Australian Diabetes Educators Association Limited

By-Laws

DEFINITIONS AND INTERPRETATION

1. INTERPRETATION

1.1 In the interpretation of these By-laws, except where excluded by context, words and phrases have the same meanings where used in the Constitution.

2. DEFINITIONS

2.1 In these by-laws:

(i) **Branch** means the state and territory branches of the Association established by the Association in accordance with By-Law 1.1 from time to time;

(ii) **Branch Executive** means the board of management for a Branch established by each Branch in accordance with By-Law 5 from time to time;

(iii) **Code of Conduct** means the code of conduct of the Association in force from time to time;

(iv) **National Office** means the head office of the Association from time to time;

(v) **Strategic Plan** means such strategic plan developed or implemented by the Association from time to time.

BY-LAW 1 BRANCHES

1. BRANCH ESTABLISHMENT

1.1 The following Branches are established:

Branch	Jurisdiction
New South Wales	The whole of New South Wales
Victoria	The whole of Victoria
Queensland	The whole of Queensland
Western Australia	The whole of Western Australia
South Australia	The whole of South Australia
Tasmania	The whole of Tasmania
Northern Territory	The whole of the Northern Territory
Australian Capital Territory	The whole of the Australian Capital Territory

2. FUNCTIONS OF THE BRANCHES

2.1 Each Branch is responsible for furthering the objectives of the Association within its jurisdiction as indicated in clause 1.1.

2.2 Each Branch is bound by the Constitution and these by-laws and must operate within the written policies of the Association at all times.

2.3 Each Branch must supply to the National Office, when requested, reports on that Branch's activities, in a form specified by the Board from time to time, to:

(i) enable the Association to undertake performance monitoring of the Branch's activities; and

(ii) for inclusion in the Annual Report.

2.4 No Branch may:

(i) incur any liability in excess of the amount of funds that have had prior approval from the CEO; or

(ii) raise funds for special projects;

without the written authority of the CEO.

2.5 The National Office will maintain proper accounts of each Branch's financial activities for all:

(i) revenues and expenditures; and

(ii) assets and liabilities.

3. MEMBERSHIP OF BRANCHES

3.1 Unless otherwise nominated by a Member, the members of a Branch are those Members who reside or carry on business within the jurisdiction of that Branch ("Branch Members").

3.2 There will be a register of Branch Members maintained by the National Office setting out the full names, addresses, date of commencement of membership and date of termination of membership of each Branch Member available to the Branches as required.

3.3 National Office will provide membership details to the branch executive.

4. GENERAL MEETINGS OF BRANCHES

4.1 Each Branch is to hold a general meeting at least once annually (and typically more frequently) and give all Branch Members reasonable notice of the time, place and agenda to facilitate as broad an attendance as possible.

4.2 The purpose of a Branch general meeting is to allow the Branch Executive to report to Branch Members on Branch activities, performance and finances, and to conduct Branch business as necessary and appropriate; and for branch members to raise issues.

5. BRANCH EXECUTIVE

5.1 Each Branch will establish a Branch Executive, unless otherwise directed by the Board, consisting of up to five (5) persons with 2 elected to the following positions:

(i) Chair;

(ii) Secretary;

With the option of

(iii) Finance Officer or Education Officer; and

5.2 No person is eligible to hold office as a member of a Branch Executive unless they are:

(iv) a Full Member of the Association; and

(v) a Branch Member of the Branch concerned

unless otherwise provided for by the Constitution or the by-laws.

5.3 Branches will conduct elections for positions on the Branch Executive in accordance with clause 8.

5.4 A member of a Branch Executive holds office for a period of two (2) years and is eligible for re-nomination and re-election for one (1) other immediate term and then be eligible to apply following a 1-year break.

5.5 At a Branch general meeting, Branch Members may by ordinary resolution remove from office any member of its Branch Executive and appoint another qualified person to act in their stead in accordance with clause 8.

5.6 If there are vacancies in a Branch Executive such that an office or offices of a Branch Executive are unoccupied, the Branch Executive may:

(i) appoint a Branch Member of the Branch concerned to fill the vacancy and the Member so appointed holds office; or

(ii) provided that there are no less than three (2) elected officers on the Branch Executive, excluding persons appointed pursuant to clause 5.6(i), assign the responsibilities of a vacant office to an already elected member of the Branch Executive such that they are also appointed to hold that office;

subject to the Constitution and the By-Laws of the Association, until the commencement of the next Branch Meeting.

6. RESIGNATION OF BRANCH EXECUTIVE MEMBER

6.1 Any member of a Branch Executive may resign from office by giving notice in writing to the Branch of their intention to do so.

6.2 Unless the notice of resignation specifies a date on which the resignation will take effect, the resignation is deemed to take effect immediately.

7. VACATION IN OFFICE

7.1 The office of a member of a Branch Executive is vacated if the person so elected or appointed to that position:

(i) dies;

(ii) ceases to be a member of the Association;

(iii) ceases to be a Branch Member of the Branch concerned;

(iv) is elected or appointed as a Director of the Association;

(v) becomes in the reasonable opinion of the Branch Executive incapable for reasons of physical or mental incapacity of performing his or her duties;

(vi) is absent from two consecutive Branch meetings without leave of absence from the Branch Executive.

8. ELECTION OF BRANCH EXECUTIVE MEMBERS

8.1 Where there is a vacancy in a Branch Executive position, at the commencement of the next Branch meeting the Chair of the Branch, or if the office of Chair is vacant the Secretary of the Branch, shall call for nominations from the Branch Members present for any vacant Branch Executive position.

8.2 A nomination by a Branch Member for any vacant Branch Executive position must be seconded by another Branch Member.

8.3 Where only one nomination is received for a vacant Branch Executive position, that nominee is elected.

8.4 Where more than one nomination is received for a vacant Branch Executive position, the Secretary of the Branch will conduct a secret ballot as follows:

(i) where a nominee obtains more than fifty per cent (50%) of all votes cast, that nominee is elected;

(ii) where no nominee obtains more than fifty per cent (50%) of all votes cast, the nominee who obtained the lowest number of votes is excluded from the ballot and another vote is conducted;

(iii) subject to clause 8.4(iv), the process set out in clause 8.4(ii) shall continue until a nominee obtains more than fifty per cent (50%) of the votes cast;

(iv) in the case of a tied vote, the names of the non-excluded nominees will be placed in a hat and one name drawn out, with the person whose name is drawn from the hat elected to the vacant position.

8.5 The results of the election for the Branch Executive are to be announced by the Secretary at the conclusion of the secret ballot.

8.6 Following the conclusion of the Branch Meeting at which an election has been held for the Branch Executive, the Chair of that Branch must notify the National Office in writing of:

(i) the date on which each election was held;

(ii) the nominees for the vacant Branch Executive position;

(iii) the outcome of the election;

(iv) a full list of the current members of that Branch's Branch Executive; and

(v) the remaining term in office for each member of the Branch Executive.

9. POWERS AND DUTIES OF THE BRANCH EXECUTIVE

9.1 The business of the Branch is to be managed by the Branch Executive which may exercise all powers of the Branch not required by the Constitution or by-laws to be exercised by the Branch in general meeting.

10. FUNDING OF BRANCHES

10.1 A Branch Executive may as agreed with National Office submit to the CEO a request for payment of expenses for approved activities. Expense requests should be in line with a prior approved budget.

10.2 The Board may:

(vi) following consideration of a request from a Branch for financial assistance pursuant to clause 10.1; or

(vii) at any such time as it determines at its sole discretion;

provide an allocation of funds, the amount of which shall be at the sole discretion of the Board, from the Association to a Branch for the purpose of assisting that Branch in meeting their operating costs.

11. SEPARATION OF BRANCHES FROM THE ASSOCIATION

11.1 Where a Branch secedes from the Association, it is deemed to have been dissolved by the Board pursuant to clause 12.

12. DISSOLUTION OF BRANCHES

12.1 The Board may elect at any time to dissolve a Branch established pursuant to clause 19 of the Constitution.

12.2 On dissolution of a Branch, that Branch must:

(i) pay to the Association, as directed by the Board, all funds held by the Branch:

(a) derived using the name or reputation of the Association; or

(b) paid to the Branch by the Association for any reason;

(ii) immediately cease to use the Association's intellectual property and confidential information, including but not limited to any lists of members of the Association or the Branch;

(iii) hand over to the Association, as directed by the Board, all documents, data, computer programs and any other items:

(a) owned by the Association; or

(b) concerning the intellectual property or confidential information of the Association;

which are in its possession or control or, if it is not capable of return, destroy it.

BY-LAW 2 ELECTIONS OF THE BOARD

1. CALLING FOR NOMINATIONS – PROCEDURE

1.1 The Returning Officer will be the Secretary or their nominee from time to time in the National Office.

1.2 Nominations for election to the Board must be made on the form approved by the Board from time to time ("Nomination Form") and must be signed by the nominator, seconder and candidate, all of whom must be full Members of the Association.

1.3 Those nominating for positions are to provide a short written statement on themselves and their suitability and qualifications for office, in a form specified on the Nomination Form addressing any criteria set by the Board for the position.

2. CONDUCT OF ELECTIONS

2.1 Where the vote for elections of the Board is held by way of written ballot:

(i) only properly completed voting papers received prior to the close of the election are to be counted by the Returning Officer;

(ii) all other voting papers are invalid;

(iii) the Returning Officer must count all valid votes.

2.2 Where a candidate has a simple majority of votes, that person is elected.

2.3 Once the Returning Officer has determined the outcome of the election, they are to inform the Board and the candidates in writing of the results.

2.4 The results of elections for the Board will be announced by the President of the Association at the earlier of the next general meeting or annual general meeting.

2.5 The results of the elections will be announced by the National Office to all Members following the election.

2.6 Where the vote for elections of the Board is held by way of written ballot, the Returning Officer may destroy the voting papers three (3) months after the date on which the election was held unless the Board directs otherwise.

3. ELECTION OF BOARD OFFICE BEARERS – PROCEDURE

3.1 The election of Office Bearers of the Association is set out in clause 13 of the Constitution.

3.2 Where there is a vacancy in an Office Bearer position, at the commencement of the next meeting of the Board the President of the Association, or if the office of President is vacant the Vice-President of the Association, shall call for nominations from the Directors present for any vacant Office Bearer position.

3.3 A nomination by a Director for any vacant Office Bearer position must be seconded by another Director.

3.4 Where only one nomination is received for a vacant Office Bearer position, that nominee is elected.

3.5 Where more than one nomination is received for a vacant Office Bearer position, the Returning Officer will conduct a secret ballot as follows:

(i) where a nominee obtains more than fifty per cent (50%) of all votes cast, that nominee is elected;

(ii) where no nominee obtains more than fifty per cent (50%) of all votes cast, the nominee who obtained the lowest number of votes is excluded from the ballot and another vote is conducted;

(iii) subject to clause 3.5(iv), the process set out in clause 3.5(ii) shall continue until a nominee obtains more than fifty per cent (50%) of the votes cast;

(iv) in the case of a tied vote, the names of the non-excluded nominees will be placed in a hat and one name drawn out, with the person whose name is drawn from the hat elected to the vacant position.

3.6 The results of the election for the Board are to be announced by the President at the earlier of the next general meeting or annual general meeting.

BY-LAW 3 WRITTEN BOARD RESOLUTIONS

1. WRITTEN BOARD RESOLUTIONS

1.1 Clause 14.9 of the Constitution provides for written circular resolutions.

1.2 Where the President of the Association determines a written resolution is required, the National Office will provide to all members of the Board the resolution to be considered, together with appropriate background information and a deadline for response either in hard copy or electronically.

1.3 The National Office will advise the President of the outcome of voting and will file a record of voting for and against the resolution and any abstentions.

1.4 At the next meeting of the Board a summary of all written resolutions made in the preceding period will be presented for information and be entered in the Minutes of the Association.

BY-LAW 4 CREDENTIALLED DIABETES EDUCATOR PROGRAM

1. AVAILABILITY OF THE QUALIFICATION "CREDENTIALLED DIABETES EDUCATOR"

1.1 The qualification "Credentialled Diabetes Educator" ("CDE") shall be available to those Members who meet the following criteria:

(i) are Members of the Association;

(ii) hold an existing health professional qualification and meet the certification criteria as approved by the Board from time to time;

(iii) have submitted an application to the Association Credentialling Officer in the approved form, as specified by the Association from time to time, which has been approved by the Association Credentialling Officer;

(iv) have paid the prescribed initial and annual fees determined by the Board from time to time; and

(v) agree to comply with, and continue to meet the ongoing requirements of, the program of continuing professional development as determined by the Credentialling Sub-Committee of the Association and endorsed by the Board ("Program of Continuing Professional Development").

2. PROCESS

2.1 Applications for the qualification of CDE will be processed by the Association Credentialling Officer according to guidelines determined by the Credentialling Committee of the Association and endorsed by the Board from time to time.

2.2 Where an application for the qualification of CDE is not approved by the Association Credentialling Officer, the applicant may lodge an appeal against that decision with the Chair of the Association Complaints Committee.

2.3 If an appeal against an unsuccessful application for the qualification of CDE is made in accordance with clause 2.2, the Chair of the Association Complaints Committee:

(i) will establish an appeal process for the applicant to be conducted in accordance with By-Law 5;

(ii) will notify the Board of the appeal.

3. ENTITLEMENTS AND RESPONSIBILITIES OF CREDENTIALLED DIABETES EDUCATORS

3.1 Members who hold the CDE qualification will be entitled to:

(i) entry on the register of Credentialled Diabetes Educators;

(ii) certificate of certification confirming their qualification;

(iii) use of the registered trademarks, as applicable from time to time, associated with the qualification in association with their name and practice as determined by the Board;

(iv) use of the initials "CDE" after their name and primary discipline.

3.2 Members who hold the qualification of CDE must:

(i) only use the registered trademarks and initials CDE strictly in accordance with the style guidelines established by the Board from time to time;

(ii) submit documentation of their continuing professional development program and agree to auditing of such documentation in accordance with the Program of Continuing Professional Development.

4. CESSATION OF QUALIFICATION

4.1 Where a person who has been awarded the qualification of CDE:

(i) Ceases to be eligible to practice in their primary discipline

(ii) ceases to be a Member of the Association; or

(iii) is sanctioned by the Board pursuant to clauses 8.7 or 11.2 of By-Law 5, under which their use of the qualification of CDE is terminated or suspended; or

(iv) fails to meet the ongoing requirements of the Program of Continuing Professional Development;

that person:

(v) will be removed by the Association from the register of Credentialled Diabetes Educators;

(vi) must immediately:

(a) cease to represent that they hold the CDE qualification;

(b) cease to use the registered trademarks associated with the qualification

(c) cease to use the initials “CDE” after their name; and

(d) return to the Association their certificate of registration.

(vii) is otherwise ineligible to receive the benefits of holding the CDE qualification as set out in this By-Law.

4.2 A person who ceases to hold the CDE qualification pursuant to clause 4.1 may re-apply for the qualification of CDE in accordance with clause 1.1.

BY-LAW 5 COMPLAINTS AND DISCIPLINARY ACTION

1. COMPLAINTS COMMITTEE

1.1 **Purpose**

(i) The Complaints Committee shall be responsible for dealing with complaints against the Code of Conduct, appeals against decisions and disciplinary matters as established in this By-Law.

(ii) The Complains Committee may make recommendations to the Board on any matter the Complaints Committee thinks appropriate.

1.2 **Composition**

The Complaints Committee shall be appointed by the Board and will comprise:

(i) the Vice-President of the Association

(ii) five (5) Members of the Association drawn from the range of professional disciplines represented in the Association and with broad experience in the practice of diabetes education, the management of diabetes and organisational management, and with demonstrated interpersonal skills

(iii) two (2) persons independent of the Association, whose qualifications and experience is reviewed by the Board at the time

(iv) Expressions of interest will be sought from members who meet the criteria established by the Board and ratified in the Committee Term of Reference.

1.3 **Chair of the Complaints Committee**

(i) The Vice-President shall be the Chair of the Complaints Committee.

(ii) If the Chair is not for any reason able to carry out their duties, the Board shall appoint another member of the Complaints Committee to act in their place.

(iii) The Chair shall not sit on any Hearing Sub-Committee or Review Committee.

(iv) The Chair will amend the composition of the Committee from time to time to ensure the Committee is responsive and able to meet the requirements of the Committee.

1.4 **Term of Office**

(i) A member of the Complaints Committee shall hold office for that period of time determined by the Board and ratified in the Committee Terms of Reference.

(ii) A member of the Complaints Committee whose term expires in the course of considering a complaint will continue in office until the Sub-Committee of which the person is a member has finally adjudicated on the complaint.

(iii) If a member of the Complaints Committee is unable to complete a term for any reason or resigns from their position on the Complaints Committee, the Chair shall advise the Board in writing.

1.5 **Equal Standing of Members of Committees.**

All members of the Complaints Committee and any sub-committee have the same rights to speak and vote on any matter.

2. RECEIPT OF COMPLAINT AND ACKNOWLEDGMENT

2.1 A complaint against a Member of the Association:

(i) may be made by any person, including a Member;

(ii) shall be made to the President;

(iii) shall be in writing and signed by the person making the complaint;

(iv) shall set out all matters giving rise to the complaint; and

(v) should be accompanied by statements or other material relating to matters giving rise to the complaint.

2.2 Within seven (7) days of receipt of a complaint pursuant to clause 2.1(i):

(i) the President shall write to the complainant to acknowledge receipt of the complaint;

(ii) the President shall notify the Chair of the Complaints Committee in writing of the receipt of the complaint; and

(iii) the Chair of the Complaints Committee shall write to the complainant to advise that their complaint is under review;

(iv) the Chair of the Complaints Committee may, in their discretion, seek further information from the person making the complaint.

3. CONSIDERATION OF COMPLAINT BY CHAIR OF THE COMPLAINTS COMMITTEE

3.1 The Chair of the Complaints Committee on receipt of a complaint shall, within fourteen (14) days of receipt of the complaint, determine if there is a significant issue to consider.

3.2 If in the reasonable opinion of the Chair of the Complaints Committee there is no such significant issue to consider, the Chair of the Complaints Committee shall advise the complainant in writing within twenty one (21) days of receipt of the complaint of the reasons for not pursuing the complaint.

3.3 If in the reasonable opinion of the Chair of the Complaints Committee there is such a significant issue to consider, the Chair will ensure that within twenty one (21) days of receipt of the complaint:

(i) the Member who is the subject of the complaint is advised of the complaint, and is provided with a copy of all written material provided by the complainant;

(ii) appoint a Hearing Sub-Committee in accordance with clause 4 and, upon appointment, provide the Hearing Sub-Committee with a copy of all written material pertaining to the complaint;

(iii) advise the Member who is the subject of the complaint and the complainant in writing of the establishment of the Hearing Sub-Committee.

4. APPOINTMENT OF HEARING SUB-COMMITTEE

4.1 If the Chair of the Complaints Committee determines is a significant issue to consider arising from a complaint pursuant to clause 3.3, the Chair of the Complaints Committee shall:

(i) appoint three (3) Members of the Association who are members of the Complaints Committee; and

(ii) the two (2) persons independent of the Association who are members of the Complaints Committee;

to form a Hearing Sub-Committee for that complaint.

4.2 Upon appointing a Hearing Sub-Committee pursuant to clause 4.1 the Chair of the Complaints Committee shall:

(i) appoint a Chair of the Hearing Sub-Committee from among the three Members appointed to the Hearing Sub-Committee;

(ii) request the Board to identify people who could, if required, provide specific expertise in relation to the complaint; and

(iii) notify the Board of the appointment of the Hearing Sub-Committee and the persons appointed to it.

4.3 The Hearing Sub-Committee may meet by telephone, videoconference, in person or any combination of these as agreed by the Hearing Sub-Committee when undertaking preliminary consideration of a complaint.

5. PRELIMINARY CONSIDERATION OF COMPLAINT BY HEARING SUB-COMMITTEE

5.1 If a Hearing Sub-Committee considers that there is insufficient information for it to adequately consider the complaint, the Chair of the Hearing Sub-Committee may request additional written information from either the Member that is the subject of the complaint or the complainant, and require that information be provided within twenty one (21) days.

6. DETERMINATION BY SUB-COMMITTEE

6.1 Once the Hearing Sub-Committee has received all material which it considers relevant, it may determine by majority that:

(i) that the matters giving rise to the complaint, whether or not substantiated, are trivial or for other reasons in the discretion of the Hearing Sub-Committee do not warrant further action; or

(ii) that the matters giving rise to the complaint would not, if substantiated, breach the Code of Conduct; or

(iii) that the matters giving rise to the complaint may, if substantiated, breach the Code of Conduct.

6.2 If the Hearing Sub-Committee makes a determination under clauses 6.1(i) or 6.1(ii), the Hearing Sub-Committee shall recommend to the Board in writing that the complaint should be dismissed.

6.3 Where the Board resolves to accept the Hearing Sub-Committee's recommendation pursuant to clause 6.2, the Chair of the Complaints Committee shall:

(i) notify the Member that was the subject of the complaint and the complainant that the complaint has been dismissed; and

(ii) in the discretion of the Chair of the Complaints Committee, provide advice to the Member that was the subject of the complaint on compliance with the Code of Conduct.

6.4 If:

(i) the Hearing Sub-Committee makes a determination under clause 6.1(iii); or

(ii) the Board rejects the recommendation of the Hearing Sub-Committee pursuant to clause 6.2;

the Hearing Sub-Committee shall:

(iii) notify the Member that is the subject of the complaint and the complainant that a hearing of the complaint is to be held in accordance with clause 7;

(iv) notify the Member that is the subject of the complaint and the complainant that there will be an asterisk placed against the Member's name on the ADEA's Find a CDE directory available on the public website. The asterix denotes that there has been a complaint lodged against the member and that an investigation is in progress; and

(v) notify the Chair of the Complaints Committee to convene a hearing of the complaint in accordance with clause 8.

7. ADVICE TO MEMBER AND COMPLAINANT

7.1 The Chair of the Complaints Committee shall advise the Member and complainant of the Hearing Sub-Committee's decision.

7.2 The Chair of the Complaints Committee must ensure that notice of complaint is given to the Member.

7.3 Upon receiving a notification from a Hearing Sub-Committee to convene a hearing, the Chair of the Complaints Committee shall:

(i) provide to the Member that is the subject of the complaint, with such to be sent by registered or certified mail or given personally to the Member:

(a) notice of the nature of the matters giving rise to the complaint,

(b) a copy of any statements or other material in relation to the complaint, either provided by the complainant or obtained by the Chair of the Complaints Committee or the Hearing Sub-Committee in considering the complaint;

(c) specify the provisions of the Code of Conduct which the matters giving rise to the complaint, if substantiated, contravene;

(d) notice of the date, time and place of the hearing of the complaint, with such date to be not less than twenty one (21) days from the date of the notice, and request the Member advise whether they propose to attend the hearing in person;

(ii) provide to the complainant notice of the date, time and place of the hearing of the complaint, with such date to be not less than twenty one (21) days from the date of the notice, and request the complainant advise whether they propose to attend the hearing in person.

8. HEARING OF COMPLAINT

8.1 The Hearing Sub-Committee must meet to consider the complaint on the date at the time and place specified in the notices issued pursuant to clause 7.3.

8.2 If the Member that is the subject of the complaint or the complainant advises that they propose to attend the hearing in person, there must be a meeting in person of the Hearing Sub-Committee.

8.3 The Member that is the subject of the complaint and the complainant:

(i) must be provided with an opportunity to make oral representations at the hearing; and

(ii) may have an advisor present at the hearing.

8.4 The Hearing Sub-Committee must conduct its hearing in accordance with the principles of natural justice but may otherwise regulate its procedures as it sees fit.

8.5 The Hearing Sub-Committee must recommend to the Board that the complaint be:

(i) dismissed without sanction; or

(ii) upheld, at which time it must also recommend an appropriate penalty be determined, including:

(a) referral to the appropriate registering or professional body;

(b) a reprimand, or formal counselling session as prescribed by the Board;

(c) that the asterisk against the Member's name on the ADEA's Find a CDE directory available on the public website be retained for an agreed period of time;

(d) termination or suspension of the Member's membership of the Association; and/or

(e) termination or suspension of the use of the Credentialled Diabetes Educator (CDE) qualification.

8.6 Where the Board resolves to accept the Hearing Sub-Committee's recommendation pursuant to clause 8.5(i), the Chair of the Complaints Committee shall:

(i) notify the Member that was the subject of the complaint and the complainant that the complaint has been dismissed; and

(ii) in the discretion of the Chair of the Complaints Committee, provide advice to the Member that was the subject of the complaint on compliance with the Code of Conduct.

8.7 If:

(i) the Hearing Sub-Committee makes a recommendation to the Board pursuant to clause 8.5(ii); or

(ii) the Board rejects the recommendation of the Hearing Sub-Committee pursuant to clause 8.5(i);

the Chair of the Complaints Committee shall notify the Member that is the subject of the complaint and the complainant:

(iii) that the Board has upheld the complaint; and

(iv) the sanction resolved by the Board to be imposed on the Member.

8.8 A sanction resolved by the Board to be imposed on a Member does not take effect:

(i) until the end of the period within which the Member is entitled to appeal against the resolution, if the Member does not exercise the right of appeal pursuant to clause 9 within that period; or

(ii) if within that period the member exercises the right of appeal pursuant to clause 9, unless and until the Association confirms the resolution or imposes a new sanction in accordance with clause 11.2.

9. APPEAL PROCESS

9.1 A Member who:

(i) has been sanctioned by the Board pursuant to clause 8.7; or

(ii) who is aggrieved by a decision against that Member by any sub-committee, other than a Hearing Sub-Committee, of the Association or by the Board;

may within twenty one (21) days of receipt of notice in writing of the decision request an appeal against that decision.

9.2 As soon as is practicable after receipt of a request from a Member pursuant to clause 9.1, the President must:

(i) nominate a Review Committee comprising three (3) former members of the Board; and

(ii) appoint one of those persons so nominated as the Chair of that Review Committee.

9.3 The Chair of the Complaints Committee shall refer the appeal to the Review Committee.

9.4 Upon receiving a referral from the Chair of the Complaints Committee, the Review Committee shall provide to the appellant and, if the appeal is regarding a complaint, the complainant notice of the date, time and place of the hearing of the appeal, with such date to be not less than twenty one (21) days from the date of the notice, and request the appellant advise whether they propose to attend the hearing in person.

10. APPEAL HEARING

10.1 The Review Committee must meet to consider the appeal on the date at the time and place specified in the notices issued pursuant to clause 9.4.

10.2 If the appellant advises that they propose to attend the hearing in person, there must be a meeting in person of the Review Committee.

10.3 The appellant and, if the appeal is regarding a complaint, the complainant:

(i) must be provided with an opportunity to make oral representations at the hearing; and

(ii) may have an advisor present at the hearing.

10.4 The Review Committee must conduct its hearing in accordance with the principles of natural justice but may otherwise regulate its procedures as it sees fit

11. RECOMMENDATION OF THE REVIEW COMMITTEE

11.1 Upon completion of the appeal hearing the Review Committee must recommend to the Board that it:

(i) accept the appeal;

(ii) dismiss the appeal;

(iii) in the case of an appeal regarding a complaint, refer the complaint back to the Hearing Sub-Committee for a re-hearing in accordance with proper procedures;

(iv) in the case of an appeal regarding a decision by any sub-committee, other than a Hearing Sub-Committee, of the Association, refer the matter back to that sub-committee for re-determination in accordance with proper procedures;

(v) remove the Member from the ADEA's Find a CDE directory available on the public website;

(vi) impose a lesser sanction; and/or

(vii) expel the member or suspend the member for such a period that it deems appropriate.

11.2 Upon receipt of a recommendation of the Review Committee, the Board must:

(i) affirm the previous decision; or

(ii) change the previous decision in such manner as the Board sees fit, but may not not impose a greater sanction or penalty on the member than previously imposed.

11.3 The President shall notify the appellant in writing of the decision of the Board.

11.4 If the sanction imposed results in the Member being expelled, the Board may direct that the decision be released to other appropriate organisations where the conduct of the Member breaches that organisation's professional code of conduct.

12. CONFIDENTIALITY

12.1 Subject to clause 11.4, proceedings of the Complaints Committee, a Hearing Sub-Committee and a Review Committee shall be held in confidence.

13. COSTS

13.1 In general it will be expected that the Member will pay their own costs if a hearing is requested.

13.2 The Board may, in its absolute discretion, resolve that all or any part of the expenses of the Member be paid by the Association.

13.3 Except in accordance with a resolution of the Board made under clause 13.2, the Member shall not be entitled to recover from the Association any sum in respect of expenses relating to a hearing.

14. SERVING OF NOTICES

14.1 Any notice to be given under this By-Law to a Member must be sent by registered or certified mail to the last address advised in writing of the Member.

15. LEGAL ADVICE

15.1 The Chair of the Complaints Committee, the Hearing Sub-Committee and the Review Committee may obtain legal advice and representation on any matter at any time subject to the prior agreement of the Board.

16. SUSPENSION OF PROCEEDING

16.1 The President shall order the suspension of proceedings in relation to a complaint for such a period as the President considers appropriate, if the commencement or continuation of the proceedings may:

(i) be or give rise to conduct being in contempt of any court or tribunal having power to punish for contempt; or

(ii) prejudice the fair hearing of any proceeding relating to the matters giving rise to the complaint then before, or likely to come before, a court or tribunal having power to determine rights or liabilities in relation to those matters.

17. COMPLAINT AGAINST THE PRESIDENT OR A MEMBER OF THE COMPLAINTS COMMITTEE

17.1 If a complaint is made against a member of the Complaints Committee or Hearing Sub-Committee, that member shall not take part in any proceedings relating to that complaint.

17.2 If a complaint is made against the President of the Association:

(i) the President shall not take part in proceedings in relation to the complaint; and

(ii) the Board shall appoint a member of the Board who shall do all things that may or must be done by the President under this By-Law in relation to that complaint.

BY-LAW 6 MEMBERSHIP SUB-CLASSES

1. ADDITIONAL MEMBERSHIP CLASSES

1.1 Pursuant to clause 4.1.1(d) of the Constitution, the Association shall have the following sub-classes of membership:

(i) in relation to Full Members of the Association:

(a) Life Members;

(b) Fellows of the Association;

(ii) in relation to Associate Members of the Association:

(a) International Members;

(b) Student Members;

(c) Levels of Corporate Membership as determined by the Board

(d) Retired Members.

1.2 **Life Members**

(i) A Full Member may be awarded Life Membership of the Association if they meet the standard that includes 15 years continuous service with ADEA and meets the criteria approved by the board from time to time.

(ii) Nominations for the appointment of a Life Member shall be submitted to the board in writing.

(iii) Because life membership is the highest honour which the Association may bestow upon a member, the conferring of life membership shall be restricted to not more than one nominee per annum and such nomination must be submitted to a committee established for that purpose to make a recommendation to the Board for approval and the decision provided to members at a general meeting of members. The Committee should comprise three previous recipients of the Life Membership award two board members.

(iv) Life membership shall entail all the privileges and rights of a Full Member of the Association without payment of subscriptions, dues, levies or any other fees.

1.3 **Fellow Members**

(i) In recognition of long service rendered to the Association, the Board may approve the conferring of the title Fellow.

(ii) A Full Member may be awarded a life Membership of the Association if they meet the standard that includes 15 years continuous service with ADEA and meets criteria approved by the board from time to time.

(iii) Every nomination for the appointment of a Fellow shall be submitted to the Board in writing and accompanied by not less than two (2) testimonials in support of the Application.

(iv) There is no limit to the number of Fellows that the Board may approve.

(v) A fellow shall entail all the privileges and rights of a Full Member of the Association, with payment of subscriptions, dues, levies and any other fees.

1.4 **Associate Members**

(i) Associate Members of the Association shall comprise the following sub-classes of members:

(a) International Members, who comprise those persons who are health professionals residing outside Australia who work in the area of diabetes.;

(b) Student Members, who comprise those persons who are health professionals, in the process of becoming a health professional or who are undertaking an Accredited course in Diabetes Education and Management; Retired Members, who comprise those individuals who previously held the qualification "Credentialled Diabetes Educator" but have since retired.

2. REMOVAL OF MEMBERSHIP CATEGORY OR SUB-CLASS

2.1 Where pursuant to clause 4.1.1(d) of the Constitution, the Board discontinues a sub-class of membership, any Member within the discontinued sub-class:

(i) shall continue to be a Member of the membership class to which the sub-class belonged; and

(ii) where appropriate, may be assigned to an alternative sub-class of membership.

BY-LAW 7 FEES AND SUBSCRIPTIONS

1. REVIEW OF FEES, SUBSCRIPTIONS AND LEVIES

1.1 The Board will review the annual fees, subscriptions and levies for all classes and sub-classes of membership as part of the budget approval process for the following Financial Year and record in its Minutes the fees, subscriptions and levies for all ongoing or new classes that shall apply for the following financial year. The record of the fees, subscriptions and levies in the relevant Minutes of the Board shall for the purposes of the Constitution be the amounts determined for the following year.