



Developmental Educators Australia Incorporated

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CONSTITUTION

Developmental Educators Australia Incorporated (P.O. Box 386, Christies Beach Road Christies Beach 5165)

1. **NAME** The name of the organisation will be "DEVELOPMENTAL EDUCATORS AUSTRALIA Inc." (DEAI).
2. **OFFICE** The office of the Developmental Educators Australia Incorporated hereinafter referred to as the "office" will be situated in Adelaide or such other place or places in Australia as may be decided by the resolution of its members.
3. **PURPOSE** The organisation was formed to bring together Developmental Educators who provide professional services to people with disabilities and/or people with rehabilitation needs.
4. **OBJECTIVES**
 - 4.1 To provide a professional body for Developmental Educators in the Australian Commonwealth.
 - 4.2 To promote and maintain a high standard of professional, ethical conduct and work related skills.
 - 4.3 To advise on standards and levels of expertise to be attained by those training for or seeking employment as Developmental Educators in the public, private, and not for profit sector of the community.
 - 4.4 To promote DEAI to organisations providing services to people with disabilities and/or rehabilitation needs, and to the wider community.
 - 4.5 To encourage its members to evaluate, update and improve services.
 - 4.6 To provide a means for the interchange of ideas and experience between members and other individuals and organisations in Australia and internationally.
 - 4.7 To do all such other things as may be incidental to the attainment

of DEAI's objectives.

5. POWERS

DEAI shall have the following powers in addition to and without prejudice to any other powers herein expressed or implied, or expressed or implied under or by virtue of the provisions of the South Australian Associations Incorporated Act 1985, as amended from time to time.

5.1 To do all such things as are necessary to incorporate DEAI under the provisions of the South Australian Associations Incorporated Act 1985.

5.2. The Planning Committee shall appoint an interim public officer as required by the South Australian Associations Incorporated Act 1985.

5.3. To raise, receive, have, hold, administer and dispose of monies in the form of donations, legacies, bequests or the consequence of fundraising activities of all types or otherwise received from any other source whatsoever.

5.4. To apply for and enter into arrangements and conclude agreements in relation to grants of any public monies to assist DEAI in the furtherance of its objectives.

5.5. To borrow or raise money at interest for any purpose whatsoever as approved by the membership at a general or special meeting.

5.6. To purchase, take on lease, exchange, hire or acquire and hold any real or personal property (including chattels real).

5.7. To pay for any real or personal property acquired or to be acquired by DEAI for cash, or to allow the whole or any portion of the purchase money to remain owing on the mortgage or otherwise, upon such terms as the organisation's Annual General Meeting or extraordinary meeting may approve.

5.8. To sell, lease, let, mortgage or charge any real or personal property belonging to or to belong to DEAI as the DEAI General meeting may approve.

5.9. To construct, maintain and alter any buildings or works necessary or convenient for the purpose of DEAI.

5.10. The Executive Committee may employ, instruct and dismiss such staff as from time to time may be required for the purpose of DEAI.

6. MEMBERSHIP

Membership of DEAI is open to all degree-level trained Developmental Educators who agree to abide by:

- DEAI Constitution as revised from time to time at an Annual General Meeting, and circulated to all members
- the Code of Ethics of DEAI, as revised from time-to-time by the Executive Committee and circulated to all Members.

Full Member

6.1 A person who has paid fees as determined by DEAI for Full Membership and is professionally engaged as a Developmental Educator, or continues to be actively involved within any of the fields of disability, education, health, community justice, welfare, and/or rehabilitation services and who possesses any of the following:

6.1.1 A tertiary degree in Disability or Rehabilitation Studies. For example; Bachelor of Applied Science (Developmental Disabilities), Bachelor of Applied Science (Disability Studies), Diploma of Applied Science (Developmental Disabilities), or any other Disability Studies or Rehabilitation degree as determined by the DEAI Executive Committee from time to time.

6.1.2 Relevant Nursing Certificates obtained prior to the development of tertiary studies in Disability, Mental Health, and Rehabilitation. For example, Mental Deficiency Nursing Certificate/Psychiatric Nursing Certificate; or

6.1.3 The equivalent of the above qualifications in either 6.1.1 or 6.1.2 as recognised by the DEAI Executive Committee.

Life Membership

6.2 Life Membership may be offered by DEAI to any one member who, in the opinion of the DEAI Executive Committee, has rendered distinguished service to either DEAI or the fields of Disabilities and Rehabilitation. Life membership may be proposed by any existing voting member but must be endorsed by the DEAI Executive Committee.

Life Members are entitled to full privileges of membership but are not required to pay member contributions.

Organisational and/or Corporate Members

6.3. Organisational and/or Corporate Members shall consist of any organisation or corporation actively involved within Disability, Education, Health, Community Justice, Community Welfare, and/or Rehabilitation services which is committed to the advancement of the professional status and the promotion of the goals and ethics of Developmental Educators working in the community, and, who have paid fees as determined by the DEAI Executive Committee for organisational members, shall be considered eligible within this category.

Organisations and/or agencies are entitled to full privileges and obligations of membership, including the responsibility to declare any existing or potential vested interests or financial contracts which may constitute a conflict of interest or have the potential to adversely affect DEAI or its members.

Serious Breaches of Ethical Practice

6.4.1 Any member of the public may submit a written complaint to the DEAI Committee regarding a serious breach of ethical practice by a member of the DEAI.

6.4.2 A complaint may be submitted on the basis of a serious breach of ethical practice by the DEAI member in relation to the Code of Ethics and Practice for Developmental Educators.

6.4.3 The DEAI Complaints Panel will, in its absolute discretion, decide on the outcome of the DEAI Complaints Process for Serious Breaches of Ethical Practice by a Developmental Educator, which may include suspension or expulsion of the DEAI member about whom the complaint was received.

6.4.4 The DEAI By-Laws Ethics and Practice (2015) detail the processes and procedures in dealing with and responding to complaints received.

7. ASSOCIATE MEMBERS

Associate Membership of DEAI is open to other persons who agree to abide by:

- the DEAI Constitution, as revised from time to time at Annual General Meetings and circulated to all members.
- the Code of Ethics of DEAI, as revised from time-to-time by the DEAI Executive Committee and circulated to all Members.

Associate Member

7.1 An Associate Member is a person who has paid fees as determined by DEAI Executive Committee for Associate Membership and who:

7.1.1 is currently a student of a tertiary degree program relevant to the field of Disability/Rehabilitation Studies and Developmental Education, or

7.1.2 does possess a qualification recognised by the DEAI Executive Committee as relevant to the field of Disability and Rehabilitation Studies but does not have a tertiary level degree, or

7.1.3 who, in the opinion of the DEAI Executive Committee, has had adequate training together with more than three years experience in the field of Disability and/or Rehabilitation services with an organisation recognised by DEAI.

An associate member is entitled to full privileges of membership except the right to vote and must comply with the DEAI Constitution and Code of Ethics of DEAI or be subject to the same rules of expulsion of Members as covered in Rule 6.4.

8. LEVIES

8.1 The DEAI Executive Committee shall have the right to raise money by means of levies from its members.

8.2 Subscriptions shall be paid by members at the rate determined by members from time to time at the Annual General Meeting and recorded by the DEAI Executive Committee in its Minutes.

8.3 Members of DEAI, unless precluded by these rules, are required to renew their membership annually, within a month of falling due, by paying the Treasurer the appropriate annual fee. A member shall be deemed to have resigned membership, if after reasonable reminders, his/her subscription remains unpaid within three months of falling due.

8.4 A Full Member must be financial, in order to record his/her vote on any issue.

8.5 Any member, whether resigning or excluded under Rule 8.2 and 8.3 shall forfeit any claim to a return of any money paid to DEAI for any purpose and shall cease to be a member forthwith.

9. INTERESTS OF MEMBERS

9.1 No member shall be disqualified from obtaining or continuing his/her membership of DEAI by, reason of the fact that he/she is an employee of DEAI or has been remunerated by the DEAI for any business or other act done by him/her in the conduct of DEAI.

9.2 Any member of DEAI who is in any way, whether directly or indirectly, interested in any commercial contract or proposed commercial contract with DEAI shall, as soon as the relevant facts have come to his/her knowledge, declare the nature of his/her interest to the DEAI Executive Committee and shall if required by the Executive Committee withdraw from all discussion and voting on such commercial contract.

10. OFFICERS AND COMMITTEES

10.1 Officers and Committees

10.1.1 The Management of DEAI, shall be vested in an Executive Committee (referred to as the "Committee") consisting of the Chairperson, Secretary, Treasurer and six (6) other members to manage the day-to-day affairs of DEAI, subject to general directions of DEAI membership and in accordance with DEAI's objectives.

10.1.2 The Public Officer/s of DEAI shall be determined by the members of the DEAI and their position shall be ratified at the first Executive Committee Meeting of DEAI following the Annual General Meeting each year.

10.1.3 Office bearers shall be nominated by any two, financial, full members of DEAI and shall be elected by a simple majority of voting members. Any honorary officer who ceases to be a member of DEAI shall be precluded from holding office in DEAI.

10.1.4 At least one student of a relevant Disability Studies/Rehabilitation Degree may participate as a member of the DEAI Executive Committee. Student members who actively participate in the activities of the Executive Committee (as determined by the Chairperson of the Committee) will have full voting rights on the Executive Committee.

10.1.5 The honorary officers of the DEAI Executive Committee, the Chairperson, Secretary and the Treasurer shall hold office for one year following election and shall then resign but be eligible for re-election. Other members of the Executive Committee shall hold office for two years following election and shall then resign but be eligible for re-election.

10.1.6 The DEAI Executive Committee shall appoint and dismiss such other officers, committees or subcommittees, upon such terms and conditions as it shall from time to time decide.

10.1.7 The Executive Committee shall have the right to co-opt members or others to ensure proper completion of work and projects.

10.1.8 A full member who is financial may be elected to office.

10.1.9 At any Executive Committee meeting of DEAI, a quorum shall be five (5) members one of which must be an Honorary Officer of DEAI.

10.1.10 If a quorum is not present within fifteen (15) minutes of the scheduled start for the meeting, a brief meeting of those attending will occur and the notes of this meeting will be handed to the secretary for discussion/ratification at the next scheduled meeting.

10.1.11 The DEAI Executive Committee shall meet at least four (4) times a year.

10.2 **Subcommittees**

10.2.1 The Executive Committee may, from time to time, appoint from the Members of DEAI such subcommittees as it may deem necessary, and may refer to them such of the powers and duties of the Executive Committee as the Executive Committee may determine.

10.2.2 Each such subcommittee shall report its proceedings to the Executive Committee and shall conduct its business in accordance with the directions of the Executive Committee which may in itself act in any matter, for that purpose. One member of the Executive Committee must be appointed as the Convenor of the said subcommittee.

10.3 Casual Vacancies on the Committee

10.3.1 The Executive Committee may, by resolution, fill any vacancy on the Executive Committee with a member of DEAI who, when so elected, will retain office until the following Annual General Meeting.

10.4 Disqualification of Members of the Executive Committee

The office of any Member of the Executive Committee shall be vacated if he/she:

10.4.1 without the consent of the DEAI Executive Committee profits from activities of DEAI; or

10.4.2 resigns his/her office by writing to the Chairperson of the DEAI Executive Committee; or

10.4.3 is directly or indirectly interested in any commercial contract with DEAI and fails to declare the nature of his/her interests in accordance with Rule 9; or

10.4.4 without the consent of the DEAI Executive Committee absents him/herself from four (4) consecutive Executive Committee Meetings.

11. DUTIES OF THE CHAIRPERSON

11.1 The Chairperson shall act as Convenor at all DEAI Executive Committee Meetings, Annual General Meetings and/or other general or special meetings called by DEAI.

In the absence of the Chairperson or if the Chairperson is unable to act, the Chair shall be taken, in his/her absence by some other Executive Committee member chosen by a majority vote of the meeting.

11.2 Represent DEAI nationally and internationally.

11.3 Maintain contact with other state and international organisations with similar aims to DEAI.

11.4 Oversee the organisation and efficient administration of DEAI.

11.5 Ensure the ratification of the appointment of a Public Officer following each Annual General Meeting and that the Public Officer is aware of his/her obligations under the Act.

12. DUTIES OF THE SECRETARY

The Secretary shall perform normal secretarial duties (i.e., minute recording, outgoing and incoming mail, etc.)

12.1 In the absence of the Secretary the minutes will be recorded by an Executive Committee member other than the Chairperson.

12.2 The Secretary shall keep a Register of Members that includes the name and address of each member, the date on which each member was admitted to DEAI, and the date of and reasons for cessation of membership.

13. DUTIES OF THE TREASURER

13.1 The Treasurer shall receive and disburse all DEAI funds as instructed by the DEAI Executive Committee and in accordance with its objectives. A bank account shall be operated with the Treasurer and Secretary as signatories, and with the Chairperson available as a Signatory in the absence of either the Treasurer or Secretary. Proper books of account shall be kept, and a clear statement of accounts shall be presented to members at the Annual General Meeting.

13.2 In the event that DEAI's income exceeds \$200,000 annually, the financial records of DEAI shall be audited annually by a properly qualified and acceptable person. The Treasurer shall provide an audited statement of account for presentation to all members and to the annual meeting.

13.3 DEAI's financial year shall end on 30th of June.

14. ASSETS AND INCOME

14.1 The assets and income of DEAI shall be applied solely in furtherance of its objects and no portion shall be distributed directly or indirectly to its members or others except as bona fide compensation for services rendered or expenses incurred on behalf of DEAI.

14.2 No member of the Executive Committee may sell, encumber or otherwise deal with any DEAI property or commit DEAI to any expense without the prior approval of the Executive Committee.

15. MEETINGS

15.1 DEAI shall hold an Annual General Meeting annually.

15.2 Extraordinary general meetings may be called as determined by DEAI.

15.3 At least 28 days notice of the Annual General Meeting and any Extraordinary General Meeting shall be given to members and notices of such meetings shall specify the time, date and place of such meetings, together with an indication of the business to be transacted.

15.4 Matters raised at the Annual General Meeting or at any extraordinary general meetings, details of which have not been previously advised by the Secretary to the members, may be dealt with at a General Meeting or the following Annual General Meeting,

at the discretion of the Chairperson.

15.5 Any notice served by pre-paid post to a member's last advised address shall be deemed to have been properly served.

15.6 All decisions made at the Annual General meeting and at any Extraordinary General Meetings shall be confirmed by taking into account the votes of members present in addition to any postal votes received by the Secretary subsequent to the meeting. Postal votes on all resolutions submitted to members prior to the meeting shall be declared by the Secretary when a vote on the issue is called by the Chairperson.

15.7 Any member may appoint any other member as a proxy by writing in such form as the Executive Committee may from time to time approve. Such forms must be deposited at the Office of DEAI not less than forty-eight (48) hours before the time announced for the meeting at which the proxy proposes to vote, otherwise the form shall be treated as invalid.

15.8 At any Annual General Meeting or Extraordinary General Meetings of DEAI a quorum shall consist of at least five (5) members of the Executive Committee (including proxies) and five (5) voting Members of DEAI who are not currently Committee Members.

15.9 If a quorum is not present within fifteen (15) minutes of the scheduled start for the meeting, the meeting will be deferred. The meeting will be rescheduled within six weeks of the original meeting date.

16. PROCEDURE

16.1 All business of DEAI, except where prescribed by these rules, may be carried out by mail and postal voting shall be valid.

16.2 Motions submitted by mail do not require to be seconded and all motions correctly submitted in this way shall be determined by a simple majority vote.

16.3 Each member entitled to vote shall forward his/her decision to the Secretary within four weeks of receiving a ballot form. In the event of an equality of votes the Chairperson shall have a second or casting vote.

17. COMMON SEAL

17.1 DEAI shall have a Common Seal which shall remain in the custody of the Secretary.

17.2 The Common Seal of DEAI shall only be affixed to any instrument by the authority or by resolution of the Executive Committee.

17.3 There shall be three (3) Seal holders appointed by the

Executive Committee from its own Members, one of which should be the Chairperson. The Common Seal shall be affixed to an instrument by and in the presence of two (2) of the three (3) seal holders who shall each sign the instrument to attest the proper affixing of the seal thereto.

18. AMENDMENTS AND ALTERATIONS

Amendments and alterations to the Constitution may only be made at the Annual General Meeting or an extraordinary general meeting for which proper notice has been given to every member provided for in Clause 12 thereof.

19. INTERPRETATION

A decision by the DEAI Executive Committee as to the meaning or interpretation of these rules or any word or expression therein shall be final and binding on all members.

20. CIRCUMSTANCES NOT PROVIDED FOR

If any circumstances shall arise as to which these Rules are silent or incapable of taking effect or being implemented according to its strict provisions the Executive Committee shall, subject to any direction from time to time given to it by resolution of an Annual or any other General Meeting called for by DEAI, have power to determine what action may be taken to best give effect to the objects of DEAI and to ensure its efficient administration and every act of the Executive Committee bona fide resolved upon pursuant to this Rule shall be as valid and effectual as if specifically authorised herein.

21. BY-LAWS

Regulations bearing on all subjects may be provided for in the By-Laws Pursuant to the Provisions of these Rules as well as bearing on such subjects which have not been provided for in these Rules and can be laid down on the motion of the Executive Committee through a resolution of the Annual and/or any other General Meeting called for by the members of DEAI. Such regulations or By-Laws shall be in conformity of these Rules.

22. DISSOLUTION

DEAI shall be dissolved in the event of the membership thereof falling to less than three persons or upon the vote of three-fourths majority of the members present at a special meeting convened to consider the question.

Any funds or monies to be dispersed to an organisation with aims and objectives similar to DEAI.