

## AUSTRALIAN DENTAL ASSOCIATION

(New South Wales Branch) Limited (ABN 34 000 021 232)

### BY-LAWS: MEMBERSHIP MATTERS

1. Subject to this By-Law, the application for Membership of every candidate may be made in writing or online by the candidate and shall be on the appropriate form.
2. Every Member shall remain a Member until they cease to be so in accordance with the provisions of the Constitution or the By-Laws.
3. The rights of Members are personal and are not transferable or transmissible.
4. The Board or a Committee thereof appointed out of its body for the purpose of dealing with applications for Membership may refuse to elect as a Member of the Association (in any class of Membership) any person of whom they do not approve and shall not be bound to give any reason for such refusal.
5. Any Member wishing to resign their membership of the Association or transfer from one class of membership to another must give notice of their wish to do so. Every Member is bound to further to the best of their ability the objects, interest, and influence of the Association and must observe all By-Laws and the Code of Ethics of the Association.
6. **Classification**  
There shall be the following classes of members of the Association:-
  - 6.1. **Full Member** - Any person duly registered as a dentist with the Dental Board of Australia (“DBA”), and who for the time being is practising dentistry, is employed more than 16 hours a week, whether as a sole practitioner, in partnership, as a director of an Incorporated Practice or as an employee of such a sole practitioner, partnership or Incorporated Practice, shall be eligible for election as a Full member of the Association.
  - 6.2. **Part-Time Member** - Any person who would otherwise be classified as a full member but practices less than 16 hours a week.

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- 6.3. **Qualified Member** - Any person duly registered as a dentist with the DBA whose majority of income from dentistry is derived from employment as a dentist by Federal, State or local governments of or in Australia including by permanent armed forces, universities, hospitals and research institutions, and who is practising dentistry at the date on which the person's application for membership is received by the Association shall be eligible for election as a Qualified member of the Association.
- 6.4. **Part-time Qualified** – Any person who would otherwise be classified as a full member who practices less than 16 hours a week.
- 6.5. **Practising Senior Member** - Any Full Member who has attained the age of 65 years and has been a Member of the Association for 25 or more successive years.
- 6.6. **Post Graduate** – Any person who would otherwise be classified as a full member undertaking post graduate studies at a recognised university.
- 6.7. **Post Graduate (Concessional)** – Any person who would otherwise be classified as a full member undertaking post graduate studies at a recognised university and practising less than 7.5 hours a week.
- 6.8. **2<sup>nd</sup> Year Graduate / Australian Dental Council 2<sup>nd</sup> Year Graduates** - Any person duly registered as a dentist with the DBA, who for the time being is practising and has been eligible for registration with the DBA up to 30 months since becoming eligible for registration.
- 6.9. **1<sup>st</sup> Year Graduate / Australian Dental Council 1<sup>st</sup> Year Graduates** – Any person duly registered as a dentist with the DBA, who for the time being is practising dentistry and who has been eligible for registration with the DBA up to 18 months since becoming eligible for registration.
- 6.10. **Graduate** - Any person duly registered as a dentist with the DBA, who for the time being is practising dentistry and has been eligible for registration with the DBA up to 6 months since becoming eligible for registration.
- 6.11. **Graduate Qualified** - Any person duly registered as a dentist with the DBA whose majority of whose income from dentistry is derived from employment as a dentist by Federal, State or local governments of or in Australia including by permanent armed forces, universities, hospitals and research institutions, who for the time being is practising dentistry and has been eligible for registration with the DBA up to 6 months since becoming eligible for registration.

- 6.12. **Restricted Member** - Any dentist resident in Australia or its territories who has bona fide retired from practice in dentistry and who remains registered with the Dental Board of Australia as a dentist or whose name has been removed from the Dentists Register after such retirement (or for those who retired before commencement of the Dentists Act, whose name has been removed from the register maintained under the prior regulatory regime). A Restricted member shall have all the rights of a Full Member of the Association except the member shall not be eligible to be elected or appointed as a member of the Council.
- 6.13. **Long Service Restricted Member** - Any dentist resident in Australia or its territories who has bona fide retired from practice in dentistry and who remains registered as a dentist in Australia or whose name has been removed from the Register after such retirement and has been a member of the Australian Dental Association (NSW Branch) Ltd for at least 45 years. A Long Service Restricted Member shall have all the rights of a Full Member of the Association except the member shall not be eligible to be elected or appointed as a member of the Council.
- 6.14. **Overseas Restricted Member** - Any dentist who has taken up residence in a country outside Australia and its territories and who remains registered with the Dental Board of Australia as a dentist or whose name has been removed from the Dentists Register after departure (or for those who moved residence outside of Australia before commencement of the Dentists Act, whose name has been removed from the register maintained under the prior regulatory regime).
- 6.15. **Specially Restricted Member** - those eligible are:
- (a) any dentist who has never practised dentistry in Australia but who has bona fide retired from the practice of dentistry outside Australia and has taken up residence in this country. .
  - (b) any dentist who is a member of a recognised overseas dental association and has taken up residence in Australia.
- 6.16. **Temporary Restricted Member / Leave of Absence**
- (a) Any dentist, registered with the Dental Board of Australia who does not intend to derive income for a period of at least six months but no longer than 24 months and whose application is approved by Board is eligible.
  - (b) The Board may approve an application for Temporary Restricted Member status at its discretion, and may take into account the circumstances notified by the applicant regarding their intended activities.

- (c) A member's membership category will revert to the category prior to being granted this membership category upon the earlier of:
- (i) Returning to work;
  - (ii) Failure to respond to annual confirmation of having no intention to derive income; and
  - (iii) Passing of 24 months since Board approval of being eligible for this category.

- 6.17. **Honorary Life Member** - The Association may on the recommendation of the Board at an Annual General Meeting elect as an Honorary Life Member of the Association any dentist who has made an outstanding contribution to the advancement of the dental profession or to the art and science of dentistry.
- 6.18. **Honorary Member** - The Association may on the recommendation of the Board at an Annual General Meeting elect as an Honorary Member any person distinguished in dental or allied sciences or any person who has rendered distinguished service to the Association or to the promotion of any such sciences or any person who in the opinion of the Board may further advance the interests of the profession. Such Honorary Members shall remain Honorary Members until the next Annual General Meeting but they are eligible for re-election for any succeeding period of twelve months at a time.
- 6.19. **Student Associate Member**
- (a) Any person enrolled in a primary dental degree in a Faculty of Dentistry approved by the Board at a University shall be eligible for election as a Student Associate member of the Association and shall be eligible to remain so until the successful completion of or the earlier termination of those studies.
  - (b) Australian Dental Council Candidates – Overseas-trained dentists who are eligible to undertake the ADC examination procedure will be able to access electronic resources of the Branch only, until graduation or for a maximum of four years.

## 7. Subscription

- 7.1. Payment of Annual Subscription and such other sum or sums (including a sum or sums on account of a Member's Membership of Australian Dental Association Incorporated) as the Board or Association may determine shall entitle a Member to all the privileges of membership, within the class of membership.
- 7.2. The Association may:

- (a) give, or take part in the provision of, any form of advice or assistance or other services to Members or former Members of the Association or the personal representatives of deceased Members or former Members who may seek such advice, assistance or services where it or they pertain to or is capable of pertaining to:
  - (i) the practice of dentistry by any such Member, deceased Member or former Member during the period of their Membership of the Association;
  - (ii) the professional character, interests or conduct of any such Member, deceased Member or former Member;
  - (iii) the professional interests of another Member or other Members of the Association;
  - (iv) a question of professional principle;
  - (v) any other case as may be otherwise approved by Board in its absolute discretion;
- (b) act as agent for or otherwise assist any person or entity (for reward or otherwise) to provide assistance, insurance or any other service to Members; and
- (c) pursuant to (b), or in any other case, levy a fee or charge upon the Member or former Member or the personal representative of deceased Members or former Members in connection with any assistance, insurance or other services provided by the Association in respect of matters specified or approved for the purposes of clause 8.2(a) above.

7.3. The first year's subscription of a candidate for Membership of the Association shall accompany the application for Membership. That subscription shall be refunded if the candidate is not subsequently elected to Membership. In the case of a Member elected to Membership, the subscription shall be calculated on a pro rata basis of the amount of the annual subscription for the time being in force. The pro rata will be on calculated based on how many months remain in that financial year. For all purposes other than the calculation of the first year's subscription, a Member shall, upon being elected to Membership, be deemed to have been elected to the Membership of the Association on the date on which the application was completed.

7.4. All provisions with reference to instalments shall be at the discretion of the Board.

7.5. All Members shall pay to the Association the annual subscription as shall be determined by Board and subject to powers of the Association in General Meeting under the Constitution.

- 7.6. The Association may at any time or times by a resolution passed at an Extraordinary General Meeting convened for that purpose, make a call upon members to pay to the Association a levy of a sum equivalent to a fraction (not exceeding one quarter) of the annual subscription of each Member in the year of levy for the particular class of Membership which is held, provided always that not more than one levy shall be made in any subscription year, unless it shall be sanctioned by a special resolution of the Association. Every such resolution shall prescribe the time when the levy shall become payable.
- 7.7. All subscriptions shall be paid at the registered office of the Association or at any other such place as the Board shall from time to time determine.
- 7.8. The subscription year shall commence on the first day of July and shall end on the 30th day of June of the following year.
- 7.9. Any Member who fails to pay the subscription or levy on or before the date on which it becomes due, shall ipso facto cease to be a Member, but may be re-admitted as a Member in the discretion of the Board, upon payment of all arrears or upon such other terms and conditions as the Board shall deem meet.
- 7.10. On or before 31 May in each year written notice shall be sent to every Member (except Honorary Members), to the address appearing on the records of the Association, that the subscription for the following twelve months becomes due and payable in advance, on the first day of July next following the notice, and that prompt payment of the subscription is necessary to avoid the consequences of clause 8.9 above.
- 7.11. Refunds of subscriptions shall not be available to financial Members other than in exceptional circumstances. This is to be at the discretion of the Board.
- 7.12. If during a subscription year a Member ceases to be eligible for the category of Membership to which the Member then belongs, due to moving overseas, the Member shall nonetheless be entitled to retain that category of Membership until the end of that subscription year whereupon the Member shall cease to be a Member of the Association unless the Member applies for and is re-admitted to Membership in that category of Membership for which the Member is then eligible.
- 7.13. Where members apply to Board for suspension of membership, a membership credit may be offered on a pro-rata basis. Applications will not be accepted for periods less than six months.



## 8. Rights and Responsibilities

- 8.1. Full Member shall have all the rights specified and implied in the Constitution and shall at all times: –
- (a) Fulfil the requirements of the Constitution and By-Laws.
  - (b) Observe the Code of Ethics of the Association.
  - (c) Maintain and uphold the honour and reputation of the dental profession and Association.
  - (d) Have the right to seek advice, assistance or services from the Association in relation to any matters specified or approved for the purposes of clause 7.2(a) above, subject always to:
    - (i) the member or person or representative having first, to the extent required by Board, diligently sought advice, assistance or services from any insurer or other body in respect of any available rights of advice, assistance or services for the member or representative; and
    - (ii) the absolute discretion of Board not to extend advice, assistance or services in any particular case.

Without in any way restricting or limiting its discretion, Board may, from time to time, publish guidelines to Members as to factors relevant to the grant or withholding of advice, assistance or services referred to in clause 7.2(a) above.

- 8.2. The following Members shall have all the rights of a Full Member of the Association:

- (a) Part-time member;
- (b) Qualified Member;
- (c) Part-time Qualified Member;
- (d) Post Graduate;
- (e) Post-Graduate Concessional;
- (f) 2nd Year Graduate;
- (g) 2nd Year Qualified;
- (h) 1st Year Graduate;
- (i) 1st Year Qualified;
- (j) Graduate; and
- (k) Graduate Qualified

- 8.3. A Temporary Restricted Member, a Restricted Member and a Long Service Restricted Member shall have all the rights of a Full Member of the Association except the Member shall not be eligible to be elected or appointed as a member of Council.

- 8.4. An Overseas Restricted Member shall have all the rights of a Full Member of the Association except that the member shall -
- (a) Not act as a Member of Council.
  - (b) Not serve on any Committee appointed pursuant to the Constitution.
  - (c) A Specially Restricted Member shall have the same rights as an Overseas Restricted Member except that the Member shall not be entitled to any vote at General Meetings of the Association.
- 8.5. Any Honorary Life Member of the Association shall have all the rights of a Full Member of the Association. In addition -
- (a) Honorary Life Members shall be entitled to attend New South Wales Dental Conventions without payment of an enrolment fee. This fee shall be a charge on the funds of the Branch and not the Convention.
  - (b) Honorary Life Members shall be excused from paying that part of their subscription related to Branch administration.
  - (c) Honorary Life Membership shall be conferred only at a State Convention or such other formal function decided upon by the President by the presentation of a medallion and an accompanying citation designed for this purpose. The contents of the citation shall be published in the State Newsletter.
  - (d) A register of Honorary Life Members shall be kept.
  - (e) Honorary Life Members shall rank in order of precedence immediately after State Councillors, unless otherwise entitled, for formal Association functions.
- 8.6. An Honorary Member shall have none of the liabilities of Members as regards subscriptions and shall not be entitled to any vote, but subject to the Constitution and By-Laws have all the other rights and privileges and liabilities of a Restricted Member.
- 8.7. A Student Associate Member shall be entitled to attend courses or lectures conducted by the Association, to use the Association's library, electronic resources and to receive the Association's publications but shall have no other rights and privileges.
- 9. ADA NSW Alumni**
- 9.1. Former Members of the Association who meet the following criteria may apply to join the ADA NSW Alumni:
- (a) No longer registered;



- (b) 40 or more years of ADA NSW Membership;
- (c) Not a Member of ADA Inc.;

9.2. By joining the Alumni, former Members will continue to receive an electronic copy of the ADA NSW magazine and any email blasts.