

**SUPPLEMENTARY WITNESS STATEMENT
OF
CHRISTOPHER PAUL BROWN**

FILED BY THE HEALTH SERVICES UNION

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Events surrounding complaints made Leonie Flynn

1. In summary the events surrounding the complaints made by Ms Flynn in June to September 2013 and my involvement with them was as follows:
 - (a) In June and July 2013 Ms Flynn made a number of complaints to me about breaches of the rules and policies by various officers of the branch. In August and early September 2013 I investigated some of the complaints that she made and had the branch rectify the breaches that I considered had occurred.
 - (b) There was a breakdown in the relationship between Ms Flynn and some of the other officers within the organisation. In August 2013 I organised support for her through an employee assistance programme and provided whatever assistance I could in relation to her return to work thereafter.

- (c) Ms Flynn has made a complaint to FWC that is being investigated pursuant to the Act that has not yet been resolved. I have provided whatever assistance has been asked of me by FWC in relation to that complaint.

First Meeting with Leonie Flynn: 13 June 2013

2. In about the first week of June 2013 I circulated to all of the Branch Secretaries the new financial reporting guidelines issued by Fair Work Australia. In addition, I circulated the guidelines to the Assistant Secretary-Treasurers of the New South Wales Branch and of the Victoria No 1 Branch. Those are the officers who have particular financial responsibilities under the rules of the union. Shortly thereafter on 7 June 2013 I received an email from Ms Flynn that stated as follows:

“Dear Chris

I wish to meet with you to discuss the HSU rules and procedures of the financial responsibility that I hold as a matter of urgency. Please advise of a suitable day and time and I shall endeavour to make sure of my availability.

Kind regards,

Leonie”

3. I enclose as Annexure 1 a copy of this email, together with all of the other emails I refer to in the remainder of this statement.
4. After several unsuccessful attempts at contacting Ms Flynn by phone, text and email, she finally made contact with me and we arranged to meet the next week when I was in Melbourne. I live in Hobart. I largely work in either Hobart or Sydney.
5. We met on Thursday 13 June 2013. In that meeting, which Ms Flynn asked me to keep confidential, she outlined a number of concerns regarding the finances of the Victoria No.1 Branch. They can broadly be summarised as three areas of concern.
- a) The first was her inability to perform her role under the rules because she was prevented in doing so by Diana Asmar and Kimberley Kitching. She referred to the rules and policies and described how she was prevented from discharging her duties.

- b) The second were a number of allegations or suspicions she had that regarding the inappropriate use of branch funds. While she referred to some specific examples she was vague about why such expenditure was a misuse of members' funds. I asked her whether she had any specific evidence about the misuse of funds and she said she didn't.
 - c) The third area of concern was the way that she felt she was been treated and the politics surrounding this. She felt that she was not trusted, and she was isolated, that she was not included or informed about matters she felt she had a right to be involved in as Assistant Secretary.
6. I've set out above in the three points the areas of concern that she raised. However, they were not raised in any clear and rational way. The complaints were all over the place and not coherent. Ms Flynn was clearly stressed and anxious. She was in tears much of the time. It wasn't clear to me whether or not these complaints she was making had any veracity. However, some of them were, if true, potentially serious.
 7. We explored what she wanted and what she felt her options were. Again she was confused and contradictory. At the end of the conversation I strongly advised her to document her concerns in correspondence to Ms Asmar and cc me in as this would give me a mandate to intervene. She agreed. I suggested to her that she should do this sooner rather than later. She had asked me to keep her complaints confidential. I did so.
 8. There are a number of reasons why I suggested she document her concerns. One was that the concerns, if true, were potentially serious and they deserved proper investigation. Second, as National President, I had no particular authority to intervene in these matters within the Branch. It was therefore better that the matters were documented rather than me acting upon a rather incoherent confidential report. Third, setting it out in writing enabled Ms Flynn to spell out in a more rational way what her complaints were. Fourthly, I was also aware of the role that Ms Flynn had in signing off the general purpose financial reports at the end of the financial year, which was quickly coming up. If Ms Flynn wasn't being provided with documents and getting the information she required then she was going to be unable to perform her role properly.
 9. By 17 July 2013 I had not received anything or heard from Ms Flynn so I rang her. She did not return my call. On 18 July I sent her a text asking her to return my call which she did later that day. I asked her how the letter was going. She said that it was almost drafted but

that she had been too busy negotiating aged care EB agreements to finish it. I once again suggested that it needed to be done sooner rather than later.

10. A week went by and I still had not received anything from Ms Flynn so I rang her again and left a message for her to return my call. On 24 July (4.03pm) 2013 I received a text message from Ms Flynn as follows:

"Hi Chris. Formal letter to Diana shall be submitted first thing in the morning. I have a few amendments and editing to do. Kind regards, Leonie"

11. On 25 July 2013 (4.18pm) I received the following text message:

"Chris. I have not slept for entirety of night and today. I am exhausted, distressed and reluctant to send letter to Diana and cc you in. I do not wish to take risk of being sued for defamation. I believe there is history, culture with these people. It has been a very difficult decision, however, I need to protect myself and my family first, therefore I have decided to utilise the protection of the w/blowers act. I will be forwarding a letter outlining my concerns directly with the General Manager at the FWC. I'm advising you of this as a matter of courtesy. I will not be attending work tomorrow either. If you still want a copy of my letter please advise. Regards Leonie."

12. I emailed a response as follows:

"Thanks for advising me Leonie. Yes I would still like a copy of your letter. I would also like to meet with you in the next week or so. Look after yourself. CB"

13. Ms Flynn then responded on 25 July 2013 (4.31pm) as follows:

"Thanks Chris. I pretty much have back to back EBA negotiation meetings all of next week. Perhaps Tuesday afternoon? Is this suitable to you? Mon, Weds & Thurs I can't. Too many meetings to leave Peggy by herself. Fri I will be in Sydney for BUPA meeting. It may have to wait until the following week otherwise. Please advise."

Second Meeting with Leonie Flynn: 26 July 2013

14. On 26 July 2013 I rang Ms Flynn and arranged to meet her on Monday 29 July. I asked her if she minded if Lloyd Williams, Acting National Secretary also attended the meeting. She agreed. We met at the office of Mr Williams in Carlton.
15. At the commencement of the meeting I advised Ms Flynn that unlike the previous meeting with her this one was not in confidence and that I would be acting on what she told me during the meeting. The reason I changed my approach to keeping her complaints confidential was as follows. She had indicated to me in the text messages referred above that she was going to take her concerns directly to the General Manager of Fair Work Commission. I knew that the Union was going to be liable for any contraventions of the accountability provisions of the Act. If the matters that Ms Flynn was going to raise were going to be serious enough to take to the FWC, and the Union was going to be liable for the contraventions that she was raising, I wanted to make sure that I found out precisely what the problems were and to act on them where appropriate.
16. The conversation was much like the first covering the three areas of concern that she had. We then discussed the letter I had asked her to write to Ms Asmar and she showed me a copy. I asked her who had advised her that to cc me into the letter would place her at risk of defamation. She would not tell me who other than it was a lawyer. I expressed my concern at the advice and offered to arrange another lawyer that she could talk to get a second opinion and satisfy her concerns. She agreed to contact me the next day about getting a second opinion. She showed me the draft of the letter she had written for Ms Asmar and we discussed generally the nature of the content. Ms Flynn agreed to call me the next day.
17. I cannot remember precisely all of the issues of concern that were raised by Ms Flynn. I have subsequently looked at the 34 specific complaints that Ms Flynn raises with the Fair Work Commission. The issues she raised with me in the 29 July 2013 meeting appeared to be largely the same as those that were the subject of that correspondence from Ms Flynn to FWC on or around 31 July 2013. There may have been a few additional matters that she raised on the 29 July meeting which weren't the subject of subsequent complaint to the FWC; there may have been a few matters raised in the FWC complaint which weren't raised with me; but no doubt the recording Ms Flynn says she made of the meeting I had with her on 29 July 2013 would record exactly what was raised with me.

18. As Ms Flynn failed to call me as arranged, I decided to set up a meeting with Ms Asmar and Ms Kitching to present them with the allegations that Ms Flynn had made to me. I arranged to meet them in Sydney on Friday 1 August as they were both in Sydney.

19. On 31 July at 3pm I received the following email from Ms Flynn:

"Dear Chris,

I wish to advise you that following our meeting on Monday and extensive consideration that I decided to lodge a letter of concerns to the General Manager at the FWC utilising the protection of the Whistleblowers Act. Please advise of the appropriateness of providing a copy of that complaint to yourself as well, at this time, considering Diana is not aware of my action.

Thank you,

Leonie"

20. I responded as follows:

"Thanks for advising me Leonie

Yes I would like a copy of the letter you lodge with the General Manager of FWC.

As I advised at our meeting on Monday, I will be raising the issues identified with Diana and and Kimberley when I meet with them next. I have an obligation to ensure that the rules are complied with.

Thanks

Chris Brown"

Ms Flynn did not provide me with a copy of the complaint she made.

Meeting with Ms Asmar and Ms Kitching: 1 August 2013

21. On Friday of 1 August 2013 I met with Ms Asmar and Ms Kitching in Sydney. We met for approximately two and a half hours. During that meeting I put to them the substance of many of the allegations that had been outlined by Ms Flynn in our meeting of 29 July 2013. In the previous two days I had been able to identify a number of areas in which there appeared to be breaches of the rules and policy. For example, the financial policy and procedures that the branch had published on its website were different to those that had been previously in place. I pointed out that the rules required that financial policies needed to be adopted by BCOM with a 70% majority. The policies and procedures hadn't been altered in accordance with the rules. As I pointed this out, a phone call was made by Ms Kitching to the Victoria Number 1 Branch to ensure that the incorrect policy was removed from the website and the correct policy was properly uploaded onto the website. I'm not sure when the removal in fact occurred, but I do know that the steps were put in place during the course of the meeting with Ms Asmar and Ms Kitching. One of the outcomes of the meeting was that I was invited by the branch to look at various issues concerning compliance with the Act, rules and policies that had been made by Ms Flynn. I said that I would commence considering those issues when I was next in Melbourne on Wednesday 7 August 2013 and complete my consideration by 28 August 2013.
22. Following the meeting I rang Ms Flynn and advised her of the detail and outcome of the meeting. One of the other issues that Ms Flynn had raised with me was her removal from the audit and compliance committee. In that discussion I told her that the BCOM would rescind the resolution removing her from the Audit and Compliance Committee and that the original Financial Policy and Procedure would be reinstated as the operational one. I arranged to meet with her again on the morning of 7 August 2013 to explain exactly what I intended to do.
23. On Monday 5 August 2013 there was a Branch Audit and Compliance Committee meeting followed by a Branch BCOM meeting. These draft notes and minutes addressed issues that had been raised by Ms Flynn and seemed to me to be clearly a breach of the rules or the policies. It was an attempt to immediately rectify some of the more obvious breaches. It had become apparent to me by 5 August 2013 that some of the confusion about what the Act, the rules and the policies required had arisen out of some advice that had been provided to the branch by the Regulatory Compliance Branch of the Fair Work Commission. However, whatever the source of the confusion, I thought it was important that Ms Flynn be reinstated to her proper role pursuant to the rules. I drafted notes and resolutions for Ms Asmar to discuss with the BCOM. On 30 August 2013 I attended a meeting with Ms Asmar, Ms Kitching, the Branch's Finance Manager and representatives from the Regulatory Compliance

Branch of the FWC to clarify the advice provided and the obligations of the Branch. At my insistence, FWC invited Ms Flynn to attend the meeting. Ms Flynn did not attend.

24. The notes (which are Annexure 2 to this statement) are as follows:

Proposed Notes and Resolutions for the BCOM on Monday 5 August 2013

At the BCOM meeting on 8 April 2013, the following resolution was passed:

1. *BCOM giving noted the Secretary's report on the need to amend the rules relating to the role of the Secretary and the Assistant-Secretary/Treasurer authorises the Branch delegates to National Council to support rule changes which would:*
 - a. *Consistent with the Secretary being the Chief Executive Officer of the Branch, provide that the Assistant-Secretary/Treasurer in the performance of her duties, will be subject to direction by the Branch Secretary provided that the rule changes do nothing to diminish the scope of the Assistant-Secretary/Treasurer's functions in relation to the finances of the Branch;*
 - b. *Change the name of the Audit and Compliance Committee to the Finance Committee and add to the membership of the Finance Committee of the Victoria No 1 Branch the Branch President and the Branch Secretary.*
2. *BCOM authorises the Branch Secretary to review the Financial Policies and/or Procedures of the Branch in the light of any rule changes adopted by the National Council in relation to the respective powers of the Branch Secretary and the Assistant-Secretary/Treasurer and bring these changes to the meeting of the Branch Committee for approval.*

It would appear from subsequent BCOM Minutes that the revised policy was never presented to or adopted by the BCOM as required by rule 83.

Therefore the financial management policy that is current is the one adopted by the Administrator on 22 November 2012.

To avoid any doubt I suggest that Diana make a statement to the BCOM indicating that the rules have not been changed, it is not possible to revise the Financial Management policy, and that BCOM members should therefore note that the current policy is the one issued by the Administrator on 22 November 2012. This should be minuted.

Diana should also make a statement that if in any previous reports by her to the BCOM, that it was interpreted that she had advised that the rules had already been changed were incorrect and was a mix up in terminology. This statement should also be minuted.

At the BCOM Meeting held on 24 June 2013, the following resolution was passed:

Motion that in accordance with the recommendations of the Fair Work Commission that the Assistant-Secretary/Treasurer could present reports to the Finance Committee but not be a member of the Committee, and that the Branch Committee of Management undertake to go through the process of searching and appointing an Independent Chair of the Finance Committee, and that the minutes be tabled to the Fair Work Commission to show we are complying.

While the resolution was passed in good faith, it was based on advice provided by the Fair Work Commission which did not adequately identify the rule impediments with implementing that advice.

It has since come to our attention that changing the composition of the Finance Committee cannot occur until the rules of the Union have been changed.

PROPOSED MOTION

"Motion that the resolution of the BCOM meeting on 24 June 2013 removing the Assistant Secretary/Treasurer from the Finance Committee be rescinded. To avoid doubt, and until such time as the rules of the Union are altered to provide otherwise, the Finance Committee consists of the following members consistent with Rule 88 of the Registered Rules of the HSU: Leonie Flynn Susan Stone, Gordon Driscoll, Lance Smith and Julie-Anne Mitchell.

Until such time as the rules of the union are altered to provide for an independent chair, one of the members of the Finance Committee should be nominated by the meeting to chair the meeting. Consistent with the advice from Fair Work Commission, it is not appropriate that the Assistant Secretary/Treasurer chair finance committee meetings.

Any Officer of the Union or BCOM member may attend Finance Committee meetings as observers and have speaking rights if the meeting so decides but shall not have any voting rights. The Secretary and the President shall have automatic speaking rights unless the meeting decides otherwise.

The Secretary is requested to draft branch rule changes to provide for an independent chair of the Finance Committee, and subject to further governance advice from the Fair Work Commission, consider the appropriateness of the role of the Assistant Secretary/Treasurer on the Finance Committee."

Events from 5 to 12 August 2013

25. During the week of the 5 to 12 August 2013 I received numerous phone calls from Ms Flynn and Ms Asmar. There was a meeting of the Audit Committee and then the BCOM on 5 August 2013. I was informed that the various resolutions drafted above were all passed at those meetings. I understand that all of the resolutions set out above that I had proposed were in fact passed. I understood that each of them were in accordance with the current set of rules and rectified what I understood to be some of the breaches of the rules that were the subject of Ms Flynn's complaints.
26. During the week of the 5 August 2013 I arranged for Ms Flynn to confidentially be granted access to a psychologist from the Employee Assistance Program of the Tasmanian Branch as I was concerned about her emotional state.
27. On Wednesday 7 August 2013 I met with Ms Flynn and her husband. The first ten minutes or so of the meeting involved Ms Flynn explaining to me that she believed she had been followed in her car by Ms Asmar and her husband the previous evening. While it was clear that Ms Flynn believed that this had occurred, I was not convinced.

28. Ms Flynn gives her version of our meeting of 7 August 2013 in her supplementary witness statement at paragraphs 181–196. There are a few points that I wish to make about that:

- (a) I note that Ms Flynn says at paragraph 190 that she recorded her meeting with me. She did not tell me she was going to record the meeting with me. I have never taped a conversation with any person.
- (b) Ms Flynn says that I told her that I was going to personally review the Victorian Number 1 Branch financial records and that I'd prefer to review them first and following that then she could do so. I can't recollect whether this is what I said. I might have said something along those lines. I wanted to sit down and find out how the financial records of the Branch were being kept. That, for me, involved sitting down with the Financial Manager and asking her dozens and dozens of questions about the financial procedures that she was following, inspecting numerous records relating to invoices and receipts and the general ledger and a whole range of other financial matters. I knew that the Financial Manager and Ms Flynn did not get on. I wanted to satisfy myself as to the general financial soundness of the procedures being followed without the added pressure of having Ms Flynn by my side.
- (c) Ms Flynn at paragraph 194 that I said that I'd been meaning to arrange some counselling for her "for a couple of months now. Dianna will not have to know about this". I cannot remember saying that. It is unlikely that I would have said something like that. However, as noted above, Ms Flynn has taped our conversation and this can be checked. One of the reasons I think it's unlikely is that I did not know Ms Flynn prior to meeting on 13 June 2013. As to informing Ms Asmar, the way in which the Employee Assistance Program operates is that what is said to the counsellors remains completely confidential. I saw some urgency, given the distress of Ms Flynn, in arranging for her support at that time. I might have said that National Office might foot the bill. However ultimately I foresaw that at the end of the day the Victorian Number 1 Branch would have to pay for the services of the Employee Assistance Programme for its staff members, including Ms Flynn. I wasn't so much concerned at the time about who would pay: I just wanted to see that she got access as soon as possible to the support. Ultimately the Victorian Number 1 Branch has been invoiced for the services that were provided through the Employee Assistance Programme.

29. I outlined to Ms Flynn the process I was going to adopt to review Branch compliance. I explained to her that it was my intention to ensure that she was in a position to fulfil her duties and responsibilities under the rules and policy. It was then that she indicated to me that

while she appreciated what I was doing it was too late and that she didn't care what happened. This is not a quote, but it conveys the sentiment she was expressing. I took this to mean that she did not want me to fix the problem. I nevertheless proceeded to ensure the Branch was back operating in accordance with the rules.

30. After meeting with Ms Flynn on 7 August 2013 I spent time with the Finance Manager Kerry Georgiev to explain to her what I intended to do and what I needed from her. I also explained to her that she must allow Ms Flynn to fulfil her duties under the rules and policy, which included steps to be taken concerning the approval by Ms Flynn of expenditure. We had a brief discussion regarding the logistics of this. She was clearly and visibly upset and stressed at the prospect of dealing with Ms Flynn based on an interaction she had had with Ms Flynn earlier in the week in which she claims that Ms Flynn yelled at her and threatened her employment. She requested that whatever happens that she always have someone else with her when she meets with Ms Flynn.

Ms Flynn leaves the Branch: 7 August 2013 to date

31. I left the Branch office at approximately 11.30am on 7 August 2013. I tried on two occasions to phone Ms Flynn to advise her of arrangements that I had put in place for her to approve all payments made on behalf of the Branch. She did not return my calls.
32. On the morning of 8 August 2013 (6.12am) I emailed Ms Flynn as follows:

"Hi Leonie

Following my meeting with you yesterday morning, I had a discussion with Diana Asmar and Kerry Georgiev regarding appropriate procedures for the payment of invoices while my compliance review of the No.1 Branch is underway. I tried to call you on your mobile twice yesterday to discuss payment procedures with you but you have not returned my call

As you are aware and consistent with the rules and policy, you need to authorise (by signature) invoices for the Finance Manager to upload to Commbiz for EFT payment. Once these have been uploaded, you need to authorise first followed by two other BCOM members authorised as signatories to the Branch's accounts.

I understand that there are invoices awaiting payment including a rather urgent BAS payment to the ATO.

Could you please contact Kerry to make arrangements for appropriate payment authorisations.

Thanks

Chris Brown"

33. At 10.09am on 8 August 2013 I received the following response:

"Hi Chris,

Thank you for your email. Unfortunately I left work in the afternoon yesterday due to nausea. I will not be at work today or tomorrow due to nausea and vomiting overnight. I have an appointment to see my Doctor today. Please ensure Diana is aware of my absence (I have emailed her re: myself not being well) and that she authorize all payments in my absence.

Regards,

Leonie Flynn"

34. At 3.47pm on the 8 August 2013 I received the following email from Ms Flynn:

"Hi Chris,

I am just advising that the 1300 number you have provided to me to contact ORS is not correct. I have called it twice and speak to a man named "Scott" who has no idea what I'm talking about.

I also wish to advise that I have been seen by my Doctor and that I will not be working for the next 2 weeks. I shall forward an application for a work cover claim.

Regards,

Leonie Flynn"

35. I advised Ms Asmar that Ms Flynn would be away for two weeks on sick leave. On 9 August 2013, Ms Asmar sent Ms Flynn the following email with a cc to me:

"Dear Leonie,

I hope you are feeling better.

I have just spoken with Chris Brown and he advises that you will be away from work for the next two weeks on sick leave.

Can you please confirm that this is the case?

As you would understand, if this is the case, then we will need to make arrangements to process payments, etc. in your absence.

I'm sorry to have to make this request of you while you are on sick leave, but I'm sure you understand this is a matter of operational importance for the Branch, and as such, I'm hoping you can respond as soon as possible.

Please feel free to give me a call if you wish to discuss.

Regards,

Diana"

36. On 12 August 2013 Ms Flynn responded to Ms Asmar as follows (provided to me by Ms Asmar):

"Dear Diana,

It is very unfortunate that I write this email to confirm that I will be absent for the next two weeks due to being very unwell, once again, caused by work related stress and bullying. I shall forward by email, or post in the mail, the paperwork for my work cover claim.

I do not understand why it would be difficult for you to arrange processing of payments, transfer of funds etc., in my absence. I have never been able to undertake this role. You have ensured that you are always to be the first signatory of any funds transfers, and have only provided me with a commbizz device since the BCOM meeting on 5 August whereby, I raised the matter as an issue, along with having access to all financial records in the FM's office. You advised the members of BCOM that you would be seeking legal advice to both these issues raised. It was with great coincidence that I was then directed to collect a commbizz device from your PA that very afternoon. Regardless of this, pursuant to Rule 63 of the HSU Rules, where the Assistant Secretary/Treasurer is unable to authorise payments/transfer of funds then the Secretary shall perform that role in my absence.

I do not feel that I could call you to discuss anything as I find you very intimidating and manipulative toward me, nasty in your selection of words toward me and am currently frightened by you.

Yours sincerely,

Leonie"

37. I conducted a review of the financial procedures during the course of August 2013. I drafted up a series of proposed resolutions to be put before the branch Committee of Management. A copy of those proposed resolutions is Annexure 3 to this statement. There were two

documents that contained those draft resolutions. The first is headed "Draft Resolutions for Vic No. 1 Branch Com to September 2013" and the second is untitled and it is a list of employees and their salary. The latter arose out of the fact I became aware that there had been no resolutions passed in accordance with the rules appointing employees to particular positions and establishing their salaries. I understand that most of the resolutions I proposed were passed. I understand the first three resolutions (approving the finance manager and the executive assistant be issued with a debit card and the resolution concerning the petty cash float) were not passed. I considered that those three resolutions were just better ways of operating rather than any particular requirement of the rules.

Complaint by Ms Flynn to the FWC: from late August 2013

38. Sometime in about late August 2013, I met with Chris Enright the Director of the Regulatory Compliance Branch of the Fair Work Commission. This meeting was at his request. Mr Enright provided me with a copy of Ms Flynn's complaint to FWC regarding the Victoria No.1 Branch to view. I took some time to read over the complaint. Contained in the complaint were many of the matters that Ms Flynn had previously raised with me. There were some new matters that I was not previously aware of.
39. On my initial reading of the complaints, and based on my knowledge of events that had occurred, I formed the view that some of the matters raised in Ms Flynn's complaint were wrong, some were based on a misunderstanding or misinterpretation of events, some appeared to be justified while others I was not able to form an opinion on. Although Mr Enright did not express a final conclusion about the matter, he did raise the prospect that an investigation or an inquiry would be established under the Act into some of the allegations raised by Ms Flynn. He expressed uncertainty about whether all of the accusations properly fell within the power of the Fair Work Commission to deal with. Following my viewing of the material Mr Enright advised me that he would be forwarding the complaint to Ms Asmar.
40. On 8 September 2013, Mr Enright wrote to Ms Asmar advising that he has received a statement from Ms Flynn by way of a disclosure under s337A of the FWRO Act and providing a copy of the document and associated annexures. He indicated that the content was under consideration and that he would advise of what action he intended to take if any. I advised Ms Asmar that it would be prudent to provide Mr Enright with an initial response to the content of Ms Flynn's complaint. Following Ms Flynn's complaint I understand that

several other ex-employees of the branch provided statements to FWC similar in nature to Ms Flynn's complaint.

41. On 12 September 2013 Clay Lucas a reporter with The Age newspaper emailed the several members of senior management of the Victoria No.1 Branch as follows:

Hi all

I have a statement from Leonie Flynn that has been given to the Fair Work Commission. It relates to a number of issues and allegations Ms Flynn says in the statement that she is concerned about. Could someone from the HWU please phone me to discuss this document, which I understand you are aware of? I am preparing a story and need to speak to a union spokesperson. My numbers are below.

yours sincerely

Clay Lucas

Workplace Editor, The Age

42. Later the same day Mr Clay, having not received a reply to his email, emailed a list of specific questions to the branch. Still having received no response Mr Lucas emailed the questions to me and followed up with a phone call. We discussed the nature of the allegations. The next day an article appeared in The Age titled "Fresh misconduct claims hit Health Services Union" and in the Sydney Morning Herald titled "Claims of cronyism in health union".

43. On 18 September 2013 Chris Enright, head of the Regulatory and Compliance Branch of the Fair Work Commission briefed me on his decision to conduct an investigation into the financial affairs of the Victoria No.1 Branch under s331 of the FWRO Act. On 19 September 2013 the General Manager of FWC issues a Media Release announcing the Investigation into the HSU Victorian No.1 Branch under s331 of Act. The statement included the following:

"In late July the Commission first received correspondence alleging potential rule breaches involving the Branch. A more formal statement was received earlier this month further detailing these allegations.

The investigation will focus on allegations of potential rule breaches relating to the reporting unit's finances or financial administration. Further allegations regarding

Entry Permits will be dealt with separately as these are governed by the Fair Work Act 2009."

44. Throughout the remainder of the year and into early 2014 I worked with the branch, Ms Flynn's return to work provider and the insurance company's workers compensation case manager to ensure that the branch met its obligations under the Accidents Compensation Act and that the return to work arrangements were practical and maximised Ms Flynn's capacity to recover.
45. Given the breakdown in the relationship between Ms Flynn and the management of the Victoria No.1 Branch it was not practical for Ms Flynn to physically return to the office to undertake return to work activities. The insurance company arranged for Ms Flynn to undertake training that would enhance Ms Flynn's employment opportunities in the future given that Ms Flynn had indicated a desire to find other employment. Due to the breakdown in the relationship between Ms Flynn and the Branch Management I arranged for Mark McLeay, Senior Industrial Officer in the HSU National Office, with the consent of all parties, to be the workplace liaison contact for Ms Flynn so that she did not have to deal directly with the branch.

Annexure 1

Nicola Hope

From: Leonie Flynn [Leonie.Flynn@hsu.vic.asn.au]
Sent: Friday, 7 June 2013 3:20 PM
To: Chris Brown
Subject: RE: New Draft Financial Reporting Guidelines

Dear Chris,

I wish to meet with you to discuss the HSU rules and procedures of the financial responsibility that I hold as a matter of urgency. Please advise of a suitable day and time and I shall endeavour to make sure of my availability.

Kind regards,

Leonie

HSU VIC No. 1 Branch

Leonie Flynn
Assistant Secretary / Treasurer
Health Services Union
208-212 Park Street
South Melbourne VIC 3205
Ph: 1800 331 974 Fax: 9341 3334
mob: [REDACTED]
email: leonie.flynn@hsu.vic.asn.au

From: Chris Brown [<mailto:chrisb@hsu.net.au>]
Sent: Monday, 3 June 2013 4:04 PM
To: Andrew Lillicrap; Kimberley Kitching; Leonie Flynn
Subject: FW: New Draft Financial Reporting Guidelines

FYI this was sent to Branch Secretaries this afternoon.

From: Chris Brown
Sent: Monday, 3 June 2013 3:54 PM
To: Chris Brown (Work); Craig McGregor; Dan Hill; Diana Asmar; Gerard Hayes; Jorge Navas; Lloyd Williams; Rosemary Kelly; Zita Mitchell
Subject: New Draft Financial Reporting Guidelines

Hi All

Attached is a draft of the proposed FWC reporting guidelines for the current financial year going forward. The document is out for consultation until 14 June at which time it will be finalised. I am not anticipating that the final document will be much different from this version.

The guidelines require a far greater detail of reporting than is currently the case.

Even though this is only a draft I strongly recommend you provide it to your financial controllers and auditors for them to consider what will be required to complete the 2012/2013 General Purpose Financial Report.

If you have any comments to make regarding the draft can you let me know before 14 June.

Regards

Chris Brown
National President
Health Services Union
GPO Box 20349
World Square
New South Wales 2002

Mobile:



Email:

chrisb@hsu.net.au



Message protected by MailGuard: e-mail anti-virus, anti-spam and content filtering.
<http://www.mailguard.com.au/mg>

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Message protected by MailGuard: e-mail anti-virus, anti-spam and content filtering.
<http://www.mailguard.com.au/mg>

Nicola Hope

From: Leonie Flynn [lonesestar@gmail.com]
Sent: Wednesday, 31 July 2013 3:00 PM
To: Chris Brown
Cc: lloydw@hacsu.asn.au
Subject: HSU Victoria No.m1 Branch - Letter of Concerns

Dear Chris,

I wish to advise you that following our meeting on Monday and extensive consideration that I decided to lodge a letter of concerns to the General Manager at the FWC utilising the protection of the Whistleblowers Act. Please advise of the appropriateness of providing a copy of that complaint to yourself as well, at this time, considering Diana is not aware of my action.

Thank you,

Leonie

Sent from my iPad

Nicola Hope

From: Chris Brown [chrisb@hsu.net.au]
Sent: Wednesday, 31 July 2013 3:21 PM
To: Leonie Flynn
Cc: Lloyd Williams
Subject: RE: HSU Victoria No.m1 Branch - Letter of Concerns

Thanks for advising me Leonie

Yes I would like a copy of the letter you lodge with the General Manager of FWC.

As I advised at our meeting on Monday, I will be raising the issues identified with Diana and and Kimberley when I meet with them next. I have an obligation to ensure that the rules are complied with.

Thanks

Chris Brown
National President
Health Services Union
GPO Box 20349
World Square
New South Wales 2002

Mobile: [REDACTED]
Email: chrisb@hsu.net.au

-----Original Message-----

From: Leonie Flynn [REDACTED]
Sent: Wednesday, 31 July 2013 3:00 PM
To: Chris Brown
Cc: lloydw@hacsu.asn.au
Subject: HSU Victoria No.m1 Branch - Letter of Concerns

Dear Chris,

I wish to advise you that following our meeting on Monday and extensive consideration that I decided to lodge a letter of concerns to the General Manager at the FWC utilising the protection of the Whistleblowers Act. Please advise of the appropriateness of providing a copy of that complaint to yourself as well, at this time, considering Diana is not aware of my action.

Thank you,

Leonie

Sent from my iPad

Nicola Hope

From: Chris Brown [chrisb@hsu.net.au]
Sent: Thursday, 1 August 2013 1:09 PM
To: Diana Asmar; Kimberley Kitching
Subject: FW: HSU Victorian No. 1 Branch - Policies and Procedures
Attachments: HSU Victorian No 1 Branch Policies and Procedures.pdf

Hi

Given today's meeting I would recommend the following in relation to the attached email from FWC.

1. That the suggested meeting be arranged ASAP.
2. That I be invited to attend
3. That the Assistant Secretary-Treasurer be invited to attend and that she be provided with a copy of the attached correspondence (preferably today) issuing the invitation to attend.

Let me know if you think otherwise.

CB

From: Chris Brown [mailto:chris@hacsutas.net.au]
Sent: Thursday, 1 August 2013 12:51 PM
To: Chris Brown
Subject: FW: HSU Victorian No. 1 Branch - Policies and Procedures

From: FENWICK, Joanne [mailto:Joanne.FENWICK@fwc.gov.au]
Sent: Thursday, 1 August 2013 10:29 AM
To: diana.asmar@hsuvc.asn.au
Cc: Chris Brown
Subject: HSU Victorian No. 1 Branch - Policies and Procedures

Diana

Please find attached a letter for FWC address the email received from Mr Michael Shulmann on 28 June 2013.

Regards

JOANNE FENWICK
Financial Reporting Specialist
Regulatory Compliance Branch

Fair Work Commission
Tel: (03) 8661 7886
Fax: (03) 9655 0410
joanne.fenwick@fwc.gov.au

11 Exhibition Street, Melbourne Victoria 3000
GPO Box 1994, Melbourne Victoria 3001

www.fwc.gov.au

Nicola Hope

From: Diana Asmar [Diana.Asmar@hsuvic.asn.au]
Sent: Thursday, 1 August 2013 6:04 PM
To: FENWICK, Joanne
Cc: Leonie Flynn; Kimberley Kitching; Kerry Georgiev; Michael Shulman (michael.shulman@stannards.com.au); Chris Brown
Subject: RE: HSU Victorian No. 1 Branch - Policies and Procedures

Dear Joanne,

Thank you for your earlier email and attached correspondence.

I welcome the opportunity to attend the FWC, to discuss the issues you have raised.

I'd also like to accept your offer to extend an invitation to a representative of our national body, and if you are in agreement I would like for that person to be our National President, Mr Chris Brown.

In a similar vein I ask if you would have any objections to us also inviting the follow people, whom I believe could make a valued contribution to our discussions:

HSU National President – Mr Chris Brown

HWU Assistant Secretary and Treasurer – Ms Leonie Flynn

HWU General Manager – Ms Kimberley Kitching

HWU Finance Manager – Ms Kerrie Georgiev

Auditors (Stannards) – Mr Michael Schulman

I look forward to your reply, and working with you in addressing these matters.

Sincerely,

Diana Asmar

From: FENWICK, Joanne [<mailto:Joanne.FENWICK@fwc.gov.au>]
Sent: Thursday, 1 August 2013 10:29 AM
To: Diana Asmar
Cc: chris@hacsutas.net.au
Subject: HSU Victorian No. 1 Branch - Policies and Procedures

Diana

Please find attached a letter for FWC address the email received from Mr Michael Shulmann on 28 June 2013.

Regards

JOANNE FENWICK
Financial Reporting Specialist
Regulatory Compliance Branch

Fair Work Commission

Tel: (03) 8661 7886

Fax: (03) 9655 0410

joanne.fenwick@fwc.gov.au

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Nicola Hope

From: Diana Asmar [Diana.Asmar@hsuvic.asn.au]
Sent: Thursday, 1 August 2013 6:07 PM
To: Leonie Flynn
Subject: FW: HSU Victorian No. 1 Branch - Policies and Procedures
Attachments: HSU Victorian No 1 Branch Policies and Procedures.pdf.pdf

Hi Leonie,

Please see my earlier email (below), including a response to an email (with attached letter) I received from Joanne Fenwick at the FWC earlier today (also below).

You will notice that in her letter, Joanne has requested a meeting, and that in my response I have indicated that I would like to attend that meeting and have also asked Joanne if she would have any objections to you attending, along with Chris Brown, Kimberley Kitching, Kerri Georgiev, and Michael Schulman.

Please let me know if you have any concerns with this, and I will be happy to assist.

Hope this finds you well.

Thanks

Diana

From: Diana Asmar
Sent: Thursday, 1 August 2013 6:05 PM
To: 'FENWICK, Joanne'
Cc: Leonie Flynn; Kimberley Kitching; Kerry Georgiev; Michael Shulman (michael.shulman@stannards.com.au); chrisb@hsu.net.au
Subject: RE: HSU Victorian No. 1 Branch - Policies and Procedures

Dear Joanne,

Thank you for your earlier email and attached correspondence.

I welcome the opportunity to attend the FWC, to discuss the issues you have raised.

I'd also like to accept your offer to extend an invitation to a representative of our national body, and if you are in agreement I would like for that person to be our National President, Mr Chris Brown.

In a similar vein I ask if you would have any objections to us also inviting the follow people, whom I believe could make a valued contribution to our discussions:

HSU National President – Mr Chris Brown

HWU Assistant Secretary and Treasurer – Ms Leonie Flynn

HWU General Manager – Ms Kimberley Kitching

HWU Finance Manager – Ms Kerrie Georgiev

Auditors (Stannards) – Mr Michael Schulman

I look forward to your reply, and working with you in addressing these matters.

Sincerely,

Diana Asmar

From: FENWICK, Joanne [<mailto:Joanne.FENWICK@fwc.gov.au>]
Sent: Thursday, 1 August 2013 10:29 AM
To: Diana Asmar
Cc: chris@hacsutas.net.au
Subject: HSU Victorian No. 1 Branch - Policies and Procedures

Diana

Please find attached a letter for FWC address the email received from Mr Michael Shulmann on 28 June 2013.

Regards

JOANNE FENWICK
Financial Reporting Specialist
Regulatory Compliance Branch

Fair Work Commission
Tel: (03) 8661 7886
Fax: (03) 9655 0410
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Nicola Hope

From: Chris Brown [chrisb@hsu.net.au]
Sent: Tuesday, 6 August 2013 4:41 PM
To: Leonie Flynn
Subject: Employee Assistance Program

Hi Leonie

Further to our telephone conversation this morning, I have arranged for you to access an Employee Assistance Program (EPA). The provider is a company called ORS Group. If you call them on 1300 667 789 and tell them you work for HACSU (Health and Community Services Union - Tasmania) and quote ID Number 1009080 they will take you contact details and a Melbourne based psychologist will call you directly to make an appointment.

This is a completely confidential arrangement and I receive no information or report other than the invoice. You can access up to three sessions with the psychologist. If you need more than this then let me know.

I strongly suggest that you contact them.

Hope this helps.

CB

Chris Brown
National President
Health Services Union
GPO Box 20349
World Square
New South Wales 2002

Mobile: [REDACTED]
Email: chrisb@hsu.net.au



Nicola Hope

From: Chris Brown [chrisb@hsu.net.au]
Sent: Thursday, 8 August 2013 6:12 AM
To: Leonie Flynn
Subject: EFT payments awaiting your approval

Hi Leonie

Following my meeting with you yesterday morning, I had and discussion with Diana Asmar and Kerry Georgiev regarding appropriate procedures for the payment of invoices while my compliance review of the No.1 Branch is underway. I tried to call you on your mobile twice yesterday to discuss payment procedures with you but you have not returned my call

As you are aware and consistent with the rules and policy, you need to authorises (by signature) invoices for the Finance Manager to upload to Commbiz for EFT payment. Once these have been uploaded, you need to authorise first followed by two other BCOM members authorised as signatories to the Branch's accounts.

I understand that there are invoices awaiting payment including a rather urgent BAS payment to the ATO.

Could you please contact Kerry to make arrangements for appropriate payment authorisations.

Thanks

Chris Brown
National President
Health Services Union
GPO Box 20349
World Square
New South Wales 2002

Mobile: [REDACTED]
Email: chrisb@hsu.net.au



Nicola Hope

From: Leonie Flynn [Leonie.Flynn@hvu.org.au]
Sent: Thursday, 8 August 2013 10:09 AM
To: Chris Brown
Subject: Re: EFT payments awaiting your approval
Attachments: image001.jpg

Hi Chris,

Thank you for your email. Unfortunately I left work in the afternoon yesterday due to nausea. I will not be at work today or tomorrow due to nausea and vomiting overnight. I have an appointment to see my Doctor today. Please ensure Diana is aware of my absence (I have emailed her re: myself not being well) and that she authorize all payments in my absence.

Regards,

Leonie Flynn
Assistant Secretary / Treasurer
Health Services Union
Mobile: [REDACTED]
Email: leonie.flynn@hsuvic.asn.au

On 08/08/2013, at 6:12 AM, "Chris Brown" <chrisb@hsu.net.au> wrote:

Hi Leonie

Following my meeting with you yesterday morning, I had a discussion with Diana Asmar and Kerry Georgiev regarding appropriate procedures for the payment of invoices while my compliance review of the No.1 Branch is underway. I tried to call you on your mobile twice yesterday to discuss payment procedures with you but you have not returned my call

As you are aware and consistent with the rules and policy, you need to authorise (by signature) invoices for the Finance Manager to upload to Commbiz for EFT payment. Once these have been uploaded, you need to authorise first followed by two other BCOM members authorised as signatories to the Branch's accounts.

I understand that there are invoices awaiting payment including a rather urgent BAS payment to the ATO.

Could you please contact Kerry to make arrangements for appropriate payment authorisations.

Thanks

Chris Brown
National President
Health Services Union
GPO Box 20349
World Square
New South Wales 2002

Mobile: [REDACTED]
Email: chrisb@hsu.net.au

<image001.jpg>

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Nicola Hope

From: Leonie Flynn [Leonie.Flynn@hvu.org.au]
Sent: Thursday, 8 August 2013 3:47 PM
To: Chris Brown
Subject: Re: Employee Assistance Program
Attachments: image001.jpg

Hi Chris,

I am just advising that the 1300 number you have provided to me to contact ORS is not correct. I have called it twice and speak to a man named "Scott" who has no idea what I'm talking about.

I also wish to advise that I have been seen by my Doctor and that I will not be working for the next 2 weeks. I shall forward an application for a work cover claim.

Regards,

Leonie Flynn
Assistant Secretary / Treasurer
Health Services Union
Mobile: 0428 999 125
Email: leonie.flynn@hsu.vic.asn.au

On 06/08/2013, at 4:41 PM, "Chris Brown" <chrisb@hsu.net.au> wrote:

Hi Leonie

Further to our telephone conversation this morning, I have arranged for you to access an Employee Assistance Program (EPA). The provider is a company called ORS Group. If you call them on 1300 667 789 and tell them you work for HACSU (Health and Community Services Union - Tasmania) and quote ID Number 1009080 they will take your contact details and a Melbourne based psychologist will call you directly to make an appointment.

This is a completely confidential arrangement and I receive no information or report other than the invoice. You can access up to three sessions with the psychologist. If you need more than this then let me know.

I strongly suggest that you contact them.

Hope this helps.

CB

Chris Brown
National President
Health Services Union
GPO Box 20349
World Square
New South Wales 2002

Mobile: 
Email: chrisb@hsu.net.au

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Nicola Hope

From: Diana Asmar [Diana.Asmar@hwu.org.au]
Sent: Friday, 9 August 2013 3:28 PM
To: Leonie Flynn
Cc: Chris Brown
Subject: Confirmation of Sick Leave

Dear Leonie,

I hope you are feeling better.

I have just spoken with Chris Brown and he advises that you will be away from work for the next two weeks on sick leave.

Can you please confirm that this is the case?

As you would understand, if this is the case, then we will need to make arrangements to process payments, etc. in your absence.

I'm sorry to have to make this request of you while you are on sick leave, but I'm sure you understand this is a matter of operational importance for the Branch, and as such, I'm hoping you can respond as soon as possible.

Please feel free to give me a call if you wish to discuss.

Regards,

Diana



Diana Asmar | State Secretary | Health Workers Union
208-212 Park Street | South Melbourne | Melbourne 3205
www.hsu.net.au | diana.asmar@hsuvic.asn.au | Telephone: 03 9341 3354 | Facsimile : 03 9341 3334

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Nicola Hope

From: Diana Asmar [Diana.Asmar@hvu.org.au]
Sent: Monday, 12 August 2013 10:41 AM
To: Chris Brown; David Shaw
Subject: FW: Confirmation of Sick Leave

FYI – see below

From: Leonie Flynn
Sent: Monday, 12 August 2013 10:26 AM
To: Diana Asmar
Subject: RE: Confirmation of Sick Leave

Dear Diana,

It is very unfortunate that I write this email to confirm that I will be absent for the next two weeks due to being very unwell, once again, caused by work related stress and bullying. I shall forward by email, or post in the mail, the paperwork for my work cover claim.

I do not understand why it would be difficult for you to arrange processing of payments, transfer of funds etc., in my absence. I have never been able to undertake this role. You have ensured that you are always to be the first signatory of any funds transfers, and have only provided me with a commbizz device since the BCOM meeting on 5 August whereby, I raised the matter as an issue, along with having access to all financial records in the FM's office. You advised the members of BCOM that you would be seeking legal advice to both these issues raised. It was with great coincidence that I was then directed to collect a commbizz device from your PA that very afternoon. Regardless of this, pursuant to Rule 63 of the HSU Rules, where the Assistant Secretary/Treasurer is unable to authorise payments/transfer of funds then the Secretary shall perform that role in my absence.

I do not feel that I could call you to discuss anything as I find you very intimidating and manipulative toward me, nasty in your selection of words toward me and am currently frightened by you.

Yours sincerely,

Leonie

HSU VIC No. 1 Branch

Leonie Flynn
Assistant Secretary / Treasurer
Health Services Union
208-212 Park Street
South Melbourne VIC 3205
Ph: 1800 331 974 Fax: 9341 3334
mob: [REDACTED]
email: leonie.flynn@hsuvic.asn.au

From: Diana Asmar
Sent: Friday, 9 August 2013 3:28 PM
To: Leonie Flynn
Cc: chrisb@hsu.net.au
Subject: Confirmation of Sick Leave

Dear Leonie,

I hope you are feeling better.

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I'm sorry to have to make this request of you while you are on sick leave, but I'm sure you understand this is a matter of operational importance for the Branch, and as such, I'm hoping you can respond as soon as possible.

Please feel free to give me a call if you wish to discuss.

Regards,

Diana



Diana Asmar | State Secretary | Health Workers Union
208-212 Park Street | South Melbourne | Melbourne 3205
www.hsu.net.au | diana.asmar@hsu.vic.asn.au | Telephone: 03 9341 3354 | Facsimile : 03 9341 3334

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Annexure 2

Proposed Notes and Resolutions for the BCOM on Monday 5 August 2013

1. At the BCOM meeting on 8 April 2013, the following resolution was passed:
 1. *BCOM giving noted the Secretary's report on the need to amend the rules relating to the role of the Secretary and the Assistant-Secretary/Treasurer authorises the Branch delegates to National Council to support rule changes which would:*
 - a. *Consistent with the Secretary being the Chief Executive Officer of the Branch, provide that the Assistant-Secretary/Treasurer in the performance of her duties, will be subject to direction by the Branch Secretary provided that the rule changes do nothing to diminish the scope of the Assistant-Secretary/Treasurer's functions in relation to the finances of the Branch;*
 - b. *Change the name of the Audit and Compliance Committee to the Finance Committee and add to the membership of the Finance Committee of the Victoria No 1 Branch the Branch President and the Branch Secretary.*
 2. *BCOM authorises the Branch Secretary to review the Financial Policies and/or Procedures of the Branch in the light of any rule changes adopted by the National Council in relation to the respective powers of the Branch Secretary and the Assistant-Secretary/Treasurer and bring these changes to the meeting of the Branch Committee for approval.*

It would appear from subsequent BCOM Minutes that the revised policy was never presented to or adopted by the BCOM as required by rule 83.

Therefore the financial management policy that is current is the one adopted by the Administrator on 22 November 2012.

To avoid any doubt I suggest that Diana make a statement to the BCOM indicating that the rules have been changed it is not possible to revise the Financial Management policy and that BCOM members should therefore note that the current policy is the one issued by the Administrator on 22 November 2012. This should be minuted.

Diana should also make a statement that if in any previous reports by her to the BCOM, that it was interpreted that she had advised that the rules had already been changed were incorrect and was a mix up in terminology. This statement should also be minuted.

At the BCOM Meeting held on 24 June 2013, the following resolution was passed:

Motion that in accordance with the recommendations of the Fair Work Commission that the Assistant-Secretary/Treasurer could present reports to the Finance Committee but not be a member of the Committee, and that the Branch Committee of Management undertake to go through the process of searching and appointing an Independent Chair of the Finance Committee, and that the minutes be tabled to the Fair Work Commission to show we are complying.

While the resolution was passed in good faith, it was based on advice provided by the Fair Work Commission which did not adequately identify the rule impediments with implementing that advice.

It has since come to our attention that changing the composition of the Finance Committee cannot occur until the rules of the Union have been changed.

PROPOSED MOTION

“Motion that the resolution of the BCOM meeting on 24 June 2013 removing the Assistant Secretary/Treasurer from the Finance Committee be rescinded. To avoid doubt, and until such time as the rules of the Union are altered to provide otherwise, the Finance Committee consists of the following members consistent with Rule 88 of the Registered Rules of the HSU: Leonie Flynn Susan Stone, Gordon Driscoll, Lance Smith and Julie-Anne Mitchell.

Until such time as the rules of the union are altered to provide for an independent chair, one of the members of the Finance Committee should be nominated by the meeting to chair the meeting. Consistent with the advice from Fair Work Commission, it is not appropriate that the Assistant Secretary/Treasurer chair finance committee meetings.

Any Officer of the Union or BCOM member may attend Finance Committee meetings as observers and have speaking rights if the meeting so decides but shall not have any voting rights. The Secretary and the President shall have automatic speaking rights unless the meeting decides otherwise.

The Secretary is requested to draft branch rule changes to provide for an independent chair of the Finance Committee, and subject to further governance advice from the Fair Work Commission, consider the appropriateness of the role of the Assistant Secretary/Treasurer on the Finance Committee.”

Annexure 3

Draft resolutions for Vic No.1 Branch COM 2 September 2013

"That BCOM approves the Finance Manager, Kerry Georgiev, being issued with a Union supplied National Bank Visa Debit Card to be used in strictly accordance with Financial Policy and Procedures of the Branch."

"That BCOM approves the Secretary's Executive Assistant, Hala Salem being issued with a Union supplied National Bank Visa Debit Card to be used strictly in accordance with Financial Policy and Procedures of the Branch."

"BCOM authorises the Finance Manager Kerry Georgiev, to be issued with CommBiz access and tokens and to administratively operate the Commonwealth Bank operating account in the name of the Branch, excluding authority to authorise expenditure, in accordance with the Financial Policy and Procedures of the Branch."

"That BCOM authorises the establishment of a petty cash float of \$500 to cover small incidental expenses, up to a maximum of \$50 for any one item, to be operated in accordance with the Financial Management Policy and Procedures. The petty cash float is to be reconciled by the Finance Manager at the end of every month and refreshed. Any anomaly between the float of \$500 and the reconciliation is to be reported to the Audit and Compliance Committee."

"BCOM notes the report of the Secretary regarding a recent meeting with the Regulatory Branch of the Fair Work Commission regarding the Branch's Financial Policy and Procedures. BCOM further notes that the recent compliance audit conducted by National President Chris Brown which also identified a number of deficiencies in the current Financial Policy and Procedures. Notwithstanding previous resolutions of this BCOM regarding changes to the Financial Policy and Procedures, BCOM instructs the Audit and Compliance Committee to undertake an urgent review of the Financial Policy and Procedures, including the Audit and Finance Committee Charter, and make recommendations regarding proposed amendments. In reviewing the Financial Policy and Procedures, the Audit and Finance Committee is to take account of suggestions made by the Fair Work Commission, similar policies adopted by HSU National, and consult with the HSU National President regarding any proposed amendments."

“BCOM notes that the Assistant Secretary/Treasurer has lodged a Workcover claim dated from 8 August 2013 and has provided a Workcover medical certificate current until 18 September 2013. In accordance with Clause 3.2 of the Branch’s Financial Policy and Procedures, BCOM authorises the Secretary to approve by signature all cheques and written authorisations for the transfer and/or disbursement of the Branch together with any two members of the BCOM.”

“Noting the resolution from the BCOM meeting held on 4 March 2013 authorising the Secretary to renew the motor vehicle fleet, BCOM approves the purchase of Holden Captiva CS Diesel vehicles for the fleet.”

“In accordance with the rules, BCOM appoints Michael Schulman of Standards Accountants and Advisors as the Branch Auditor for the 2013-2014 financial year.”

“BCOM appoints ???? to chair the Audit and Finance Committee until such time as the Union rules or Finance Policy and Procedures provide for an alternative arrangements or the BCOM decides otherwise. Further BCOM determines that the quorum for meetings of the Audit and Finance Committee with the three of the five members.”

“The Branch Committee of Management (BCOM) confirms the appointment of the following staff at the classification level indicated and, where indicated, with the private use of a fully maintained motor vehicle as part of their salary package and on accordance with the Branch’s Motor Vehicle Policy:

Name	Position	Salary	Level	Car Part of Package
Diana Asmar	Secretary	\$135,000.00		Yes
Leonie Flynn	Assistant Secretary	\$126,582.27		Yes
Hala Salem	Ex Assistant	\$69,778.80- \$78,293.80	Level 2	No
Kimberley Kitching	General Manager	\$85,116.20- \$120,000.00	Level 5	Yes
Mark Donohue	Operations Officer	\$69,778.80- \$102,538.80	Level 4	Yes
Abby Pinski	Ex Assistant	\$48334.00- \$69,373.00	Level 1	No
Kerry Georgiev	Finance Officer	\$69,778.80- \$102,538.80	Level 4	Yes
Nathan Murphy	Senior Industrial Officer	\$69,778.80- \$102,538.80	Level 4	Yes
Peggy Lee	Agreements Officer	\$55146.00- \$85,000.00	Level 3	No
Dean Sherriff	Industrial Officer	\$69,778.80- \$102,538.80	Level 4	Yes
Rose Charbel	Industrial Assistant	\$48334.00- \$69,373.00	Level 1	No
Josie Nakat	Industrial Assistant	\$48334.00- \$69,373.00	Level 1	No
Linda Di Pierro	Membership Manager	\$48334.00- \$69,373.00	Level 1	No
Fida Antoun	Membership/Admin Assistant	\$48334.00- \$69,373.00	Level 1	No
Scrlett Hawkins	Membership/Admin Assistant	\$48334.00- \$69,373.00	Level 1	No
Linda Smirnow	Membership/Admin Assistant	\$48334.00- \$69,373.00	Level 1	No
Nicola Mathiewson	Membership/Admin Assistant	\$48334.00- \$69,373.00	Level 1	No
Nick Katsis	Acting Lead Organiser	\$55146.00- \$85,000.00	Level 4	Yes
Sel Sanli	Organiser	\$55146.00- \$85,000.00	Level 3	Yes
Dee McIntosh	Organiser	\$55146.00- \$85,000.00	Level 3	Yes
Darryn Rowe	Organiser	\$55146.00- \$85,000.00	Level 3	Yes
Steven Mitchell	Organiser	\$55146.00- \$85,000.00	Level 3	Yes
Lee Atkinson	Organiser	\$55146.00- \$85,000.00	Level 3	Yes
Tim Rowley	Organiser	\$55146.00- \$85,000.00	Level 3	Yes
Jack Massa	Organiser	\$55146.00- \$85,000.00	Level 3	Yes
Moirsa Saunderson	Organiser	\$55146.00- \$85,000.00	Level 3	Yes
Peter Lazarevski	Organiser	\$55146.00- \$85,000.00	Level 3	Yes
Brett Hey	Organiser	\$55146.00- \$85,000.00	Level 3	Yes
Hiba Salem	Organiser	\$55146.00- \$85,000.00	Level 3	Yes
Lachlan Enshaw	Organiser	\$55146.00- \$85,000.00	Level 3	Yes

Bob Tanoski	Organiser	\$55146.00- \$85,000.00	Level 3	Yes
Cameron Granger	Organiser	\$55146.00- \$85,000.00	Level 3	Yes
David Eden	Information Officer	\$55146.00- \$85,000.00	Level 3	Yes
Jeanine Ghantous	Growth Organiser	\$48334.00- \$69,373.00	Level 1	No
Rhonda Barclay	Growth Organiser	\$48334.00- \$69,373.00	Level 1	No
Kamal Bekhazi	Research Officer	\$55146.00- \$85,000.00	Level 3	No
Imad Elzind	IT Officer	\$55146.00- \$85,000.00	Level 3	No

and resolves that the conditions of employment for the employees listed above will be in accordance with the Victorian Public Health Sector (Health Professionals, Health & Allied Services, Managers and Administrative Officers) Multi Enterprise Agreement 2011-2015.

All appointments are full-time positions with a six month probation period commencing from the date of appointment.”