



Regulations of the  
Australian Institute of Professional  
Investigators Limited

**(ACN 092 281 868)**

**1 January 2009**

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# 1. Definitions

In these regulations unless the contrary is stated:

**"Appeal Committee"** means the Appeals Committee constituted in accordance with the Regulations.

**"ASD"** means Accredited Specialist Designations.

**"Associate Member"** means a person classified as an Associate Member in accordance with the Regulations.

**"CEO"** means the person appointed to the office of Chief Executive Officer under the regulations.

**"Code of Professional Ethics"** means the Code of Professional Ethics approved by the Institute from time to time.

**"Constitution"** means the document that creates the Institute and includes any variation or replacement of it.

**"Disciplinary Committee"** means the Disciplinary Committee constituted in accordance with the Regulations.

**"Dispute Resolution Procedure"** means the internal dispute resolution procedure conducted by the Board of Directors, the Disciplinary Committee and the Appeals Committee in accordance with the Regulations.

**"Financial Year"** means the period from the date of incorporation of the Institute to 30 June next following and thereafter each period from 1 July to 30 June next following and in the year in which the Institute is dissolved then the period from 1 July preceding the date of dissolution of the Institute to the date of such dissolution.

**"Institute"** means the Australian Institute of Professional Investigators Limited.

**"Member"** means a person classified as a Member in accordance with the Regulations but does not include the Associate categories unless specified.

**"Membership Financial Year"** means the membership financial year of the Institute, from 1 July to 30 June.

**"Office"** means the registered office of the Institute.

**"Office Bearer"** means a person holding the office of President, Vice President, Secretary or Treasurer.

**"Regulations"** mean the Regulations of the Institute.

**"Secretary"** means the person appointed to the office of Secretary under the regulations.

**"Treasurer"** means the person appointed to the office of Treasurer under the regulations.

## 2. Code of Professional Ethics

All Members are bound by the Code of Professional Ethics of the Institute as published by the Institute from time to time.

## 3. Membership

### 3.1 Classes of Membership

The Institute has approved the following classes of membership and may approve additional classes of membership as it sees fit from time to time.

- **Associate Member** - An individual who has not yet been employed within the Investigation Industry for at least 3 years but does satisfy the requirements described at 3.2.1 (eg Students);
- **Member (MAIPI)** – Meets the Member qualifications described at 3.2.2;
- **Associate Fellow (AFAIPI)** – Member who meet the requisite industry years for a fellow but has not yet met the service to the Institute criteria as described at 3.2.3;
- **Fellow (FAIPI)** – Meets all membership and service to Institute criteria as described at 3.2.4

### 3.2 Membership Criteria

#### 3.2.1 Associate Member

- a) Must be attending or have completed a training course recognised by the Membership and/or accreditation committee of the Institute; or
- b) Currently employed in an industry or organisation where a principal function involves investigation; and
- c) Must satisfy all other eligibility for membership criteria as described in 3.3

An Associate Member will have no voting rights nor will they be eligible to serve on the State Chapter Executive.

#### 3.2.2 Member

- a) Currently employed in an industry or organisation where the principal function involves investigation and has been so for a minimum of three years; or
- b) Currently employed in the teaching of or research into aspects of Investigation or a relevant field of endeavour for a minimum of three years; and
- c) Must have attended and qualified at a recognised course of training as determined by the relevant committee of the Institute; and
- d) Must satisfy all other eligibility criteria as described in paragraph 3.3

Entitled to use the post nominal initials **MAIPI**

### **3.2.3 Associate Fellow**

- a) Must be a Member of the Institute and
- b) Currently employed in an industry or organisation where the principal function involves investigation and has been so for a minimum of ten years or
- c) Currently engaged in the teaching of, or research into aspects of Investigation or a relevant field of endeavour and has been so for a minimum of ten years and
- d) Must have provided service to the Institute by way of service as a state chapter executive member or committee representation for a minimum period of three years or 1 year

Entitled to use the post nominal initials **AFAIPI**.

### **3.2.4 Fellow**

- a) Must be a Member of the Institute and
- b) Currently employed in an industry or organisation where the principal function involves investigation and has been so for a minimum of ten years or
- c) Currently engaged in the teaching of, or research into aspects of Investigation or a relevant field of endeavour and has been so for a minimum of ten years and
- d) Must have provided assistance to the Institute by way of service as a state chapter executive or committee representation for a minimum period of three years or
- e) In the assessment of the National Executive from time to time has undertaken meritorious service in the furtherance of the Professional Investigation Industry

Entitled to use the post nominal initials **FAIPI**.

## **3.3 Eligibility for Membership of the Institute**

All Members must:

- Be of good character and integrity;
- Agree to abide and be bound by the Institute's Constitution, code of ethics and regulations;
- Pay the application fee and annual membership and
- Meet the membership criteria requirements set out in regulation 3.2.

## **3.4 Membership declaration**

Each applicant is required to make a declaration affirm that he or she is a person of good character and integrity. A false declaration will give rise the expulsion of the applicant or member.

All applicant and members must provide written authority for the Institute to conduct a criminal history check to verify the declaration of good character and integrity.

## **4. Chief Executive Officer**

The National Executive of the Institute may resolve to appoint a full time Chief Executive Officer undertake the following tasks;

- a) Further the development of the Institute objectives;
- b) Manage the affairs of the Institute nationally under the supervision of the Board of Directors;
- c) Make appropriate recommendations to the Committee in respect of applications for membership and accreditation;
- d) Conduct an initial investigation into any complaint received following the procedure outlined in the regulations;
- e) Act as the Institute's delegate for the purpose of compliance with any industry based memoranda of understanding or partnership agreements.

## **5. Application And Membership Fees**

### **5.1 Application Fees**

The Institute will determine, prior to the commencement of the membership financial year, an application fee for new members seeking to join the institute. The Application Fee will be a once only payment to facilitate the processing of the new member application.

An additional "once only" Application Fee also applies to each Accredited Specialist designation sought by each member. The Institute will determine the Accredited Specialist Application Fee prior to the commencement of each membership year

Application fees in both cases are not refundable if the application is not successful.

All applications received will be acknowledged in writing. Applications will not be considered by the membership committee until such time as the application fee and member fee has been paid and cleared.

### **5.2 Membership Fees**

The Institute will determine, prior to the commencement of the membership financial year, an annual membership fee for new members seeking to join the institute and existing members renewing their membership.

The following annual Membership fee categories will apply:

<b>Category</b>	<b>Explanation</b>
Associate Member	Entitled to attend meetings and functions at a discounted "Member" rate
Member, Associate Fellow & Fellow	Entitled to attend meetings and functions at a discounted "Member" rate
Corporate Member Discount	Discount for applications by Individuals associated with a Corporate Entity with more 5 or more paid members
Accredited Specialist Designation	Fee for each designation sought

## **6. Accreditation**

### **6.1 Accredited Specialist Designations ("ASD")**

The Institute has approved the following Accredited Specialist Designations and may approve additional Accredited Specialist Designations as it sees fit from time to time.

- Document Examination and Fingerprint Specialist
- Forensic Technology Specialist
- Fraud Accounting Specialist
- Fraud Investigation Specialist
- Fraud Legal Specialist
- Fraud Intelligence Specialist
- Investigation Business Specialist
- Investigation Specialist
- Surveillance Specialist

### **6.2 Eligibility for ASD**

Only fully paid Members, Associate Fellows and Fellows of the Institute may be granted accreditation. Each Member seeking accreditation must:

- a) Pay the ASD application fee in advance for each accredited designation sought
- b) Provide a detailed Curriculum Vitae that demonstrates that the applicant is competent in the category sought to be accredited.
- c) Provide three professional references one of which is not from a current employer
- d) Verify that they have obtained 12 points in the preceding 12 months under the recognized specialist designation points system in accordance with regulation 6.6
- e) Have extensive experience (minimum 5 years) in the category sought to be accredited.



### **6.3 Accreditation Committee**

An accreditation committee shall be established by each state chapter to consider and determine accreditation applications in accordance with regulation 6.1. The Accreditation Committee shall consist of at least three Members nominated and approved by the Board of Directors.

Where possible the accreditation committee membership should reflect the ASD's being sought by the member. Where specialist skills are not available within the Chapter the committee should seek the assistance of other suitably qualified accreditation committee members in other state chapters.

Each State Chapter may choose to combine the accreditation and membership committee.

### **6.4 Period of accreditation**

Satisfaction of the accreditation criteria will result in accreditation for a period of 1 year subject to the payment of the annual membership and accreditation renewal fees.

### **6.5 Re-accreditation requirements**

Each Member seeking re-accreditation at the conclusion of the three-year period must:

- a) Pay the ASD application fee in advance for each accredited designation sought;
- b) Provide a statement of intent to continue to comply with all re-accreditation requirements; and
- c) Verify that they have obtained 12 points within the preceding year under the recognized specialist designation points system in accordance with regulation 6.6.

### **6.6 ASD Points Criteria**

Each member is required to earn 12 "CPD" points each year under the following ASD point system relevant to the particular designation sought to be maintained.

#### **6.6.1 Continuing Professional Development**

1 CPD point will be earned for:

- a) Each hour of attendance at, or training provided to seminars, conferences, workshops or lectures that are directly relevant to the ASD sought to be maintained.
- b) Each hour of attendance at, or training provided to, courses run by educational institutions, professional bodies or employers that are directly relevant to the ASD sought to be maintained.
- c) Each article of over 1,000 words in length which is published in a relevant industry journal, that is directly relevant to the particular designation sought to be maintained.

As a general guide relevant training and professional development approved by the committee will equate to approximately:

1 hour of attendance = 1 ASD point

## **7. Internal Disputes**

### **7.1 Resolution of Internal Disputes**

Disputes between Members (in their capacity as Members) of the Institute, and disputes between Members and the Institute, are to be resolved in accordance with the Dispute Resolution Procedure set out in the Regulations.

If the matter cannot be resolved in accordance with the Dispute Resolution Procedure the dispute is to be referred to a mediator listed by the relevant State Supreme Court Act for mediation.

At least 7 days before a mediation session is to commence, the parties are to exchange statements of the issues that are in dispute between them and supply copies to the mediator.

## **8. Disciplinary and Appeal System**

For the implementation of the Dispute Resolution System the Institute will cause the following national Committees to be formed in accordance with clause 26 of the Constitution:

- Disciplinary Committee; and
- Appeal Committee.

State chapters will not be required to establish individual Disciplinary and Appeal committees.

### **8.1 The Disciplinary Committee**

The Disciplinary Committee shall consist of three Members nominated and approved by the Board of Directors.

The Disciplinary Committee shall include at least one of the Institute's Directors.

The Disciplinary Committee shall not include any Member of the Appeal Committee.

Not less than two Members of the Disciplinary Committee shall hear and determine any matter brought before it in accordance with these Regulations.

The Disciplinary Committee shall exercise its powers and functions in accordance with clause 26 of the Constitution.

## **8.2 The Appeal Committee**

The Appeal Committee shall consist of at least three Members nominated and approved by the Board of Directors.

The Appeal Committee shall include at least one of the Institute's Directors.

The Appeal Committee shall not include any Member of the Disciplinary Committee.

Not less than two Members of the Appeal Committee shall hear and determine any matter brought before it in accordance with these Regulations.

The Appeal Committee shall exercise its powers and functions in accordance with clause 26 of the Constitution.

## **9. Complaint Procedure**

A complaint may be forwarded to the relevant State President by any person.

All such complaints shall be kept confidential during the investigation of the complaint.

### **9.1 State President role**

On receiving such a complaint, the State President:

- a) Must cause notice of the complaint to be served on the Member concerned;
- b) Assess the seriousness of the complaint and either:
  - i. Contact the Member concerned to arrange a mediated meeting between the Member, the State President and any other persons the State President deems appropriate; or
  - ii. Refer the complaint to the Disciplinary Committee.

### **9.2 Disciplinary Committee role**

On receiving such a complaint, the Disciplinary Committee must:

- a) Cause notice of the complaint to be served on the Member concerned that the complaint has been referred to the Disciplinary Committee;
- b) Give the Member at least 14 days from the time the notice is served within which the Member may make submissions to the Disciplinary Committee in connection with the complaint; and
- c) Take into consideration any submissions made by the Member in connection with the complaint.

After having considering the complaint, and any submissions made in connection with the complaint, the Disciplinary Committee is satisfied that the

facts alleged in the complaint have been proved it may recommend to the Board one or more of the following;

- Expel the Member from the Institute
- Suspend the Member from Membership of the Institute
- Impose a pecuniary penalty
- Impose any other sanction it may see as appropriate in the circumstances including recovery of the costs of the Disciplinary action.

The Disciplinary Committee shall have the right to engage legal or other expert assistance, as it deems appropriate.

If the Disciplinary Committee expels or suspends a Member, the Secretary must, within seven days after the action is taken, cause written notice to be given to the Member against whom the action was taken, setting out the reasons given by the Disciplinary Committee for having taken that action and of the Member's right of appeal under regulation 9.3.

The expulsion or suspension does not take effect until the expiration of the period within which the Member is entitled to appeal against the resolution concerned.

In the event that some sanction other than expulsion or suspension is imposed, the Secretary must advise the Member against whom the action has been taken of its date of effect and any other relevant instruction within seven days after the action is taken and advise the said Member of their right of appeal.

### **9.3 Right of appeal of the disciplined Member**

A Member may appeal to the Appeal Committee against a decision of the Disciplinary Committee within seven days after notice of the decision is served on the Member, by lodging with the secretary a notice to that effect.

The notice may, but need not, be accompanied by a statement of grounds upon which the Member intends to rely for the purposes of the appeal.

On receipt of a notice from a Member under regulation 9.3, the Secretary must notify the Appeal Committee that is to convene a meeting with 28 days after the date on which the secretary received the notice.

At the meeting of the Appeal Committee convened under clause Regulation 8.2 the:

- a) Disciplinary Committee and the Member must be given the opportunity to state their respective cases orally or in writing or both, and
- b) Appeal Committee is to determine whether the decision of the Disciplinary Committee should be confirmed or revoked.

If the Appeal Committee confirms the decision of the Disciplinary Committee, that decision is deemed to be final. Notwithstanding the Member may seek to have the dispute mediated in accordance with regulation 7.1

In the case of sanctions other than expulsion or dismissal, the Appeal Committee, may ratify the sanction or impose such other sanction as it sees fit.

An applicant for membership may also appeal to the Appeal Committee against a decision of the Membership Committee within seven days after notice of the decision is served on the Member, by lodging with the secretary a notice to that effect.

#### **9.4 Publication of adverse findings**

Following the exhaustion of the discipline and appeal processes, and in the interests of public confidence in the Institute and transparency of proceedings, a summary of all adverse findings, including the identification of the member and details of penalties imposed, will be published by the institute in a register that is available for public inspection.

#### **9.5 Alleged criminal misconduct**

Matters relating to the alleged criminal misconduct of a member should be immediately referred to the relevant police authorities.