

**DIETITIANS ASSOCIATION OF AUSTRALIA
BY-LAW
CONSULTANCY SERVICES PROVIDED
BY DIRECTORS OF THE BOARD OR MEMBERS OF THE AUSTRALIAN
DIETETIC COUNCIL**

(By-law Made Pursuant to Clauses 25 and 36 of the *Constitution*)

Revised February 2010

1. Purpose

By-law made pursuant to Clauses 25 and 36 of the Constitution provides for Directors of the Dietitians Association of Australia (DAA) or dietetic members of the Australian Dietetic Council (ADC) to undertake and be paid for a DAA consultancy service as established in this by-law.

2. Preparation of Brief, Selection Criteria and Remuneration for a Consultancy

2.1

2.1 Directors or ADC members wishing to express interest, or be part of a group wishing to express interest in any consultancy created by DAA shall not be involved in the preparation of the brief, selection criteria or determination of the remuneration for a consultancy.

3. Expressions of Interest

3.1 Expressions of Interest for a consultancy shall be advertised:

- (a) to members through the DAA Newsletter, and /or website , and / or national e-mail; and
- (b) to members with expertise in the area of the consultancy.

3.2 Directors of the Board or dietetic members of the ADC are entitled to express interest in any DAA consultancy.

3.3 Directors or ADC members must notify the Chief Executive Officer and other Board or ADC members of a potential interest in a consultancy as soon as the interest is known.

4. Selection Panel

4.1 The Chief Executive Officer shall determine the selection panel for a consultancy in consultation with the President, ADC Chairperson and / or senior staff as appropriate.

4.2 The selection panel shall comprise:

- (a) three or five DAA members;
- (b) of the three or five DAA members, one may be a Director of the Board; and
- (c) may contain non-DAA members with specific expertise or as part of a joint project

4.3 Members of the selection panel shall have experience in the area of the consultancy or broad experience within DAA.

4.4 The recommendation of the selection panel shall be based on merit.

4.5 The selection panel shall make a recommendation on the selection process through the relevant Board Committee if appropriate.

4.6 Any Director or ADC member who has notified a potential interest in a consultancy shall not be a member of the selection panel.

5. Recommendation by Selection Panel to Appoint a Director or ADC member to Undertake a Consultancy

- 5.1 If a selection panel recommends that a Director or ADC member be appointed to undertake a consultancy, the Director or ADC member expressing interest in the consultancy shall:
- (a) not be present at or vote on the matter at any Board or ADC meeting when the consultancy is being considered; and
 - (b) be required to declare a material personal interest in the allocation of the consultancy.

6. Appointment of a Director or ADC member to undertake a DAA Consultancy

- 6.1 If a Director or ADC member is appointed to undertake a consultancy, the Director or ADC member shall not:

- (a) be present during any discussion by the Board or ADC on any aspect of the consultancy, other than to report or answer questions at the invitation of the Board or ADC;
- (b) vote on any aspect of the consultancy.

- 6.2 The Board shall appoint a Director or ADC member to undertake a consultancy only by resolution of the Board.

7. Payment of a Consultancy Fee to a Director or ADC member

- 7.1 A Director or ADC member appointed to undertake a consultancy shall be paid a consultancy fee as described in the consultancy brief and the consultancy agreement (contract).

8. Consultancy Agreement (Contract)

- 8.1. A Director or ADC member undertaking a consultancy shall be required to sign and adhere to a DAA consultancy agreement.
- 8.2 A Director or ADC member, in addition to signing a consultancy agreement, is to acknowledge in writing that they have complied with the provisions of this by-law in relation to that consultancy.