

## TAI Practitioners & Advisers Ltd

ACN 1 61 4 6 2 6 20

(the “Company”)

### By-law – II. Complaints processes

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In this By-law, the interpretation provisions of the Company’s Constitution apply unless the context otherwise requires.

Members are subject to a complaints and disciplinary regime.

#### 1. General obligations of Members

- a. Members shall cooperate with hearing processes held to determine whether Members have contravened the Company’s Constitution and By-laws.

#### 2. General obligations of Fellows

- a. Fellows shall at all times cooperate with inquiries related to client complaints about Members.
- b. Fellows shall return Public Practice Certificates in their possession in the event that an adverse finding results in the termination of their membership.

#### 3. Procedure for making complaints

- a. Complaints against Fellows, Ordinary Members and CPD<sup>pro</sup> Voting Members are to be made in writing and addressed to: The Ethics Committee Secretary, TAI Practitioners & Advisers Ltd, PO Box 226, Flinders Lane, Vic 8009, Australia.
- b. Where complaints are made to the Company relating to Members and it appears to the Ethics Committee Secretary that such complaints are capable of constituting misconduct in accordance with the Company’s Constitution and By-laws the Ethics Committee Secretary must refer the complaints to the Ethics Committee within seven (7) days from the dates of receiving the complaints.
- c. The Ethics Committee Secretary must notify complainants and the Members that are the subject of the complaints in writing of the date the complaints were received and the procedures for the determination of the complaints referred to the Ethics Committee pursuant to clause 4 of this By-law. This must occur within seven (7) days from the date the complaints were referred to the Ethics Committee.
- d. The Ethics Committee Secretary must provide Members the subject of complaints with copies of the complaints and notices setting out the procedures for the determination of the complaints referred to the Ethics Committee, pursuant to clause 4 of this By-law within seven (7) days from the dates the complaints are referred to the Ethics Committee; and,
- e. The Ethics Committee Secretary must ensure that the procedures for making and determining complaints are published at all times on the Company’s website or published periodically in some other manner as approved by the Board.

#### 4. Determination of complaints

- a. The Ethics Committee must twenty-one (21) days from the date the complaints were referred to the Ethics Committee provide the Members with notices setting out the particulars of the complaints and request the Members to provide written responses to the complaints within twenty-one (21) days from the date of the notices or within any further extensions of time granted by the Ethics Committee;
- b. Within twenty-one (21) days from receiving the Members responses the Ethics Committee may notify the parties in writing of further information it is seeking. Members must provide the further

- information within fourteen (14) days from the date of the notices or within any further extensions of time granted by the Ethics Committee;
- c. Once the Ethics Committee decides there is sufficient information to determine the complaints it shall notify all the parties in writing of the date that the Ethics Committee will meet to determine the complaints and the procedures for the conduct of the disciplinary proceedings approved by the Board and specified in the By-laws from time to time;
  - d. The Ethics Committee must meet to determine the complaints no later than twenty-eight (28) days from the date of the notices specified in clause 4(c) of this By-law; and
  - e. The Ethics Committee must notify the complainants and the Members in writing of its determinations within seven (7) days from the date of its determinations.

## 5. Discipline

- a. The Ethics Committee may decide to impose one or more sanctions in the situation where Members are found guilty of misconduct. The various sanctions are set out below.

Sanctions available to the Ethics Committee:

- i. Member's Membership being terminated and the Members permanently struck-off the Register;
  - ii. Members being suspended from Membership for a specified period not exceeding two (2) years;
  - iii. imposing a penalty of a formal reprimand;
  - iv. at its discretion naming Members in a Company publication in cases where the naming of Members subject to disciplinary action is justified;
  - v. recommending that the Board notify relevant regulatory authorities of the Members misconduct;
  - vi. ordering Fellows to refund monies paid to them by the complainants (the maximum amount payable shall not exceed the total of amounts received from the complainants in relation to the provision of services by the Fellows which are the subject of the complaints made);
  - vii. ordering Fellows, Ordinary Members and CPD<sup>PRO</sup> Voting Members to undertake professional development courses prescribed by the Ethics Committee; and
  - viii. may recommend that Member's records note the guilty finding without imposition of any other penalty.
- b. In determining the appropriate penalties, the Ethics Committee must have regard to the seriousness of the misconduct.
  - c. Failure to comply with orders made by the Ethics Committee pursuant to this By-law constitutes misconduct.

## 6. Appeal processes

- a. Members may appeal the determinations of the Ethics Committee by completing the approved notices of appeal and lodging them with the Secretary with the prescribed fees no longer than twenty-one (21) days from the date the Members received notice of the determinations pursuant to the Company's Constitution and this By-law.
- b. The Board shall convene a meeting with the Ethics Committee to determine the appeals as soon as practicable from the date it receives the notices of appeal.
- c. The Board may dismiss the appeals, resulting in no change to the Ethics Committee's findings.
- d. The Board may uphold the Ethics Committee's decisions but alter the penalties if it believes greater or lesser penalties are warranted in all the circumstances.
- e. The Board may uphold the appeals.