



## BY-LAWS

<b>Code and Number</b>	<b>BL.1</b>
<b>Title of Document</b>	<b>Membership By-Laws</b>

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## 1 Definitions and Interpretation

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### 1.1 Definitions

In these By-Laws, unless the context otherwise requires:

- (a) A term that is defined in the Constitution has the same meaning in these By-Laws;
- (b) **ACNC** means the Australian Charities and Not-for-profits Commission, the regulatory authority for charities and not-for-profit organisations within Australia;
- (c) **By-Laws** means these membership by-laws;
- (d) Board means Board of Directors of ACN.
- (e) **Company or ACN** means Australian College of Nursing Ltd (ABN 48 154 924 642);
- (f) **Constitution** means the Constitution of the Company;
- (g) **Enrolled Nurse** means a person who is (or was for Retired Members and Retired Fellows) registered with the NMBA (or an equivalent body approved by ACN) as an Enrolled Nurse;
- (h) **Fellowship Policy** means the policy of the Company with that name regarding admission to the membership class of Fellow;
- (i) **Financial Fellow/Member** means any Fellow or Member whose membership fees are up-to-date or in arrears of less than three (3) months from when such fees became payable;
- (j) **General Member – Graduate** means a person in the membership sub-class referred to in **clause 3(b)**;
- (k) **NMBA** means the Nursing and Midwifery Board of Australia, being a national board for nurses and midwives under the *Health Practitioner Regulation National Law Act 2009* (Cth); and
- (l) **Parental Leave** means ACN admitted Members who are taking Parental Leave from their employment for three (3) to 24 months.
- (m) **Registered Nurse** means a person who is (or was for Retired Members and Retired Fellows) registered with the NMBA (or an equivalent body approved by ACN) as a Registered Nurse.

### 1.2 Interpretation

The interpretation provisions of the Constitution apply to these By-Laws, except with all references to the Constitution being references to these By-Laws.

## 2 Context

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- (a) Clause 5.1 of the Constitution states that the criteria attached to each of the Membership categories referred to in the Constitution will be set out in the Board Charter.
- (b) The Board Charter states that these by-laws will set those criteria.

## 3 Sub-Classes

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The Board has determined that within the Membership classes set out in the Constitution, there shall also be the following sub-classes.

General Member:

- (a) General Member; and
- (b) General Member – Graduate.

#### **4 Criteria**

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Eligibility criteria for each of the Membership classes and sub-classes are as follows:

(a) General Member

A General Member must be:

- (i) a Registered Nurse; or
- (ii) an Enrolled Nurse;

(b) General Member – Graduate

A General Member – Graduate must:

- (i) be:
  - (A) a Registered Nurse; or
  - (B) an Enrolled Nurse; and
- (ii) be in the first 36 months of nursing, having completed a diploma or degree (but not a postgraduate degree).

(c) Student Member

A Student Member must be:

- (i) a nursing or midwifery student undertaking diploma or undergraduate studies (but not postgraduate studies); or
- (ii) an international nurse who has enrolled in a bridging program in Australia.

(d) Associate Member

An Associate Member must:

- (i) be a professional who is not currently registered as:
  - (A) a Registered Nurse; or
  - (B) an Enrolled Nurse; and
- (ii) have strong and relevant ties to nursing.

(e) Fellow

A Fellow must:

- (i) be:
  - (A) a Registered Nurse; or
  - (B) an Enrolled Nurse; and
- (ii) meet the criteria for Fellowship set out in the Fellowship Policy.

(f) Honorary Fellow

An Honorary Fellow must:

- (i) not have previously been a Member or Fellow; and
- (i) be an eminent person (who may be, but need not be, a nurse) who has made significant contributions to the profession of nursing and health.

(g) Distinguished Life Fellow

A Distinguished Life Fellow must:

- (i) have previously been a Fellow;
- (ii) have been a Member or Fellow for at least 10 years; and
- (iii) have made outstanding contributions to the field of nursing, to the Company or any of its related bodies corporate, as determined by the Board.

(h) Retired Fellow

A Retired Fellow must:

- (i) be a former Registered/Enrolled Nurse;
- (ii) have retired from paid employment as a Registered/Enrolled Nurse; and
- (iii) have formerly been a Member in another Membership class.

(i) Retired General Member

A Retired General Member must:

- (i) be a former Registered/Enrolled Nurse; and
- (ii) have retired from paid employment as a Registered/Enrolled Nurse.

## **5 Membership Fees**

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Membership fees are reviewed annually by the Board, in accordance with the Constitution. Any Membership fee increase is based on a recommendation to the Board and will usually be based on CPI.

## **6 Failure to pay membership fees**

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Should a membership payment not be made when it falls due, a further attempt will be made to obtain payment. Should this be unsuccessful, the Member or Fellow will have access to their membership benefits suspended when the membership fees are in arrears for more than ten days until any membership fee arrears are settled in full.

- Despite their membership being suspended, Members and Fellows will remain on the Register of Members (as Financial Fellows/Members) and still be able to vote at Meetings of Members and nominate and vote in Board elections. They will remain bound by the terms of the ACN Constitution.

After three (3) months, any Member or Fellow whose membership arrears remain outstanding will cease to be a member of ACN and no longer have the right to use ACN post-nominals.

Previous Members and Fellows who choose to re-join ACN will not be eligible to retain their previous membership status. I.e., Fellowship or access to membership benefits based upon years of continuous membership, i.e., eligibility to apply to become an ACN Fellow, without payment of all membership arrears arising from their previous membership through to the date they re-join. *(Clause 6.2(b) ACN Constitution)*

Exception from the requirement to pay arrears in full to retain previous membership status or years of continuous membership would require approval of the CEO or their delegate.

## **7 Financial Hardship and Arrangements**

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Membership Fees may be reduced or waived for a certain period for an individual member who can show they are suffering hardship as the result of illness or misadventure. This is determined on a case-by-case basis, members should contact the Member Support Team to discuss their individual circumstances.

## **8 Parental Leave**

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During the Members period of Parental Leave, the membership fee is complimentary ("Complimentary Period"). At the end of the period of Parental Leave period, the fees become payable on a regular basis.

This fee is payable within one (1) month of the expiration of the period of Parental Leave. The Member's join date will not be affected by this Parental Leave period.

For example:

A Member is on Parental Leave for 12 months from 1 September 2022 and has paid the Membership Fees for that month then that month plus the remainder 11 months of the Parental Leave will be included in the Complimentary Period and the fees will become Payable from 1 October 2023.

For the period of Parental Leave, the Member's rights, privileges and benefits are, not affected in any way. The Member continues to receive all information disseminated by ACN, and can stand and vote in elections (if applicable to the Member's category of membership).

## **9 Professional standards for ACN Membership**

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ACN Fellows and Members must act professionally and respectfully at all times, not act in a manner prejudicial to the interests of ACN and adhere to the Nursing and Midwifery Board of Australia, Code of conduct for nurses, and if appropriate, the Code of conduct for midwives.

## **10 Services**

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### **10.1 Services and benefits**

The services and benefits that shall be provided to all Fellows and Members (subject to clause 6 above) include:

- (a) Access to Company publications, social media and e-newsletters;
- (b) The use of post-nominals as follows:
  - (i) Distinguished Life Fellow – FACN(DLF);
  - (ii) Fellow – FACN;
  - (iii) General Member – MACN;
  - (iv) Student Member – MACN(Student);
  - (v) Associate Member – MACN(Assoc);
  - (vi) Honorary Fellow – FACN(Hon);
  - (vii) Graduate of the Institute of Leadership – GACN.
- (c) Professional networking and representation opportunities through ACN Faculties and Regions;
- (d) Access to complimentary Professional Development;
- (e) Priority access to ACN events;
- (f) Discounts on education courses and events offered by the Company;
- (g) Access to scholarships, grants and awards opportunities;
- (h) Access to a range of offers on goods and services from ACN's partners;
- (i) Access to the Katie Zepps Library, either online or at the Sydney office; and
- (j) Access to the ACN Nursing Archives.

## 10.2 Accountability to ACN Fellows and Members

As a charity registered with the ACNC, ACN must be open and accountable to Fellows and Members and provide adequate opportunities for them to raise questions and concerns about how ACN is run and its governance. This transparency provides an important level of accountability for those who operate and govern ACN.

Being accountable includes letting Fellows and Members know about ACN's activities and what the results of those activities are. It also includes allowing Fellows and Members to raise concerns and ask questions about how a charity is run.

ACN's Fellows and Members are its 'owners' and form an important part of the organisation. Fellows and Members are entitled to know how a charity acts and uses its resources (finances and any assets) on their behalf.

ACN ensures that it meets its obligations under the ACNC Governance Standard 2 – Accountability to Members by:

- Providing face-to-face and virtual forums for Fellows and Members to ask questions and vote on resolutions;
- Provide regular updates and information to Fellows and Members on ACN's activities and finances; and
- Having clear and transparent processes for nominating, electing or appointing Board Directors.

## 10.3 Member Participation

- (a) The Board is also committed to communicating with Members in various ways to maximise the opportunity for Members to participate in Company activities and derive benefit from Membership.
- (b) The Board recognises that the membership comprises a range of professionals with differing expertise, interests and needs. The Board is keen to meet the varying interests and needs of professionals within the Membership via a variety of communication streams, including by providing:
- (i) an up-to-date and relevant public website and Member section;
  - (ii) opportunities for communication within and between Members on the online platform;
  - (iii) opportunities for face-to-face and virtual networking at conferences, forums, workshops and the like;
  - (iv) online discussion forums to facilitate sharing of information, experience and know-how on matters of common interest across the Membership;
  - (v) high-quality publications on topical issues of interest to Fellows and Members; and timely e-news bulletins on topics of interest to Fellows and Members.

## 11 History

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Developed by Mills Oakley October 2020

<b>Responsibility for Review</b>	Governance and Scholarship Committee
<b>Ratification</b>	Board
<b>Date of Issue</b>	December 2021
<b>Date Last Reviewed</b>	September 2022