

Eligibility Requirements for Membership and associated rights

BY-LAW

(By-law Made Pursuant to Clauses 10.1(b), 11 and 58 of the [Constitution](#))

1. Purpose

- 1.1 Pursuant to Clause 11.1 of the Constitution, a person can be a member if they:
 - a. support the objects of the company,
 - b. meet the eligibility requirements set by the Board, and
 - c. pay any membership fees set by the Board.
- 1.2 Pursuant to Clause 11.2 of the Constitution the Board may also admit persons as associates or affiliate, who are not members for the purposes of the *Corporations Act 2001* (Cth) (**the Act**) but can enjoy certain rights and benefits as set out in the By-laws.
- 1.3 This By-law sets out the approved classes of membership, the eligibility for membership of each class, and the rights and benefits attaching to each category of membership.

2. Definitions & Interpretation

- 2.1 Clauses 69 to 71 (inclusive) of the Constitution apply to the interpretation of this By-law.
- 2.2 In this By-Law:
 - a. **APD By-law** means the Accredited Practising Dietitian By-law.
 - b. **Constitution** means the Constitution of the company adopted at the 2022 AGM (as varied from time to time).
 - c. **Previous Constitution** means the constitution of the company in force immediately prior to the adoption of the Constitution.
- 2.3 References to “clauses” are a reference to the provisions of the Constitution and “rules” are a reference to the rules in this By-law.

3. Classes of Membership

- 3.1 There are two classes of membership:
 - a. Members with Australian Recognised Dietetic Qualifications; and
 - b. Members without Australian Recognised Dietetic Qualifications.
- 3.2 Each class of membership has sub-classes of membership to which different rights attach.
- 3.3 The sub-classes of membership for those with an Australian Recognised Dietetic Qualification(s) are:

- a. Members with APD Status (rule 4.3);
 - b. Members without APD Status (rule 4.4); and
 - c. Life Members (rule 4.5).
- 3.4 The sub-classes of membership for those without an Australian Recognised Dietetic Qualification(s) are:
- a. Student Members (rule 5.1)
 - b. Affiliate Members (rule 5.2)
 - c. Accredited Nutritionists (rule 5.3)
 - d. Honorary Members (rule 5.4)
- 3.5 The eligibility criteria for, and rights attaching to, each sub-class of membership is set out in rules 4 and 5.

4. Members with Australian Recognised Dietetic Qualifications

- 4.1 A person is eligible to be admitted as a Member with Australian Recognised Dietetic Qualifications if they meet one of the following the criteria:
- a. A person who:
 - i. is a graduate of any University or equivalent organisation in Australia; and
 - ii. has completed a course of study in human nutrition and dietetics accredited by the company; and
 - iii. who satisfies the Board that they are a fit and proper person;or
 - b. A person who:
 - i. is eligible to be registered, licensed or otherwise officially recognised as a dietitian in another country; and
 - ii. who has passed the overseas skills recognition examinations approved by the Board or has been assessed as otherwise meeting the overseas recognition criteria approved by the Board; and
 - iii. who satisfies the Board that they are a fit and proper person.
- 4.2 The process to apply as a Member with Australian Recognised Dietetic Qualifications is set out in the Membership Application Procedures document.
- 4.3 A person who complies with rule 4.1a or 4.1b of this By-law and who holds the qualification *Accredited Practising Dietitian* as established in the APD By-laws shall be known as “a **Member with APD Status**” and shall be entitled to use the post nominal ‘APD’.
- 4.4 A person who complies with rule 4.1a or 4.1b of this By-law but who does not hold the qualification *Accredited Practising Dietitian* as established in the APD By-laws shall be known as “a **Member without APD Status**”.
- 4.5 A person who:
- a. complies with rule 4.1a or 4.1b of this By-law; and

- b. has given long, continued and outstanding service to the profession of dietetics (in the reasonable opinion of the Board);

may be elected by the Board as a “**Life Member**”.

Life Members are not liable to pay any membership subscription, fee or levy to the company.

- 4.6 A Member with an Australian Recognised Dietetic Qualification (whether a Member with APD Status, a Member without APD Status, or a Life Member) shall be entitled to receive a notice of all general meetings, to attend and vote at any general meeting and be eligible to hold office as a member of the Board of Directors.
- 4.7 Each Member with an Australian Recognised Dietetic Qualification has one vote each and is recognised as a member for the purposes of the Act.
- 4.8 The rights, privileges and obligations of a member elected as a Life Member shall not be disturbed by their election to that sub-class except that they shall not be liable to pay any subscription, fee or levy to the company.

5. Members without Australian Recognised Dietetic Qualifications

5.1 A person who:

- a. is currently enrolled in a human nutrition and dietetic course that is accredited by the company; or
- b. is currently enrolled in a human nutrition and dietetic course which has formally applied for provisional accreditation with the company (and is not subject to any suspension or withdrawal); or
- c. is currently enrolled in a human nutrition and dietetic course which has achieved program qualification status with the company and accepting student enrolments; and
- d. satisfies the Board that they are a fit and proper person; is eligible to be admitted as a “**Student Member**”.

5.2 A person who:

- a. does not reside in Australia;
- b. is a financial member of a dietetic association approved by the Board and / or registered by a dietetic statutory authority in their own country of residence;
- c. satisfies the Board that they are a fit and proper person; and
- d. is not eligible to be an APD

is eligible to be admitted as an “**Affiliate**”. A person admitted as an Affiliate may use the title “Affiliate Member” or “Affiliate” and the post nominals ‘Aff DA’.

5.3 A person who:

- a. is a graduate of any University or equivalent organisation in Australia; and
- b. has completed a course of study in nutrition approved by the company; or
- c. has completed a course of study in human nutrition and dietetics accredited by

the company; and

- d. who satisfies the Board that they are a fit and proper person;

is eligible to be admitted as an “**Accredited Nutritionist**”. A person admitted as an Accredited Nutritionist may use the title “Accredited Nutritionist” and the post-nominals “AN”.

- 5.4 The evidence required and process to apply as a Member without Australian Recognised Dietetic Qualifications is set out in the Membership Application Procedures document.
- 5.5 A person who does not practise in the profession of dietetics but who has made an outstanding contribution to the aims, objects or purposes of the company in Australia may be elected by the Board as an “**Honorary Member**”.
- 5.6 A Member without an Australian Recognised Dietetic Qualification (whether a Student Member, Affiliate, Accredited Nutritionist or Honorary Member) does not have a right to vote and is not a member for the purposes of the Act.
- 5.7 A Member without an Australian Recognised Dietetic Qualification (whether a Student Member, Affiliate, Accredited Nutritionist or Honorary Member) is not eligible to participate in the elections for, or hold office as, an Elected Director. A Member without an Australian Recognised Dietetic Qualification may serve as an Appointed Director.
- 5.8 Student Members, Affiliates and Accredited Nutritionists are entitled to notice of all general meetings and may attend all general meetings as observers only.
- 5.9 Honorary Members are entitled to notice of general meetings, to attend all general meetings, and with the consent of the Chairperson take part in all discussions during the general meeting. Honorary Members are not liable to pay any membership subscription, fee or levy to the company.

6. Members as Accredited Nutritionists

- 6.1 Where a person qualifies for membership as a Member with an Australian Recognised Dietetic Qualification and as an Accredited Nutritionist, the Board may admit the person as a Member with an Australian Recognised Dietetic Qualification but may also grant the person the right to use the title “Accredited Nutritionist” and the post-nominal “AN” in addition to any rights they may have under rule 4.

7. Membership Generally

- 7.1 All applications to be admitted as a member (regardless of category) pursuant to this By-law shall be in such form as the Board shall from time to time prescribe and shall be lodged with the Chief Executive Officer.
- 7.2 An application must be supported by documents and information as the Board shall from time to time prescribe.
- 7.3 An application for admission as a member pursuant to this By-law shall be considered by the Board which may approve or reject such application in accordance with the criteria established in the By-laws and clause 13 of the Constitution.

8. Initial Members – Transitional Provision

- 8.1 As at the adoption of the Constitution the “initial members” of the company are, and are divided into the following classes of membership:
- a. **Members with APD Status:** those persons who were admitted to membership pursuant to clause 11 of the Constitution approved at the 13 November 2020 Annual General Meeting (AGM) (now superseded) and whose membership was current immediately before the adoption of the Constitution approved at the November 2022 AGM;
 - b. **Members without APD Status:** those persons who were admitted to membership pursuant to clause 12 of the Constitution approved at the 13 November 2020 AGM (now superseded) and whose membership was current immediately before the adoption of the Constitution approved at the November 2022 AGM;
 - c. **Life Members:** those persons who were admitted to membership pursuant to clause 14 of the Constitution approved at the 13 November 2020 AGM (now superseded) and whose membership was current immediately before the adoption of the Constitution approved at the November 2022 AGM;
 - d. **Student Members:** those persons who were admitted to membership pursuant to clause 13 of the Constitution approved at the 13 November 2020 AGM (now superseded) and whose membership was current immediately before the adoption of the Constitution approved at the November 2022 AGM;
 - e. **Affiliate Members:** those persons who were admitted to membership pursuant to clause 15 of the Constitution approved at the 13 November 2020 AGM (now superseded) and whose membership was current immediately before the adoption of the Constitution approved at the November 2022 AGM;
 - f. **Accredited Nutritionists:** subject to rule 7.2, those persons whose name was entered into (but not removed from) the Register of Accredited Nutritionists pursuant to clause 16 of the Constitution approved at the 13 November 2020 AGM (now superseded) immediately prior to the adoption of the Constitution approved at the November 2022 AGM; and
 - g. **Honorary Members:** those persons who were admitted to membership pursuant to clause 17 of the Constitution approved at the 13 November 2020 AGM (now superseded) and whose membership was current immediately before the adoption of the Constitution approved at the November 2022 AGM.
- 8.2 Any person who (immediately prior to the adoption of the Constitution) held dual recognition as an Accredited Nutritionist and as a member in a class of membership under clauses 11, 12 or 14 of the Previous Constitution, will:
- a. be admitted as an “initial member” into the class provided for by rule 7.1a, 7.1b or 7.1c (as applicable); and
 - b. retain the right to use the title "Accredited Nutritionist" and the post-nominal "AN" in addition to any rights they may have under rule 4.