



Board of Surveying and Spatial Information

Charter

ISSN 2205-930X

November 2016

Version 2

Title: Board of Surveying and Spatial Information Charter

ISSN: 2205-930X

Board of Surveying and Spatial Information

www.bossi.nsw.gov.au

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November 2016

P17/10/004

Document summary

Document control

Document	Date amended
Status	Second edition
Version	2
Version Date	November 2016
Author	Board of Surveying and Spatial Information
Owner	Board of Surveying and Spatial Information

Change history

Version	Version date	Authorised by	Change details
1	April 2015	Surveyor General	New document
2	November 2016	Surveyor General	Committee details updated

Approval

Name	Role	Section the be approved
Michael Spiteri	Registrar, BOSSI	Whole document

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1. Introduction

The Board of Surveying and Spatial Information (BOSSI) has adopted this Charter to guide the Board and its Committees in the exercise of their responsibilities in the service of its shareholders, customers and other stakeholders. The principles set out in this Charter are in addition to and are not intended to change or interpret any laws or the application of the Board's Constitution. The Board will review this Charter at least annually and, if appropriate, revise this Charter from time to time.

The Charter delineates the functions and responsibilities of the Board and its Committees.

2. Functions of the Board

BOSSI is a constituted statutory Board under the *Surveying and Spatial Information Act 2002* (the Act). As outlined in Section 28 of the Act, the principal functions of the Board are:

- (a) the registration of surveyors
- (b) the investigation of surveyors' registration and licensing schemes in other States and Territories, and the provision of advice to the Minister in connection with the recognition of the qualifications and experience of surveyors registered or licensed under such schemes
- (c) the investigation of complaints against registered surveyors
- (d) the taking of disciplinary action against registered surveyors
- (e) the investigation of matters referred to it by the Minister for advice or report in relation to surveying or any other aspect of the spatial information industry
- (f) the investigation of, and the provision of advice to the Minister with respect to, the practice to be followed in the conduct of surveys or in the collection, collation and dissemination of any other kinds of spatial information
- (g) the provision of advice to the Minister on the maintenance of the integrity of the State cadastre
- (h) the provision of advice to the Minister with respect to any other matter in connection with the administration of the Act.

3. Composition of the Board

In accordance with Section 27 of the Act, the Board is to consist of between 10 and 12 members of whom:

- (a) one is to be the Surveyor-General, and
- (b) one is to be a registered surveyor, being a person employed in the Public Service, appointed by the Minister, and
- (c) three are to be persons appointed by the Minister on the nomination of the Institution of Surveyors New South Wales Incorporated as prescribed in Section 73(1) of the *Surveying and Spatial Information Regulation 2012*, and
- (d) one is to be a person appointed by the Minister on the nomination of the AIMS – Australian Institute of Mine Surveyors Limited as prescribed in Section 73(2) of the *Surveying and Spatial Information Regulation 2012*, and
- (e) between one and three are to be persons appointed by the Minister from persons nominated by such relevant professional associations as the Minister determines and that comprise persons involved in the spatial information industry or bodies of persons involved in that industry, and
- (f) one is to be a person appointed by the Minister on the nomination of the Minister administering the *Work Health and Safety (Mines and Petroleum Sites) Act 2013*, and

- (g) one is to be a person appointed by the minister on the nomination of the Minister administering the *Fair Trading Act 1987*, and
- (h) one is to a person appointed by the Minister on the basis of his or her qualifications and experience in the training of surveyors.

The Surveyor-General is the President of the Board.

4. Board Committees

Under Section 30 of the Act, the Board may establish advisory and other committees to assist it in the exercise of its functions, and may abolish any committee so established. Each committee must act in accordance with a terms of reference approved by the Board setting out matters relevant to the composition, responsibilities, authority and reporting of the committee, and such other matters as the Board considers appropriate. Board committees may only act with delegated authority from the Board and as per Section 30 of the Act, a committee may exercise such of the Board's functions as are delegated to it by the Board.

The Board has established the following ten committees:

- Continuing Professional Development Committee
- Discipline Committee
- Finance and Audit Committee
- Land and Mining Committee
- Professional Audit and Investigation Committee
- Spatial Information Committee and
- Training Committee.

Under Section 30 of the Act, each committee must include at least 2 Board members, but may include other persons who are not Board members.

As per Clause 74 of the *Surveying and Spatial Information Regulation 2012* (The Regulation):

- The committee must have at least three members.
- The convenor and deputy convenor of a committee are to be nominated by the Board, and may (but need not) be members of the Board.
- Committee meetings are to be held at the times and places determined by the convenor of the committee.
- The procedure for convening committee meetings and for the conduct of business at committee meetings are to be determined by the convenor of the committee.
- At a committee meeting, a majority of the committee members constitutes a quorum.
- The convenor of a committee (or, in the absence of the convenor, the deputy convenor of the committee) is to preside at committee meetings.
- A decision supported by a majority of the votes cast at a committee meeting at which a quorum is present constitutes a decision of the committee.
- In the event of an equality of votes, the convenor of the committee has a second or casting vote.
- The convenor of a committee is to report all decisions of the committee to the next Board meeting.

The Board reviews the composition and terms of reference of the committees at least annually.

5. Board meetings

As per Schedule 1 of the Act:

- Meetings of the Board are to be held at such times and places as are fixed by the President.
- The procedure for the convening of meetings and for the conduct of business at those meetings is to be determined by the President.
- At a meeting of the Board, a majority of the Board members constitutes a quorum.
- The President (or, in the absence of the President, one of the other members present at the meeting) is to preside at a meeting of the Board.
- A decision of the Board has effect if it is supported by a majority of the votes cast at a meeting at which a quorum is present.
- In the event of an equality of votes, the presiding member has a second, or casting vote.
- The presiding member at a meeting of the Board must cause a record of the proceedings at the meeting to be made.

6. Board member attendance

In accordance with Schedule 1, Part 1 Clause 4 of the Act, Board members are required to seek leave of absence from meetings. Failure to gain approval for four consecutive meetings will result in the member being determined to have vacated office.

An application for leave of absence should be made in writing to the Registrar and where practical, prior to the meeting.

7. Pecuniary interests

A conflict of interest exists when it is likely that a member could be influenced by a personal or business interest. If a conflict of interest leads to partial decision making, it may constitute corrupt conduct. A conflict of interest, whether real, potential or perceived, may arise for example from:

- other directorships or employment
- professional and business interests and associations
- investment interests or the investment interests of friends or relatives
- family relationships
- participation in party political activities
- personal beliefs or attitudes that affect impartiality.

A member has a duty to declare any private interest that may impinge on a board or committee decision. A member will be required to complete a 'Pecuniary Interest Declaration' form upon becoming a member and notify any changes as the need arises.

8. Remuneration

An appointed member is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of the member.

As at February 2014, Board members may claim the following reimbursements:

1. Annual Retainer - \$3,090
2. Daily Sitting Fee - \$260 per day or \$130 per half day for approved functions other than Board meetings
3. Private Motor Vehicle Allowance – in some instances
4. Other Travel Expenses

For further details refer to **Appendix 2**.

9. Board performance and evaluation

The Board shall review its performance annually, with particular attention being paid to the extent to which it has met its responsibilities in terms of this Charter and its effectiveness in focusing on matters of key importance for the Board. The Board will approve a framework and process to assess the effectiveness of the Board, its committees and members, with a view to ensuring that its performance accords with best practice.

The findings of the review of performance will be discussed at a nominated Board meeting or at a scheduled Board workshop.

10. Review of the Board Charter

The Board will review this Charter on an annual basis and at such other times as it considers a review to be necessary or appropriate.

Appendix 1 – Committee Terms of References

Continuing Professional Development (CPD) Committee

Terms of Reference

Committee members (2016)

BOSSI representatives	Industry representatives
Chris Moy (convenor)	Alan Mellor (AIMS)
Craig Roberts	Karl Bretreger (Uni Newcastle)
Bob Harrison (deputy conveyor)	Tony Proust (ISNSW)
Liz Fulton	James Thorpe (ACS NSW)
Michael Spiteri (Registrar)	John Minehan (SSSI)

Responsibilities

1. To draft the Board's CPD Policy.
2. To advise the Board on any proposed changes to the Board's CPD Policy.
3. To develop and adhere to a common standard for CPD event assessment.
4. To maintain timely and open communication between the Board and the ratified organisations regarding the assessment of CPD events.
5. To advise the Board on applications to become a ratified organisation.
6. To notify the Board in regard to any unresolved dispute concerning CPD event assessment.
7. To establish a CPD Audit Panel.
8. To advise the Audit Panel on Policy matters.
9. To assess an Audit Report by the Audit Panel.
10. To recommend actions regarding surveyors who have not complied with the Board's CPD Policy.

Membership and meetings

As per the *Surveying and Spatial Information Regulation 2012*, Part 3, Division 1, Clause 74:

- The committee must have at least three members.
- The convenor and deputy convenor of a committee are to be nominated by the Board, and may (but need not) be members of the Board.
- Committee meetings are to be held at the times and places determined by the convenor of the committee.
- The procedures for convening committee meetings and for the conduct of business at committee meetings are to be determined by the convenor of the committee.
- At a committee meeting, a majority of the committee members constitutes a quorum.
- The convenor of a committee (or, in the absence of the convenor, the deputy convenor of the committee) is to preside at committee meetings.
- A decision supported by a majority of the votes cast at a committee meeting at which a quorum is present constitutes a decision of the committee.
- In the event of an equality of votes, the convenor of the committee has a second, or casting vote.
- The convenor of a committee is to report all decisions of the committee to the next Board meeting.

Discipline Committee

Terms of Reference

Committee members (2016)

Margaret Hole (Convenor)

Narelle Underwood

New public service registered surveyor representative

New Fair Trading representative

Andrew Halmarick

Michael Spiteri (Registrar)

Responsibilities

1. To receive a report from the Professional Audit and Investigation Committee in respect of a complaint following an investigation.
2. To review the report from the professional Audit and Investigation Committee as expeditiously as possible.
3. To come to an opinion as to whether the act or conduct of the registered surveyor is one that constitutes either professional incompetence or professional misconduct.
4. To consider the options as set out in sections 12 and 13 respectively of the Surveying Act 2002 relating to either professional incompetence or professional misconduct.
5. To forward a recommendation to the Board as to the further action to be taken.

Membership and meetings

As per the *Surveying and Spatial Information Regulation 2012*, Part 3, Division 1, Clause 74:

- The committee must have at least three members.
- The convenor and deputy convenor of a committee are to be nominated by the Board, and may (but need not) be members of the Board.
- Committee meetings are to be held at the times and places determined by the convenor of the committee.
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- A decision supported by a majority of the votes cast at a committee meeting at which a quorum is present constitutes a decision of the committee.
- In the event of an equality of votes, the convenor of the committee has a second, or casting vote.
- The convenor of a committee is to report all decisions of the committee to the next Board meeting.

Finance and Audit Committee

Terms of Reference

Committee members (2016)

Narelle Underwood (Convenor)

Peter Baxter

Mary-Ellen Feeney

Rob Charteris (DFS Finance)

Michael Spiteri (Registrar)

Responsibilities

1. Monitor and report Board revenue and expenditure.
2. Determine with the Board and Committees budget requirements.
3. Recommend future revenue sources, expenditure efficiencies and savings.
4. Liaise with NSW Audit Office staff and assist in the annual audit of the Board's accounts.
5. Monitor and Report on (financial) Risk Register issues.
6. Assist with internal and external Board administrative systems audits.

Membership and meetings

As per the *Surveying and Spatial Information Regulation 2012*, Part 3, Division 1, Clause 74:

- The committee must have at least three members.
- The convenor and deputy convenor of a committee are to be nominated by the Board, and may (but need not) be members of the Board.
- Committee meetings are to be held at the times and places determined by the convenor of the committee.
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- A decision supported by a majority of the votes cast at a committee meeting at which a quorum is present constitutes a decision of the committee.
- In the event of an equality of votes, the convenor of the committee has a second, or casting vote.
- The convenor of a committee is to report all decisions of the committee to the next Board meeting.

Land and Mining Committee

Terms of Reference

Committee members (2016)

David Job (Convenor)

Chris Moy (Deputy Convenor)

Bill Barraclough

Bob Harrison

Jeff Brown

Mario Fantin

New public service registered surveyor representative

Michael Spiteri (Registrar)

Responsibilities

1. To provide advice to BOSSI on land and mining surveying matters.
2. To review and provide advice on legislation, reciprocity and mutual recognition which pertains to land and mine surveying.
3. To act and deal with Mutual Recognition applications received by BOSSI, under delegation through Section 31 of the *Surveying and Spatial Information Act, 2002*.

Membership and meetings

As per the *Surveying and Spatial Information Regulation 2012*, Part 3, Division 1, Clause 74:

- The committee must have at least three members.
- The convenor and deputy convenor of a committee are to be nominated by the Board, and may (but need not) be members of the Board.
- Committee meetings are to be held at the times and places determined by the convenor of the committee.
- The procedures for convening committee meetings and for the conduct of business at committee meetings are to be determined by the convenor of the committee.
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- A decision supported by a majority of the votes cast at a committee meeting at which a quorum is present constitutes a decision of the committee.
- In the event of an equality of votes, the convenor of the committee has a second, or casting vote.
- The convenor of a committee is to report all decisions of the committee to the next Board meeting.

Professional Audit and Investigation Committee

Terms of Reference

Committee members (2016)

Mark Gordon (Convenor)

Ed Garvin

Chris Moy

Jeff Brown

Bob Harrison

Chris Abbott

Michael Spiteri (Registrar)

Responsibilities

1. To assess received complaints in regard to whether they require investigation by the Board or the relevant professional association.
2. To investigate complaints that have been received and accepted by the Board, including alleged breaches of Sections 21 and 22 of the Act.
3. To establish a list of investigators to investigate complaints against registered surveyors.
4. To provide a brief to an investigator investigating a complaint.
5. To assess an investigation report from an investigator and agree on further action.
6. To recommend action to the Discipline Committee following an accepted investigation.
7. To provide advice to the Board in regard to trends in poor surveying practice highlighted by investigations and audits.
8. To provide advice to the Board's solicitor in regard to legal action against unregistered persons in breach of the Act
9. To provide advice to Counsel in response to appeals to the Administrative Decisions Tribunal.
10. To recommend to the Board training programs which assist in the investigation and auditing of surveys and surveyors.
11. To recommend that the Board requests the Office of the Registrar General (ORG) to consider audits where poor surveying practice is highlighted by investigations.
12. To liaise between the Board and ORG in regard to audits.

Membership and meetings

As per the *Surveying and Spatial Information Regulation 2012*, Part 3, Division 1, Clause 74:

- The committee must have at least three members.
- The convenor and deputy convenor of a committee are to be nominated by the Board, and may (but need not) be members of the Board.
- Committee meetings are to be held at the times and places determined by the convenor of the committee.
- The procedures for convening committee meetings and for the conduct of business at committee meetings are to be determined by the convenor of the committee.
- At a committee meeting, a majority of the committee members constitutes a quorum.

- The convenor of a committee (or, in the absence of the convenor, the deputy convenor of the committee) is to preside at committee meetings.
- A decision supported by a majority of the votes cast at a committee meeting at which a quorum is present constitutes a decision of the committee.
- In the event of an equality of votes, the convenor of the committee has a second, or casting vote.
- The convenor of a committee is to report all decisions of the committee to the next Board meeting.

Spatial Information Committee

Terms of Reference

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Committee members (2016)

Peter Baxter (Convenor)

Mary-Ellen Feeney (Deputy Convenor)

Liz Fulton

Chris Moy

Michael Spiteri (Registrar)

Peter Sergeant

The *Surveying and Spatial Information Act 2002* directs BOSSI as follows:

In Section 2A (e) '...to provide for the investigation of, and the giving of advice to the Government relating to the collection, collation and dissemination of spatial information other than surveys'.

The meaning of 'spatial information' is outlined in Section 3A as being '... any information about a location in space and time including, but not limited to, information about any one or more of the following:

- a) the natural resources at the location
- b) the environment and climate at the location
- c) land ownership and other ownership rights at the location
- d) the use of land at the location
- e) any infrastructure at the location
- f) the demography of the location.

The location to which spatial information relates is further defined as:

- a) a point or a two or three dimensional area, and
- b) a location that is: (i) above the Earth's surface, (ii) below the Earth's surface, (iii) on the Earth's surface, or (iv) any combination of the above.

Section 28 (f) of the Act also states that the principal functions of the Board include '... the investigation of, and the provision of advice to the Minister with respect to, the practice to be followed in the conduct of surveys or in the collection, collation and dissemination of any other kinds of spatial information.'

Responsibilities

In keeping with the requirements of the Act, the SI Committee should:

1. advise the Board with regard to issues of a spatial information nature
2. raise awareness with regard to matters of a SI nature, both with the Board and the professional industry.

Spatial Information Committee

Terms of Reference

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Membership and meetings

As per the *Surveying and Spatial Information Regulation 2012*, Part 3, Division 1, Clause 74:

- The committee must have at least three members.
- The convenor and deputy convenor of a committee are to be nominated by the Board, and may (but need not) be members of the Board.
- Committee meetings are to be held at the times and places determined by the convenor of the committee.
- The procedures for convening committee meetings and for the conduct of business at committee meetings are to be determined by the convenor of the committee.
- At a committee meeting, a majority of the committee members constitutes a quorum.
- The convenor of a committee (or, in the absence of the convenor, the deputy convenor of the committee) is to preside at committee meetings.
- A decision supported by a majority of the votes cast at a committee meeting at which a quorum is present constitutes a decision of the committee.
- In the event of an equality of votes, the convenor of the committee has a second, or casting vote.
- The convenor of a committee is to report all decisions of the committee to the next Board meeting.

Training Committee

Terms of Reference

Committee members (2016)

Pat McNamara (Convenor)
 David Job (Deputy Convenor)
 Craig Roberts
 Chris Moy
 Mark Gordon
 Andrew Halmarick
 Narelle Underwood
 Chris Abbott
 Michael Spiteri (Registrar)

Responsibilities

1. Ensure that the training and education requirements of surveyors, candidate surveyors, supervising surveyors and spatial information practitioners are being met.
2. Promote and encourage the development of ongoing learning opportunities and involvement by surveyors and spatial information practitioners.
3. Monitor the University and Technical College courses for relevant surveying and spatial information content.
4. Monitor the conduct of registration examinations in accordance with BOSSI requirements and report to BOSSI on their outcome.
5. Provide continuing education to BOSSI on surveying, spatial information and other relevant matters.
6. Liaise with the surveying and spatial information community on training and education.
7. Liaise with the BOSSI CPD and Spatial Information committee.
8. Liaise with the CRSBANZ Bureau of Overseas Qualifications.
9. Assist Board members to liaise with a Supervising Surveyor whose candidate has failed the same exam twice or more, or whose candidate has failed their first attempt at more than one exam.
10. Provide advice to BOSSI on training.

Membership and meetings

As per the *Surveying and Spatial Information Regulation 2012*, Part 3, Division 1, Clause 74:

- The committee must have at least three members.
- The convenor and deputy convenor of a committee are to be nominated by the Board, and may (but need not) be members of the Board.
- Committee meetings are to be held at the times and places determined by the convenor of the committee.
- The procedures for convening committee meetings and for the conduct of business at committee meetings are to be determined by the convenor of the committee.
- At a committee meeting, a majority of the committee members constitutes a quorum.
- The convenor of a committee (or, in the absence of the convenor, the deputy convenor of the committee) is to preside at committee meetings.

- A decision supported by a majority of the votes cast at a committee meeting at which a quorum is present constitutes a decision of the committee.
- In the event of an equality of votes, the convenor of the committee has a second, or casting vote.
- The convenor of a committee is to report all decisions of the committee to the next Board meeting.

Appendix 2 – Remuneration and travel expenses

As it is NSW Government policy that payment of any fees and/or allowances and reimbursement of expenses is to be made to the individual board or committee member and the Board is also required to meet certain tax obligations, Board members are entered onto and paid through the department's payroll unless the organisation being represented is to be reimbursed. Therefore both a 'Personal Details' and a 'Tax file number declaration' form will need to be completed and returned.

As at February 2014, Board members may claim the following:

1. annual retainer - \$3,090
2. daily sitting fee - \$260 per day or \$130 per half day for approved functions other than Board meetings
3. private motor vehicle allowance – in some instances
4. other travel expenses.

Remuneration and private motor vehicle

Annual Retainer – this payment:

- covers the attendance at all Board meetings
- is paid annually in June
- does not require a claim from the member as the secretariat automatically arranges payment internally.

Daily Sitting Fee – this payment:

- covers approved functions other than Board meetings such as committee meetings, presentation ceremonies, being an examiner representing the Board, Kurri Kurri Workshop, etc.
- needs to be claimed for by the member in writing using the required form
- preferably the claim should be submitted within a month after the event and within the relevant financial year.

Private motor vehicle allowance – this payment:

- Approval for the use of a private car will need to be sought from the Registrar, one month prior to the event (using the 'Travel Application form), as public sector guidelines state: 'The relevant agency head, or other appropriate approver, may authorise a public official to use a private motor vehicle for work where:
 - it will result in greater efficiency or involve the department in less expense than if travel were undertaken by other means or
 - the board or committee member is unable to use other means of transport due to a disability'.
- Claimed travel will be paid at the 'Official Rate' relevant to motor vehicle engine size.
- The motor vehicle being used requires both green slip and comprehensive car insurance, a copy of the comprehensive car insurance needs to be supplied with the relevant claim.

All claims for remuneration and private car travel are to be made using the 'Board/Committee Member Sitting Fee and Private Vehicle Use Claim' form (to be returned to BOSSI for approval by the Registrar).

Travel expenses

Members are able to claim for reimbursement of legitimate expenses incurred while carrying out their duties such as travel, accommodation and meals. Travel expenses claimable are as follows:

1. Accommodation and meals:

- An upper limit for reimbursement will apply and are determined by NSW Treasury.
- These claimable expenses are adjusted by the Australian Taxation Office (ATO) each financial year and are effective from 1 July. Upon release of determination by the ATO, a circular is issued by NSW Treasury, tabling the new rates for the current financial year.

2. Other expenses which include: tolls, parking, airfares, train fares and taxi fares:

- Will be paid at cost.

Some general rules relating to travel expenses include:

- Where air travel is required to attend an event, economy class travel is to be used at all times and boarding passes are required to be submitted with the claim.
- Receipts must be provided for all amounts being claimed, including train fare where possible.
- All claims for expense are processed and paid through the department's finance section and therefore a written claim needs to be made via either invoice or letter of claim
- Preferably the claim should be submitted within a month after the event and within the relevant financial year.
- Travel arrangements must comply with Premier's Memorandum M2009-04: *Official Travel within Australia and Overseas*.

How to make a claim

To make a claim for reimbursement of travel costs incurred, a claim in writing needs to be made and it is preferred that the claim is to be made within one month of the attended event. The format of the claim will depend on how the member is claiming.

1. If claiming with an ABN, a numbered tax invoice needs to be supplied with supporting receipts and if registered for GST, this needs to be applied. If no GST is being claimed, either the GST amount being claimed needs to be noted as zero or the words 'No GST charged' added. The invoice also needs to contain:

- the words 'tax invoice' stated prominently
- the name of the supplier including address and contact numbers
- the ABN of the supplier
- the date of issue of the tax invoice
- a brief description of the goods or services sold
- the total price of the sales (including GST)
- clearly identify each taxable sale
- show the total amount of GST to be paid, and
- show the total amount payable for the sales.

2. If claiming with no ABN, a letter of claim with supporting documents will be sufficient. If the claim for payment is not a tax invoice and does not have an ABN, under GST legislation withholding tax of 46.5% must be deducted. There is an exemption from deducting withholding tax if the member signs a 'Statement by Supplier' indicating that either:

- the supplier is an individual (not in business as a partnership, company or trust)
- the supply is a private or domestic nature.
- the supply is made as part of a private recreational pursuit or hobby.

The letter of claim (any style) will need to contain:

- name and address of the Board
- name and address of claimant including contact numbers
- date of claim
- event attended
- date of event
- description of expenses been claimed with total amounts for each expense.

The preferred method of payment for claims of expenses by the department is via electronic funds transfer, therefore it would be preferable if bank details are provided as well as a contact details for the issuing of a remittance advice.

For those claiming with an ABN, if you are unsure as to your status regarding GST registration, you are able to check via the *ABN Lookup* website <http://abr.business.gov.au/>