an interest in your affairs				
Assisted YOU to understand and manage your own concerns/problems				
Ensured that YOU remained in control and made your own decisions				
Responsive to your needs				
Ability to work with you to identify a range of possible options				
Ability to identify a need for other professional assistance and referred you to this agent/service				

11. What was the single most important service that the rural financial counsellor provided to you?

12. We are always looking at ways to improve our services. How can we do this?

13. Would you recommend the services of a rural financial counsellor?

Yes

No, I would not want others to know I am seeing/had seen a rural financial counsellor

No for other reasons (please specify)

Please return this survey in the enclosed reply paid envelope. If you wish to provide verbal comments please call **[name of person]** on **[telephone number]** – they will be happy to take your call.

Thank you for your time.

Appendix 5: Information sheet about RFCS services

What can a rural financial counsellor do for you?

Rural financial counsellors are employed by rural financial counselling services under the terms of a funding agreement with the Australian Government. That funding agreement sets out the services a rural financial counsellor can and cannot provide.

Services a rural financial counsellor CAN provide

Rural financial counsellors can:

- provide assistance to primary producers, fishers and small rural businesses who are experiencing financial difficulties in identifying their financial and business options
- in the presence of the client, communicate and negotiate with clients' lenders
- refer clients to appropriate professionals, such as accountants for financial advice, solicitors, agricultural advisers and educational services
- refer clients to appropriate professionals for guidance on issues such as succession planning, family mediation and personal counselling
- provide information on government and other assistance schemes
- provide information on, and referral to, Centrelink if required.

Services a rural financial counsellor CANNOT provide

Rural financial counsellors cannot provide:

- succession planning (but counsellors can recommend a referral to an appropriately qualified person or organisation), or
- financial advice.

Appendix 6: Staff performance review – sample form

Services should implement a performance review system of staff, which should be linked to a business plan. A suggested format is shown below. Staff should be reviewed at least every six months and the review documented.

Section 1: Staff personal information

Rural financial counselling service address	
Name of rural financial counsellor	
Length of service	
Number of clients for quarter	New _____ Existing _____
Review period	From (Y M D) ____ To (Y M D) ____

Section 2: Overall performance

Unsatisfactory <input type="checkbox"/> Fully satisfactory <input type="checkbox"/> Fully effective <input type="checkbox"/>	
Unable to assess <input type="checkbox"/>	Comments (<i>comments must be provided if a rating of 'unable to assess' is given</i>)

Section 3: Evaluation of achievements

- Indicate the staff member's objectives for the period under review and their achievements. Evaluate the results achieved (please attach).

Section 4. Competency profile (to be completed by supervisor)

- For each of the competencies, summarise what the staff member has demonstrated during their quarterly assessment period. Only use 'unable to assess' in the comments/evidence area when the staff member did not have an opportunity to demonstrate the competency and/or associated behaviours.

Competency	Behavioural indicators
	Comments/evidence
Ability to reason clearly	<ul style="list-style-type: none"> recognise and accurately analyse the essential elements of a problem develop sound solutions to specific problems recognise the relative importance of different issues
Unsatisfactory <input type="checkbox"/>	Fully satisfactory <input type="checkbox"/> Fully effective <input type="checkbox"/>
Unable to assess <input type="checkbox"/>	Comments (<i>must be provided if a rating of 'unable to assess' is given</i>)
Awareness of the organisation's practices and policies	<ul style="list-style-type: none"> ensure work is in accordance with accepted practices develop contacts with people inside and outside of the immediate working group understand who are the key recipients of one's services, products or policy initiatives
Unsatisfactory <input type="checkbox"/>	Fully satisfactory <input type="checkbox"/> Fully effective <input type="checkbox"/>
Unable to assess <input type="checkbox"/>	Comments (<i>must be provided if a rating of 'unable to assess' is given</i>)
Ability to relate well to others	<ul style="list-style-type: none"> show consideration, concern, and respect for others be responsive to others' views and opinions (for example, alternative ways of achieving the same goals) share information about significant events and information affecting others deal with disagreements constructively and fairly (including taking into account culture and diversity)
Unsatisfactory <input type="checkbox"/>	Fully satisfactory <input type="checkbox"/> Fully effective <input type="checkbox"/>
Unable to assess <input type="checkbox"/>	Comments (<i>must be provided if a rating of 'unable to assess' is given</i>)

Competency	Behavioural indicators
	Comments/evidence
Ability to handle job demands and stress	<ul style="list-style-type: none"> maintain well-being and commitment to work during periods of heavy workload use personal coping strategies to manage the effects of stress recognise personal limits for workload and stress levels balance work and personal commitments to maintain energy and enthusiasm over the long term
Unsatisfactory <input type="checkbox"/>	Fully satisfactory <input type="checkbox"/> Fully effective <input type="checkbox"/>
Unable to assess <input type="checkbox"/>	Comments (<i>must be provided if a rating of 'unable to assess' is given</i>)
Ability to multitask and react flexibly to new situations	<ul style="list-style-type: none"> switch focus between tasks when changing priorities or other factors require it remain focussed and positive during periods of transition or ambiguity interact appropriately with different individuals (including different backgrounds, perspectives and needs) in a range of contexts acquire new, more effective behaviours as context and roles change
Unsatisfactory <input type="checkbox"/>	Fully satisfactory <input type="checkbox"/> Fully effective <input type="checkbox"/>
Unable to assess <input type="checkbox"/>	Comments (<i>must be provided if a rating of 'unable to assess' is given</i>)

Section 5: Training and development profile – to be completed by assessor

a) Indicate any training undertaken by the staff member during this quarter.

b) In the table following, indicate the recommended activities and assignments that will address any gaps in experience or competencies (particularly for any competencies that you were 'unable to assess'). Use the comments box for further details.

Recommended activities and/or assignments (please check all that would be beneficial for the staff member)	
Advanced counselling skills <input type="checkbox"/>	Activities leading to wider knowledge of government/public service programmes <input type="checkbox"/>
Leadership of a team <input type="checkbox"/>	IT skills training (specify below) <input type="checkbox"/>
Working in a team <input type="checkbox"/>	Interpersonal skills training (specify below) <input type="checkbox"/>
Supervision of work of others <input type="checkbox"/>	Management skills training <input type="checkbox"/>
Exposure to HR management <input type="checkbox"/>	Other (specify below) <input type="checkbox"/>
Comments	

Section 6: Comments and signatures

Staff member	Assessor
I have read this report: Yes <input type="checkbox"/> No <input type="checkbox"/>	Name:
Comments (please use this space to comment on your assessment and on your assignment):	Comments:
Signature:	Signature:
Date:	Date:

Appendix 7: New client details form

Enterprise details

Business name:			
Business type:	Farmer	<input type="checkbox"/>	Structure:
	Small business	<input type="checkbox"/>	
	PAYE	<input type="checkbox"/>	
	Other	<input type="checkbox"/>	
	Fishing	<input type="checkbox"/>	
ABN:		Client code:	
LGA location:			
		Electorate:	
Title/First name:		Gender:	
Middle name:		Date of birth:	
Last name:		No. of dependants	NESB/ATSI:
Known as:		Gender initial contact:	
Home address:			
Town:			
State:	Post code:		
Postal address:			
Town:			
State:	Post code:		
Phone:		Mobile:	
Fax:		Email:	

Dependants

First name	Last name	DOB	Gender	NESB	ATSI	Notes

Business partners

Title:		First name:	
Middle name:		Last name:	
Known as:		Date of birth:	
Address:			
Town:		State:	Post code:
Postal address:			
Town:		State:	Post code:
Phone:		Mobile:	
Fax:		Email:	
Notes:			
NESB:	ATSI:		

Business contacts

Organisation:		Contact type:	
Title:			
First name:		Last name:	
Address:			
Town:		State:	Post code:
Postal address:			
Town:		State:	Post code:
Phone:		Mobile:	
Fax:		Email:	
Notes:			

Assistance

Assistance type:		Date:	Notes:
Drought	<input type="checkbox"/>		
Farm visit	<input type="checkbox"/>		
Financial forms assistance	<input type="checkbox"/>		

Property

Farm size		
Area owned:	acres	hectares
Area leased:	acres	hectares
Area useable:	acres	hectares
TOTAL SIZE:	acres	hectares
Major enterprise types (industry mix)		Area allocated to enterprise
Primary:	acres	hectares
Secondary:	acres	hectares
Tertiary:	acres	hectares
Water allocation:	megalitres	EC declared: <input type="checkbox"/>

Creditors

Creditor name	Loan type	Amount	Date

Finance

Assets	Liabilities	Peak debts
Land: \$	Bank core debt: \$	\$
Plant: \$	Bank overdraft: \$	\$
Stock: \$	Agents: \$	\$
Stock on hand: \$	Finance company: \$	\$
Other: \$	Sundry: \$	\$
TOTAL: \$	Other (incl RAS): \$	\$
Equity %:	TOTAL: \$	\$
Off farm income		
Centrelink <input type="checkbox"/>	Contracting <input type="checkbox"/>	
Federal <input type="checkbox"/>	Other <input type="checkbox"/>	
Other govt payment <input type="checkbox"/>	PAYE income <input type="checkbox"/>	
Pension <input type="checkbox"/>	Share and investments <input type="checkbox"/>	
State <input type="checkbox"/>		

Cash income

Financial year:	Date of entry:
Farm cash operating receipts	1
Non-farm cash receipts	2
Income support payments	3
RAS receipts	4
Other	5
TOTAL CASH RECEIPTS (1 + 2 + 3 + 4 + 5)	6 \$
Cash operating costs (excluding drawings, family labour & interest)	7
Interest	8
TOTAL CASH OPERATING COSTS (7 + 8)	9 \$
CASH INCOME (6 – 9)	10 \$
Drawings and paid family labour	11
SURPLUS (DEFICIT) after family labour (10 – 11)	12 \$
Capital payments	13
Capital receipts	14
CASH SURPLUS (DEFICIT) (12 + 14 – 13)	15 \$

Assessment

Causes of difficulty:	
Climatic variation	
Declining land values	
Drought	
Financial management skills	
High debt/low equity	
High interest rates	
Low commodity prices	
Management skills	
Small farm size	

Viability:	
Improving:	
No change:	
Deteriorating:	
Viability sale status:	
Attempting sale:	
Property sold:	
Part property sale:	
Part asset sale:	

Referrals

Referred TO	Date

Referred BY	Date

Appendix 8: File cover sheet

Rural financial counselling service client file – administration form

Client name	
Client code	
Date created	
Created by – name	
Created by – signature	
Service name	
Receiving counsellor name	
Receiving counsellor signature	
Date of handover	
Date closed	

It is recommend that all services use these forms to ensure that client information is maintained in an accurate and complete manner, and that paper file ownership can be easily traced.

Appendix 9: Annual/final report checklist

The following outcomes should be included in each service's annual report:

- Chair's report
- management committee member list for the year (outgoing)
- management committee member list for the (incoming) committee including title (Mr/Mrs/Ms etc) and contact details (phone/fax/email)
- counsellor's report including 12-month ARC in hard copy
- administrative assistant's report and/or 12-month ARC in hard copy
- information on achievements in the period
- adjustment successes – the number of clients that have taken adjustment action and are self reliant as a result of assistance (either by exiting agriculture or improving their position to continue)
- income and expenditure statement for the period, and account for grant funding
- auditor's report including audited financial statements/cash flows and certification of in-kind donations
- successes of rural financial counselling initiatives by sector

What could also be included:

- copies of media reports published during the period
- client survey results – provided to the Department before 31 May, in accordance with Annexure E of the funding agreement or results of any individual service survey conducted in the period
- any other relevant material or information.

Appendix 10: Resources and contacts

Australian Government

Australian Tax Office:	www.ato.gov.au
Centrelink:	www.centrelink.gov.au
Department of Agriculture, Fisheries and Forestry:	www.daff.gov.au
Rural Financial Counselling Service Programme:	www.daff.gov.au/financialcounselling
Department of Employment, Science and Training:	www.dest.gov.au
Department of Employment and Workplace Relations:	www.dewr.gov.au
employment and workplace relations services:	www.workplace.gov.au
Department of Transport and Regional Services:	www.dotars.gov.au

Other useful websites

Australian Banking Industry Ombudsman	www.abio.org.au
Australian Industrial Relations Commission	www.airc.gov.au
Australian Legal Information Institute	www.austlii.edu.au
A–Z of resources for managing community organisations	www.community.gov.au
Financial Planning Association of Australia	www.fpa.asn.au
Institute of Arbitrators and Mediators Australia	www.iama.org.au

Telephone numbers

Credit Helpline:	Victoria metro only: (03) 9602 3800. Regional VIC callers: 1800 803 800
WageLine:	Queensland callers only: 1300 369 945. Interstate callers: (07) 3872 0550
Centrelink appointments:	13 10 21
ARC database helpline:	02 6272 3549

References for committee management and accounting

Lee BF, 2001, *Manual of accounting for clubs and associations*, Pearson Education Australia, 50pp with CD-ROM. ISBN 1740095944. \$34.95 (can be ordered from Pearson Education Australia on 02 9454 2222)

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