

## Guidelines for Supervisors and Managers

## Employment and Administration of Academic and Professional Casual Employees

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# 1 INTRODUCTION

## 1.1 What is casual employment?

Casual employment refers to an employee who is engaged by the hour and paid on an hourly basis. Casual employees should only be employed for short term, adhoc or irregular periods of time, usually less than full-time in any week. Each period of casual employment is a distinct “stand alone” period of employment, with no guarantee, expectation or entitlement of work beyond the current period of employment.

## 1.2 What is the purpose of this Guide?

This guide is to assist University supervisors and managers responsible for the employment and administration of casual employees by:

- setting out procedures for application by Colleges/Schools and Divisions/Offices across the University to ensure policy and statutory obligations are met
- providing additional general information.

The University acknowledges the important contribution that casual employees make to the University.

Please refer also to the following documents:

[UWS Academic Staff Agreement](#)

[UWS General Staff Agreement](#)

[Casual Employment at UWS - FAQs](#)

[Guide for Casual Academic and Professional Employees](#)

## 1.3 Forms

You will find links to all forms relating to casual employment and administration grouped together on the OPC web page:

<http://staff.uws.edu.au/staff/adminorg/corpserv/ohr/indexhrinfo/hrforms>

Relevant forms available from this web site are:

[Casual Employment Authority](#)

[Casual Banking Details form](#)

[Emergency Contact Details form](#)

[Timesheet - Casual Academic Staff Time Sheet](#)

[Timesheet - Casual Professional Staff Time Sheet](#)

[Overtime Form](#)

[Health Declaration Form](#)

## EMPLOYMENT OF CASUAL EMPLOYEES

### 2.1 Recruitment and selection of casual employees

The procedures for the selection of casual employees should, as far as practicable, reflect those used for appointment of fractional and full-time employees and may include advertisement in advance and preparation of eligibility list to draw on as required. Such a list would be advertised with a specific lifetime. This will not prevent the engagement of specialist employees or the employment of suitable post-graduate students of the University.

For any recruitment process, selection should be based on merit with the applicant assessed on their suitability to complete the required work through consideration of relevant skills, knowledge, experience and qualifications.

A manager or supervisor may not engage a family member or close friend as a casual employee where such engagement would contravene the Conflict of Interest in Close Personal Relationships Guidelines which can be found in the UWS Policies website at <http://sites.uws.edu.au/uws/policies/ppm/doc/000093.html>

### 2.2 Re-employment of employees following redundancy

An employee who has separated from the University under redundancy provisions cannot be re-employed in any capacity until after a period of time equivalent to the severance component of their redundancy entitlement has been exhausted.

Any re-employment following redundancy where the appropriate period of time has lapsed, may have taxation implications for the individual, a prospective employee should be advised to seek independent legal, financial and ATO advice before they accept a contract for re-employment.

### 2.3 Checking status to legally work in Australia

A critical step in selecting a casual employee will be verification of their status to legally work in Australia. This is a legislative requirement. **Before** making any offer of employment and before completing the "Casual Employment Authority" ensure that you sight original documentation such as birth certificate, Australian passport or (if the applicant does not hold an Australian passport) a current Visa stipulating authority to work in Australia. You should take a copy of this documentation, return the original immediately to the applicant, and note on the copy that you have sighted the original. (Note that a visa will contain a visa application number which should be captured on the copy.)

### 2.4 Working with children

UWS has a statutory responsibility to ensure that all employees, including casual research assistants, whose employment or research activity could involve working with children and young people, are eligible to undertake such work. As a result, UWS will require a check to be undertaken where an employee's work will involve unsupervised interaction with children. Liaise with Human Resources Services for a screening check to be undertaken. Contact details are available at the OPC web site at : <http://www.uws.edu.au/staff/adminorg/corpserv/ohr/workingatuws/wwc>

## 2.5 Specific Employment Conditions applying to casual academic employees

A casual academic employee:

- Will not be responsible for the engagement of academic casual employees;
- Will not be expected to engage in research duties (preparation for teaching and program/unit development is not regarded as research);
- Will not be responsible for the supervision of other employees, beyond the ordinary expectations of paid unit co-ordination;
- Will only be required to undertake unit co-ordination activities where they are employed to lecture in that unit;
- Will not be responsible for the development and/or the delivery of a unit through on-line mode;
- Will be provided with suitable accommodation and facilities, including telephone and computer access, where the University requires the employee to be available for formal student consultation; and
- Will be provided with an email account where the University requires the employee to consult with students electronically.

## 3 INDUCTION OF CASUAL EMPLOYEES

Induction of casual employees is an important step to ensuring that their employment with the University contributes to the goals of the work unit and the wider University community. Effective induction provides the process for employees to access the required information (both local and University wide) to assist them to perform their role in our organisation.

The induction documents – ‘Guide for Academic and Professional Staff – Casual Employment’ and an ‘Information for Academic and Professional Staff – Frequently Asked Questions about Casual Employment at UWS’, are available from the OPC web site:

<http://staff.uws.edu.au/staff/adminorg/corpserv/ohr/casualemploy>

Local areas also produce an information kit that is provided to casual employees. The kit, and/or induction discussions, may include the following information:

### For Academic and Professional Staff:

- Names and contact details of people who are able to provide them with support during their employment
- Emergency procedures and first aid contacts for your site
- Campus site maps
- Car Parking – UWS Parking Policy can be found at <http://policies.uws.edu.au/view.current.php?id=00043>
- Accommodation – access and security procedures; office facilities, resources including telephones/voicemail etc.
- Access to email, Internet, IP addresses etc. and relevant IT Code of Conduct and policy
- An overview of important policies and practice such as Code of Conduct, Equity and Diversity, Privacy, etc (including policies available on the web)
- Information on the student support networks – i.e. counselling and health unit, student development assistance, disabilities unit etc. – <http://www.uws.edu.au/students/edc#2>
- An overview of the UWS web site, in particular the Current Staff pages and how to find contact information (including contacts for Executive and Directors).
- Meetings – regular meetings requiring their attendance

- Physical facilities – location of teaching areas; staff rooms; computing facilities; administrative offices etc
- Access to photocopying – procedures at the local level
- Access to staff development programs, the Educational Development Centre and the Professional Development Unit
- Induction information should also include the written offer of employment i.e., Casual Employment Authority and relevant documentation to ensure that salary payments are produced for casual employees.

**For Academic Employees only:**

- Access to printing – University and local area procedures for requesting printing
- Textbooks – arrangements for the supply of particular textbooks either through the local area administration or through the Student Union.
- Information relating to teaching and assessment in the University environment, including relevant academic policy and procedures.

## **4 MONITORING PERFORMANCE OF CASUAL EMPLOYEES**

The University is committed to ensuring optimum performance of casual employees. The induction process for casual employees should clearly communicate the key outcomes required of them and the appropriate assistance to ensure that a quality product is provided to University standards.

In the event that a casual employee is not performing adequately, the supervisor should discuss with them the areas of performance that require improvement and over what timeframe. This discussion should include whether training or additional support is needed for the employee to meet the required performance, as well as clarifying that they understand the consequences if the required improvement is not achieved.

If a casual employee does not achieve a satisfactory level of performance within a period considered reasonable, the casual engagement should be terminated. Note that **before proceeding to terminate** a casual employee, refer to Section 8 of this document.

## **5 INSURANCES**

### **5.1 Workers Compensation**

A casual employee is covered by the University's Workers Compensation Policy and each case of an employee sustaining an injury in the workplace is examined separately.

For further information about Workers Compensation, please contact the University's Occupational Health, Safety and Risk Management Unit:  
<http://www.uws.edu.au/about/adminorg/corpserv/ohr/occupationalhealthsafetyandwelfare>

### **5.2 Journey Insurance**

Journey insurance is provided to all employees travelling on University business. Information can be located on the web at  
[http://www.uws.edu.au/staff/adminorg/academic/fo/finop/insrnc/insrnc\\_policies/insrnc\\_journey](http://www.uws.edu.au/staff/adminorg/academic/fo/finop/insrnc/insrnc_policies/insrnc_journey)

Further information is available from the Accountant, Taxation and Insurance in the Finance Office whose telephone and email contacts can be found at the link above.

### **5.3 Professional Indemnity**

The University provides professional indemnity to all employees, including casual employees.

Information can be located on the web at:

[http://www.uws.edu.au/staff/adminorg/academic/fo/finop/insrnc/insrnc\\_policies/insrnc\\_pi](http://www.uws.edu.au/staff/adminorg/academic/fo/finop/insrnc/insrnc_policies/insrnc_pi)

For further information regarding this cover please contact the Accountant, Taxation and Insurance in the Finance Office whose telephone and email contacts can be found at the link above.

## **6. PAYMENTS AND CONTRACTS**

### **6.1 Payments to Contractors (Registered Businesses)**

It is essential that the appropriate mode of engagement be identified when considering additional resourcing.

You may be asked by the person you are considering whether they can be engaged as a contractor. A contractor is NOT an employee and is not indemnified in any of the ways discussed above. There are stringent tests (both administrative and legal) to determine whether an engagement is an employee or contractor.

If you are unsure whether the proper mode of engagement is as a casual employee or contractor, you should first refer to the Criteria Test detailed at Part 11 of this Guide and described here:

The Australian Taxation Office (ATO website [www.ato.gov.au](http://www.ato.gov.au)) provides a legal definition of the difference between payments made to an employee (casual) of an organisation or payments made to a company. Payments to registered businesses/ companies/ independent contractors can only be made where, as a minimum, at least seven of the 'Criteria Test' are met – the Criteria Test is detailed at Part 10 of this Guide. The contractor must satisfy, in particular, test 1, 4 - 7 and, most importantly 8 on the checklist.

If these tests are not met, the University will deem the person to be an employee rather than a contractor.

The University has obligations under Income Tax legislation to ensure that it does not facilitate the avoidance of tax by its employees. The University's payroll system facilitates the automatic deduction of income tax at source for all employees as required under legislation.

If you remain unsure whether you should engage the person as a casual employee or a contractor after looking at the information referred to above, you should consult your Senior HR Consultant. Contact details are on the OPC website at <http://www.uws.edu.au/staff/adminorg/corpserv/ohr/indexhrinfo/contacts/hrs>

### **6.2 Written Offer of Employment (Casual Employment Authority)**

Each casual employee will receive a written offer of employment (i.e., Casual Employment Authority) that will identify all of the duties required to be performed by the employee, the number of hours and rates of pay for each duty and a statement that any additional duties required will be paid at the appropriate rate.

At the time the Casual Employment Authority is being finalised, the onus is on the individual casual employee to disclose any other employment that is currently held at the University.

The Casual Employment Authority can be found on the OPC web site at <http://www.uws.edu.au/staff/adminorg/corpserv/ohr/indexhrinfo/hrforms#3>

The UWS Delegations identify those able to properly authorise casual employment contracts. The UWS Delegations can be found at: <http://policies.uws.edu.au/view.current.php?id=00087>

The Casual Employment Authority (CEA) must be authorised after being signed by the casual employee. Care should be taken that the Casual Employment Authority states the hours to be worked; the appropriate rate of pay applicable to the role; the period of employment and a brief statement of the duties to be undertaken. Avoid over-stating the period of time during which work may be offered as this can lead to an expectation that work will be available for the full period stated in the Casual Employment Authority.

The Casual Employment Authority should be of sufficient duration to cover the whole period of activity required. Casual Professional Staff must not undertake any duties outside of the period covered by the employment authorisation.

Once completed and authorised, forward the Casual Employment Authority to Payroll Services in the Office of Human Resources, Building AE, Werrington North to ensure prompt payment to that the casual staff member on a fortnightly basis.

The payment will be facilitated on the submission of a timesheet, preferably electronic. Casual employees are paid through the University's fortnightly payroll via electronic funds transfer to a nominated bank or other financial institution.

Supervisors and managers are responsible for initiating the recovery of overpayment if they fail to notify Payroll Services of the employee's absence.

Timesheets should be lodged and reach Payroll Services fortnightly. All casual staff may access electronic payslips via their Staff OnLine account to allow them to print off their own payslips etc, similar to permanent employees.

### **Paying by timesheet claim method**

Staff Online is the preferred method with the entry of an electronic timesheet. Timesheets should be used to claim work performed as per the contract (Casual Employment Authority). Paper timesheets are included in the forms grouped under Casual Employment on the HR web site (grouped under "Pay and Benefits") at <http://www.uws.edu.au/staff/portal/hrforms.phtml>

The time that a casual has worked must be verified prior to the time sheet being submitted to the Payroll Services Team - this is an audit requirement. Each timesheet must be authorised by the employee's supervisor. This practice will ensure the legislative and audit regulations are met and delay in payment avoided. It is not appropriate for the person in the school or division administering casual records to sign timesheets unless they are the supervisor of the casual employee.

### **6.3 Rates of Pay for Casual Academic Employees**

It is important to ensure that the correct rate of pay is paid to casual employees in the University. The UWS Academic Staff Agreement provides further information in relation to appropriate rates of pay for Academic employees. This document is available on the web at:

<http://www.uws.edu.au/staff/adminorg/corpserv/ohr/payandbenefits/salaryschedules/casacadsal>

**Please note: Casual academic employees who hold a relevant doctorate qualification for the discipline are paid at a different rate for some activities.**

Current rates of pay for all staff are available at <http://www.uws.edu.au/staff/adminorg/corpserv/ohr/payandbenefits/salarieschedules>

#### **6.4 Rates of pay for Casual Professional Staff employees**

It is important to ensure that the correct rate of pay is paid to casual employees in the University. The UWS General Staff Agreement provides further information in relation to appropriate rates of pay for Professional Staff.

Casual Professional Staff are paid at the appropriate level and step plus a 25% casual loading. A Casual loading is provided as compensation for the casual hiring and in lieu of all statutory and certain paid leave entitlements

The [UWS General Staff Agreement](#) is available on the web.

### **7 CREATING A CASUAL EMPLOYEE CONTRACT OF EMPLOYMENT**

All casual contracts and claims for payment must be processed through Payroll Services in The Office of People and Culture.

#### **7.1 Personal Information**

It is essential that the University's OPC Information System [Alesco] has up-to-date employee information.

The casual employee must supply current personal details (including contact details, bank account and qualifications) to the person in the school/division who administers casual employee records. Tax, bank account and emergency contact details are to be forwarded to Payroll Services.

#### **7.2 Taxation Information**

##### **Tax File Number Declaration** (formerly Employment Declarations)

When undertaking employment with the University, employees must lodge an Australian Taxation Office **TFN Declaration** (NAT 3092) to assist the University to determine the correct rate of tax applicable. If an employee chooses not to provide this form to the University, they will be taxed at the highest income tax rate.

TFN declaration forms are to be provided to the casual employee with their contract.

An employee is able to lodge more than one TFN Declaration with different employers; however they are not able to claim the general exemption more than once. An employee should be referred to the detailed information included on the form for more information.

The TFN Declaration includes useful information relating to the correct completion of the form. Lodgement of this form with an employer is the responsibility of the employee.

## **Withholding Declaration**

All University employees may choose to submit a Withholding Declaration Form to alter the amount of tax withheld from payments made to them.

If the employee has chosen not to submit a TFN Declaration form they cannot submit a Withholding Declaration Form.

A withholding declaration form is used:

- to advise a change in Australian Residency status,
- to claim or discontinue the tax free threshold,
- to advise a HECS debt or to cease a HECS debt,
- to claim or vary a rebate or the family tax benefit.

The employee prior to completing the form should read the Withholding Declaration booklet. The Withholding Declaration Form should be sent to the Payroll Services Team prior to (or with) the employee's first claim to ensure the correct tax deductions are made.

Once the employee submits a TFN and/or Withholding Declaration to the University, the details will remain current on the system until new forms are submitted or the employee's services are terminated. The employee is not required to submit forms with each claim. TFN and Withholding Declarations are generally provided with the contract or employment.

Providing accurate taxation details (including the lodgement of the two forms) remains the responsibility of the employee. For more information on the TFN and Withholding Declaration form, please contact the ATO on 132861 or at their web site [www.ato.gov.au](http://www.ato.gov.au).

If you require any further information or assistance, please contact Payroll Services on (02) 9678 7560.

## **8. RIGHTS TO CONVERSION TO ONGOING OR FIXED TERM EMPLOYMENT (PROFESSIONAL STAFF ONLY)**

The UWS General Staff Agreement contains the provision that a casual employee may be eligible to apply to have their employment converted to ongoing employment or fixed-term employment, if they have been employed by the University on a regular and systematic basis in the same or a substantially the same position in the same organisational unit either

- a. over the immediately preceding 12 months during which their average weekly hours worked equalled at least 50% of the ordinary weekly hours of an equivalent employee engaged full time or
- b. over the immediately preceding 24 months.

Individual casual employees are required to apply in writing to seek to have their casual employment converted to ongoing or fixed-term employment subject to meeting the requirements outlined in the Enterprise Agreement. Full details about conversion to ongoing or fixed term employment for casual employees can be found in the UWS General Staff Agreement at <http://staff.uws.edu.au/staff/adminorg/corpserv/ohr/workingatuws/ea>

The Application for Conversion from Casual Employment form "Application for Conversion of Employment Status from Casual to On-Going or Fixed term" can be found on the HR website listed under WORKING @ UWS at <http://staff.uws.edu.au/staff/adminorg/corpserv/ohr/indexhrinfo/hrforms>

## 9. TERMINATION

Casual employment refers to an employee who is engaged by the hour and paid on an hourly basis. Generally a casual employee is engaged on an informal, uncertain and irregular and/or intermittent basis, on a number of discrete periods of employment and each one stands alone.

**Before terminating** a casual employee who has worked for more than a couple of weeks, contact your Senior HR Consultant within The Office of People and Culture to discuss the specific circumstances. The legal position in relation to termination of casual employees may be affected by recently agreed principles in specific cases and OPC will take into account any recent precedents when advising you.

Contact details for your Senior OPC Consultant are available at <http://staff.uws.edu.au/staff/adminorg/corpserv/ohr/indexhrinfo/contacts>

When you contact your Senior OPC Consultant you will need the employee's details, Casual Employment Authority, timesheet history etc to assist them in providing you with sound advice.

It is essential that your actions as a UWS Manager/Supervisor in matters of termination reflect a fair and transparent process. Even if the grounds for termination are poor performance it is important that the employee has been afforded the opportunity to understand and respond to the performance shortfall issues.

## 10. ROLES AND RESPONSIBILITIES

**Supervisors and Managers are responsible for:**

- Negotiating the details of the contract with casual employees including their work schedule.
- Ensuring a contract (Casual Employment Authority) is prepared and authorised prior to the casual's first day of work;
- Being aware of any administrative procedures put in place within their own School/Division for managing casual employment and complying with those internal processes.
- Authorising any timesheet claims submitted by the employee so that they are lodged and reach the Payroll Services Team fortnightly;
- Ensuring casual employees are properly inducted into the workplace on commencement;
- Ensuring that casual employees are informed of the code of conduct and policies such as Equity and Diversity, OH&S, etc;
- Managing the performance of casual employees;
- Facilitating access for casual a employee to staff development programs (Teaching Development Unit and Professional Development Unit)
- The efficient administration of casual contracts within the School/Division they work;
- Maintaining their own casual administration template for each school / unit they are authorised to write contracts for;
- Ensuring the casual employee's personal details are accurately recorded in their School/Division's local administrative systems.
- Maintaining contract details in their School/Division's local administrative systems
- Providing casual employment reports at the request of their manager;

- Liaising with the Senior HR Consultant prior to terminating any casual employee to ensure that periods of notice are appropriate.

**The Payroll Services team in the Office of People and Culture are responsible for:**

- Maintaining casual employment data on the Office of people and Culture Information System, and, ensuring payment is made in a timely and accurate manner;
- Providing appropriate and sufficient information for Supervisors and Managers of a casual employee, and the casual employee themselves on general employment matters.

**11. CONTACT DETAILS**

Contact details and guides for all schools and divisions of the University are available on the UWS website at <http://pubapps.uws.edu.au/teldir/>

All OPC contact details are at:

<http://staff.uws.edu.au/staff/adminorg/corpserv/ohr/indexhrinfo/contacts>

**12. CRITERIA TABLE FOR INDEPENDENT CONTRACTOR**

Refer to part 6.1 of these Guidelines for information about this table.

<i>Point</i>	<i>Item</i>	<b>Yes</b>	<b>No</b>
1.	The Independent Contractor is a Company, Partnership or Trust, whose business is the provision of goods and/or services provided by its employees. (Refer Note)		
2.	The Contractor will be contracted to perform a specific task for an agreed amount of money (within a specified time) (Optional).		
3.	The employer will engage the Contractor with a letter/contract setting out the intent to establish a principal and independent contractor relationship.		
4.	The Employer will not control the manner of work performance with the Contractor and its employees determining the most appropriate manner to produce a result.		
5.	The Contractor will be permitted to delegate or sub-contract the work to other persons.		
6.	The Contractor will provide the bulk of own tools, equipment and accessories to carry out the work.		
7.	The Contractor will bear responsibility and financial liability for any negligence or sub-standard work performance during its engagement with the Employer.		
8.	The Contractor has its own insurance cover for Workers Compensation, public liability, professional indemnity and personal sickness and accident (attach copies of each		

	Insurance policy).		
9.	The Contractor's employees will not work fixed or regular hours but have the flexibility to set own hours of work to meet requirements to complete task.		
10.	The Contractor is recognised in the community as conducting a business or trade, has an established office for the execution of the business and has structured its own finance and tax affairs accordingly.		
11.	The Contractor is available to perform work for other entities while on assignment to the Employer, subject to such arrangement not interfering with the contractual obligations with the Employer project.		
12.	The Contractor or its employees will not seek to be paid or receive any benefits under an Award, Enterprise Agreement or policy conditions.		

**NOTE:** Individuals (such as sole traders) may be considered for taxation purposes as independent contractors if they satisfy most of the criteria on this status table, particularly in relation to criteria 4, 5, 6, 7, and 8.

Completed by: ..... Print Name: .....

**CERTIFICATION BY EXECUTIVE DEAN / FUNCTIONAL AREA HEAD**

I certify that the foregoing information provided regarding the Employer/Contractor relationship is correct and I support this applicant **NOT** to have income tax deducted at source under the relevant provision of the Income Tax Assessment Act.

Authorised Officer: ..... Print Name: .....

Position Title: .....