



AIBS

By-Laws of the **Australian Institute of Building Surveyors**

Australian Institute of Building Surveyors

Adopted: 05 September 2016

Updated: 10 June 2021

aibs.com.au

ABN: 53 004 540 836

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PREAMBLE

The National Board of Directors (the Board) is responsible for governing the affairs of the Australian Institute of Building Surveyors (AIBS) to deliver the Objectives of AIBS, in accordance with the provisions of the Constitution and these By-Laws.

The Board is governed by the Constitution. These By-Laws are made pursuant to the Constitution and provide guidance and direction for the orderly conduct of the affairs of AIBS, including its Board Committees, Chapters, Branches and Networks.

In the event of a conflict between the Constitution and these By-Laws, the Constitution takes precedence.

DEFINITIONS

In these By-Laws, unless the context otherwise requires:

AIBS	AIBS means the Australian Institute of Building Surveyors Ltd.
Associate Member	Associate Member is defined in clause 1.4 of these By-Laws.
Board	Board means the National Board of Directors for the time being of the AIBS or any such delegate as agreed by the Board in AIBS's Delegations Policy.
Body Corporate	Body Corporate includes a company constituted under the <i>Corporations Act 2001</i> (Cth) and other forms of corporate entities constituted under State and Territory legislation and which have the status of a legal person in that they can sue and be sued.
By-Laws	By-Laws means these By-Laws of the AIBS made under Constitution clause 26 .
Chapter	Chapter means a Chapter of the AIBS established under Constitution clause 25 .
Clause	Clause means a clause of these By-Laws.
Chapter Committee	Chapter Committee means a management committee for a Chapter established for the purpose of Constitution clause 25 .
Chapter election	Chapter election means the bi-annual election of the Chapter Committee by the Full Members within a Chapter.
Chapter rules	Chapter rules means the Chapter rules made under Constitution clause 26.1 .
CEO	CEO means the Chief Executive Officer of the AIBS.
Codes	Codes mean Codes made under these By-Laws to govern the Administration of the AIBS by the Board.
Code of Professional Conduct	Code of Professional Conduct means the Code of Professional Conduct made under Constitution clause 26.1 .
Committee Chair	See clause 7.3 of these <i>By-Laws</i> .
Commonwealth	Commonwealth means the Commonwealth of Australia.

Constitution	Constitution means the Constitution of the AIBS and all supplementary constituted or amending Constitutions for the time being in force.
Constitution Clause	Constitution clause means a clause of the AIBS Constitution.
Corporations Act	Corporations Act means the <i>Corporations Act 2001</i> (Commonwealth), as amended from time to time, and any subsequent, then current legislation replacing that Act as the corporations' legislation of the Commonwealth.
Director	Director means any Person occupying the position of a Director of the AIBS (including an Independent Director, as that term is defined in the Constitution) by whatever named called.
Directors	Directors mean the Directors for the time being or such number of them as has authority to act for AIBS.
Full Member	Full Member is defined in clause 1.3 of these By-Laws.
General Meeting	General Meeting means a General Meeting of the Members of the AIBS lawfully convened and held in accordance with the Constitution.
Investigator	Investigator means the <i>Investigation Panel</i> or external legal provider or consultant appointed under clause 1.12 of these By-Laws.
Investigation Panel	Investigation Panel means the Panel appointed under clause 1.12 of these By-Laws.
Member	Member means a Person who has been admitted to the AIBS as either a Full Member or an Associate Member.
Member Forum	Member Forum means a Member Forum of the Members of a Chapter lawfully convened and held in accordance with these By-Laws.
Membership fees	Membership fees mean such Membership fees as may be imposed by the AIBS from time to time under the By-Laws for Members and Associate Members.
Membership Policy	Membership Policy means the Membership Policy adopted by the Board in accordance with clause 1.2 of these By-Laws.
Month	Month means calendar month.
National Policy	National Policy means a matter determined by the Board to have implications for the AIBS or the Members of the AIBS in more than one Chapter and that is to be dealt with and/or implemented through the Board, rather than through the Chapters.
National Accreditation Scheme	National Accreditation Scheme is defined in clause 2 of these By-Laws.
Non-Practicing Member	Non-Practicing Member is defined in clause 1.4 of these By-Laws.
Objectives	Objectives means the Objectives of the AIBS set out in clause 3 of the Constitution , as amended from time to time.
Office	Office means the principal place of business for the time being of the AIBS.
Office Bearer	Office bearer means any member holding honorary office in the AIBS for the time being.
Officer	Means any salaried employee of AIBS.

Person	Person has the meaning ascribed to that term by section 22(1)(a) of the <i>Acts Interpretation Act 1901</i> (Commonwealth).
Policy	Policy is defined in clause 5.2 of these By-Laws.
Practicing Member	Practicing Member is defined in clause 1.3 of these By-Laws.
President	President means the President for the time being of AIBS.
Professional Practice Panel	Professional Practice Panel is defined in clause 1.12 of these By-Laws.
Register	Register means the register of Members of AIBS to be kept pursuant to the Corporations Act and the Constitution.
Regulator	Regulator means a statutory officer or body established under any State or Territory legislation who is responsible for regulating and disciplining building surveying professionals in their jurisdiction.
Secretary	Secretary means any Person appointed to perform the duties of Company Secretary of AIBS (or any Person appointed to act temporarily as such) or any Person appointed to perform the duties of Secretary of the Chapter (as the case may be).
Specialist Advisory Committee	Specialist Advisory Group is defined in clause 5.5 of these By-Laws.
Special Resolution	Special Resolution means a resolution that has been passed by at least 75% of the votes cast by Full Members entitled to vote on the resolution.
Working Day	Working Day means a day which is not a Saturday, Sunday or public holiday in New South Wales.

1. MEMBERSHIP

1.1 Preamble

AIBS membership is divided into a range of categories based on levels of qualification and experience. The *Constitution* provides for two (2) classes of membership, Full Members and Associate Members. Under the *Constitution*, Full Members are able to vote on AIBS business and Associate Members are not able to vote on AIBS business. **Constitution Clause 8.2** provides that the criteria for the admission of *Members* is defined in these By-Laws.

1.2 Membership Policy

- (a) The *Board* may at its discretion determine that the requirements for entry into each grade of *AIBS* membership be presented in a *Membership Policy* as agreed by the *Board* as appropriate from time to time.
- (b) The *Membership Policy* may prescribe procedures in matters relevant to the consideration of applications for admission to membership or for grade transfer of membership.

1.3 Full Members

- (a) *Full Members* are *Practicing Members* of AIBS. From 30 June 2023, **ALL Practicing Members** must be accredited by AIBS and are subject to the AIBS Professional Standards Scheme approved by the Professional Standards Councils and established under the Professional Standards Scheme legislation in each State and Territory. *Practicing Members* enjoy the benefits of the AIBS Professional Standards Scheme including the associated cap on civil liability. The *Membership Policy* may prescribe procedures relating to how *Members* may be accredited so as to retain their *Practicing Member* status ahead of 30 June 2023.
- (b) Any *Person* admitted as a *Practicing Member* is able to:
 - (i) vote;
 - (ii) hold office within *AIBS*; and
 - (iii) receive *Practicing Member* benefits and services.
- (c) The grades within the *Practicing Member* class include:
 - (i) Accredited Member – This category is for members, fellows and life fellows who are **currently accredited** by *AIBS*.
 - (ii) Accredited Body Corporate – For Body Corporates who employ *AIBS* accredited members and at least one Director who is an *AIBS* accredited member.

1.4 Associate Members

- (a) *Associate Members* are *Non-Practicing Members* of AIBS.
- (b) A *Non-Practicing Member* will receive *AIBS* benefits and services as agreed by the *Board* from time to time but are not able to vote or hold office.
- (c) The grades within this class of membership are listed in the *AIBS Membership Policy* and include, but are not limited to the following:

- (i) Retired Member
- (ii) Life Fellow – (Retired)
- (iii) Retired Fellow
- (iv) Associate
- (v) International Associate
- (vi) International Accredited Member
- (vii) Complimentary Member
- (viii) Student
- (ix) Graduate

1.5 Use of AIBS post nominal designations

- (a) *Practicing Members* are entitled to use relevant *AIBS* post nominal in their formal communications as specified in the *AIBS* membership Policy.
- (b) *Non-Practicing Members* may be entitled to use relevant *AIBS* post nominal in their formal communications as specified in the *AIBS* membership Policy.
- (c) *Members* must only use the post nominal relevant to their grade of membership.
- (d) Where a *Member* resigns their membership, has their membership suspended or removed, or their *Membership fees* fall into arrears, they are not entitled to use the membership post nominal until their membership status has been appropriately reinstated.
- (e) Inappropriate or incorrect use of an *AIBS* post nominal is a breach of the *By-Laws*, and appropriate action may be taken to rectify the breach including disciplinary action, in accordance with the *Code of Professional Conduct*.

1.6 Applications for admission and transfer of Members

- (a) The *Board* must be satisfied that a prospective member must be a fit and proper person in respect of their character, antecedents, professional knowledge, conduct and other matters deemed relevant by the *Board* are appropriate before deciding to admit or transfer a candidate to the appropriate membership category.
- (b) All applications for admission as a *Member* or for the transfer to another grade of membership are to be assessed in accordance with the *Membership Policy*, with the exception of elevation to *Fellow*, *Life Fellow* or admission as an *Honorary Fellow*, which are determined by the *Board* as set out in **clause 1.7**.
- (c) A membership application for admission or transfer from one (1) grade of membership to another must be in a form prescribed by *AIBS*.
- (d) The required *Membership fees* must be paid to give effect to the membership.
- (e) A certificate of membership will be issued, upon approval of the admission or transfer to the grades of *Non-Practicing Member*, *Practicing Member*, *Fellow* and *Life Fellow*. The certificate will be valid only for the period the *Member* remains on the *Register*.
- (f) Where an application fails to meet the requirements for admission or transfer to a grade, *AIBS* will notify the applicant in writing and will attempt to find a suitable alternative grade or category of membership for the applicant.
- (g) Where a suitable grade or category of membership or an applicant cannot be achieved, *AIBS* will notify the applicant in writing, recording the reason the application was rejected.

- (h) In exceptional circumstances, the *Board* or its delegate may at its discretion admit an applicant to a particular category or grade of membership (with the exception of Fellow, Life Fellow and Honorary Fellow) other than as provided in these *By-Laws* and the *Constitution*. In such cases the delegate must record in writing on the *Register* the reasons for the decision, and, if the decision is made by a delegate of the *Board*, the delegate must notify the *Board* of the admission and the reasons for that admission.

Refer **Constitution Clause 8** for further membership requirements.

1.7 Elevation to Fellow, Life Fellow and admission to Honorary Fellow

- (a) Fellows are elected by the *Board*. To be nominated for the grade of Fellow a *Person* must be a *Practicing Member* who has rendered conspicuous service to the *AIBS* and the Building Surveying profession. Guidelines for nomination of Fellows are outlined in the *Membership Policy*.
- (b) Life Fellows are elected by the *Board* from among Fellows and the nominee must have given a notable and lasting contribution and distinguished service to both *the AIBS* and the Building Surveying profession. Guidelines for nomination of Life Fellows are outlined in the *Membership Policy*.
- (c) Honorary Fellows are elected by the *Board*, and must be distinguished by legal, academic, scientific, artistic, literary, political or other eminent attainments and whose activities promote or have promoted the aims and *Objectives* of *AIBS*, and who are otherwise not eligible to belong to the *Practicing Member* class.
- (d) The *Board* will consider nominations for Fellows, Life Fellows and Honorary Fellows from Chapter Committees or a nomination supported by at least five (5) Members who are current *AIBS Practicing Members*. The *Board* may make their own nomination for upgrading the membership of any eligible person or Member. Any decision on an elevation of a *Member* to a higher grade of membership will be at the discretion of the *Board* and the *Board* must take into account all known matters past and present pertaining to the *Member* concerned as well as the testimonials provided with the nomination.

1.8 Register

- (a) A candidate who is admitted or transferred will be notified in writing by the *Board* and enrolled on the *Register* within two (2) *months* from the date of notification.
- (b) This is subject to the payment of any entrance or transfer fee and the annual *Membership fee* for the current year after notification.

1.9 Reciprocity of Membership

- (a) The *Board* may, at its discretion, enter a reciprocity agreement with a kindred body, which prescribes the conditions for admission of members of that body and will be reciprocated both ways.
- (b) Such agreement must become an Appendix to the *Membership Policy*.
- (c) Whilst each *Member* is registered in the *Chapter* in which they reside, membership of the *AIBS* is National and any *Member* may request to be included to receive information of another *Chapter's* activities and training events and will be able to access these services at the *AIBS Member* rates including any discounts.

1.10 Membership fees

- (a) Every *Member* of the *AIBS* will pay an annual *Membership fee*, with the exception of the grades of Retired Life Fellow and Honorary Fellow.
- (b) The *Board* will from time to time determine the amount of the annual *Membership fee* for each grade of membership.
- (c) The first fee for a new *Practicing Member* will be determined according to the *month* of the year in which that *Member* was admitted.
- (d) Where a *Member* has been transferred in grade, the fees already paid will be taken into account.
- (e) *Practicing Members* who are approved to join the sub-grade of Retired will have their annual *Membership fees* reduced as determined by the *Board*.
- (f) The *Board* may, at its discretion determine upon application that any *Member* of any grade be exempted either wholly or in part from the payment of annual *Membership fees* because of ill-health, advanced age, maternity/paternity leave, part-time employment, unemployment or other cause as approved by the *Board*.
- (g) All annual *Membership fees* are due on 01 July each year with the exception of Accredited Members, Accredited Fellows and Accredited Life Fellows. The annual membership of all accredited members, Fellows and Life Fellows membership is combined with accreditation and falls due on the date of their accreditation.
- (h) The *Board* may at its discretion determine an administration charge to be applied in addition to the *Membership fees* from any specified date.
- (i) No application for transfer of grade of membership will be dealt with while the *Member's* annual *Membership fees* are in arrears.
- (j) Where the *Membership fees* of a *Member* are in arrears by thirty (30) days, the membership will lapse. Where a membership has lapsed, the person who was formerly a *Member* must make a fresh application to AIBS to become a *Member* once again.
- (k) Refer **Constitution Clause 8** for further membership requirements.

1.11 Professional conduct

- (a) The standards for professional conduct and ethics which *the AIBS* expects its *Members* to uphold are set out in the *Code of Professional Conduct*.
- (b) The content of the *Code of Professional Conduct* is as adopted and amended by the *Board* from time to time.
- (c) All members of the *AIBS* must behave in accordance with the *Code of Professional Conduct*.
- (d) Any alleged breach of the *Code of Professional Conduct* by a *Member* will, when brought to the notice of the *Board*, be actioned in accordance with the process set out in clause 1.12, and if the *Member* is proven to be in breach, the Board may at its discretion impose a range of disciplinary actions as it sees fit, including suspension and expulsion of Members.

1.12 Professional Practice Panel

- (a) The *Professional Practice Panel* is established by these *By-Laws* to provide support, recommendations and advice to the Board concerning *Practicing Members*. In particular, the role of the *Professional Practice Panel* is to:

- (i) investigate complaints made by members of the public referred to it by the *CEO* and to provide advice and recommendations to the *Board* in accordance with **clause 1.13** of these *By-Laws*;
 - (ii) review and provide advice and recommendations to the *Board* concerning adverse audit findings made in an audit of a *Practicing Member* under the *National Accreditation Scheme*;
 - (iii) review and provide advice and recommendations to the *Board* in respect to disciplinary action taken against a *Practicing Member* by a *Regulator*.
- (b) The Professional Practice Panel comprises the following members:
- (i) Chair. The Chair is appointed by the *Board*. The Chair must be a member of the *Board* or, at the discretion of the *Board*, two *Board* members who may act as co-Chairs on the basis of arrangements agreed with the *Board*;
 - (ii) AIBS Technical & Policy Member;
 - (iii) AIBS Professional Development Manager;
 - (iv) AIBS Audit Manager;
 - (v) Independent Member. The Independent Member is appointed by the *Board* on recommendation of the *CEO*. The Independent Member must be a qualified and experienced lawyer with knowledge of AIBS operations, membership and activities.
- (c) The Professional Practice Panel meets on an as-needs basis and may determine its own procedures.

1.13 Investigations of a breach of the Code of Professional Conduct or AIBS By-Laws

Complaints

- (a) Complaints regarding an alleged breach of the *Code of Professional Conduct* and / or the *AIBS By-Laws* must be made in writing and addressed to the *CEO*. The *CEO* must ensure that the complaint is dealt with in accordance with these *By-Laws*.
- (b) When a complaint alleging a *Person*, who is a *Member*, has breached the *Code of Professional Conduct* and / or the *AIBS By-Laws* is received by the *CEO*, the *CEO* will confirm the *Person's* membership class, grade and financial status.
- (c) If the *Person* against whom the complaint has been made is not a *Member* of the *AIBS*, then the *AIBS* does not have jurisdiction to consider the matter and no further action will be taken subject to **clause 1.13(d)** of these *By-Laws*.
- (d) The *CEO* must, within three (3) *Working Days* of receiving the complaint and determining that the *Person* the subject of the complaint is not a *Member*, write to the complainant confirming receipt of their complaint and advising that the *Person* is not a *Member* of *AIBS* and therefore not subject to the *Code of Professional Conduct* and / or the *AIBS By-Laws* (as relevant) and that no further action can be taken.
- (e) If that *Person* was previously registered as a *Member*, but the *CEO* determines that their membership has lapsed and that they are representing themselves as a *Member* of the *AIBS*, the *Board* may at its discretion take appropriate action as determined by the *Board* against the non-financial *Member*.

- (f) If the *Person* against whom the complaint has been made is a *Member* of the *AIBS*, the *CEO* must, within five (5) *Working Days* of receiving the complaint, write to the complainant, confirming receipt of the complaint and advising the complainant that the *Person* is a *Member* of the *AIBS* and therefore subject to the *Code of Professional Conduct* and / or the *AIBS By-Laws* (as relevant) and the complaint will be dealt with in accordance with these *By-Laws*.
- (g) The *CEO* must, within five (5) *Working Days* of receiving a complaint against a *Person* who is a financial *Member* of the *AIBS*, advise the *Member* who is the subject of the complaint:
- (i) of receipt of the complaint;
 - (ii) the nature of the complaint;
 - (iii) of any action being undertaken by the *Board* in response to the complaint; and
 - (iv) if the complaint is determined to warrant further investigation, the *Member* concerned will be invited to respond to the allegations.
- (h) The *CEO* must, within five (5) *Working Days* of receiving a complaint against a *Person* who is a *Member* of *AIBS*, advise the *Board* of the complaint and make a recommendation to the *Board* regarding how the *Board* should deal with the complaint, which may include a recommendation that the complaint be dismissed on the basis that it is:
- frivolous, vexatious or without substance;
 - the information disclosed does not justify the taking of further action;
 - the information disclosed relates to a matter that has already been investigated or acted upon by another body or agency, and there is no reason to re-examine the matter;
 - or there is other good reason why no action should be taken in respect of the complaint.
 - For the purposes of clarity, for the purposes of making the recommendation to the *Board*, the *CEO* may contact the complainant or the *Person* and make any other initial enquiries as the *CEO* deems necessary in their discretion.
- (i) If the *CEO* recommends that the complaint be investigated, the *CEO* is required to make an associated recommendation to the *Board* as to whether:
- (i) where the complaint concerns a *Practicing Member*, the complaint should be referred to the *Professional Practice Panel* for investigation;
 - (ii) where the complaint concerns a *Non-Practicing Member*, an *Investigation Panel* should be constituted to investigate the complaint;
 - (iii) the *Board* should engage an external legal services provider or other consultant to undertake the investigation.
- (j) If the *Board* resolves to establish an *Investigation Panel*, it is to be constituted of at least three (3) members as follows:
- (i) *Practicing Members* from within the relevant *Chapter*; or
 - (ii) *Directors* or other invitees; and
 - (iii) must include an independent person with legal expertise.
- (k) The *Board* must complete their deliberations in relation to whether the complaint is to be the subject of an investigation, and if so, how the investigation must proceed, within five (5) *Working Days* of receiving the *CEO*'s recommendations.

- (l) The referral of a complaint to the *Professional Practice Panel*, the establishment of an *Investigation Panel*, or engagement of an external legal provider or consultant (referred to hereafter as the *Investigator*), must occur within five (5) *Working Days* of the *Board's* resolution to do so.
- (m) Within five (5) *Working Days* of being appointed, the *Investigator*, will review the complaint and determine whether it requires further investigation.
- (n) If the *Investigator* determines that the complaint does not require investigation, this must be conveyed in writing to the *Board* and the *CEO*, including reasons, and the *CEO* must advise all parties to the complaint in writing of the *Investigator's* determination and reasons.
- (o) If the *Investigator* determines that the matter requires investigation, the *Member* against whom the complaint has been made must be notified in writing by the *Investigator* of the particulars of the alleged breach of the *Code of Professional Conduct* and / or the *AIBS By-Laws*, and inviting the *Member* to provide the *Investigator* with any submission they may wish to be taken into account in the investigation of the complaint, such submission to be received within three (3) weeks of being so notified.
- (p) The *Investigator* **must** not proceed with its investigation until the *Member's* response has been received and considered, or until a period of two (2) weeks has elapsed since the response was due, without receiving a reply from the *Member*.
- (q) It is at the sole discretion of the *Investigator* who it may invite to provide a statement for its consideration in the investigation of the complaint.
- (r) The principles of procedural fairness will apply at all times in the investigation of any complaint. Upon conclusion of the investigation, the *Investigator* will prepare a report for the consideration of the *Board*, including recommendations, as appropriate, for its consideration.
- (s) If the *Board* determines, based on the *Investigator's* report, that a breach of the *Code of Professional Conduct* and/or the *AIBS By-Laws* has been made out, the *Board* must resolve (subject to a two-thirds majority) one or more of the following:
 - (i) despite the breach being found proven, take no further action;
 - (ii) pass a censure motion in respect of the *Member*;
 - (iii) request a public apology, whether written or verbal;
 - (iv) request the *Member* to attend training on a specific topic related to the breach;
 - (v) suspend the *Member* from the rights and privileges of membership for such period as determined by the *Board*;
 - (vi) that the *Member* be removed as a *Member* of the AIBS.
- (t) The *CEO* will advise the *Member* (against whom the finding has been made) in writing of the *Board's* determination.

Conduct Findings

- (u) Where a *Member* is found by a Court or Tribunal in any State or Territory to have been guilty of conduct that constitutes a breach of any Act or law, or to have engaged in false or misleading conduct, or otherwise in a manner which may breach the *Code of Professional Conduct* and / or the *AIBS By-Laws* and this is brought to the *Board's* attention:
 - (i) the *Board* must consider the relevant judgment, reasons and/or orders; and

- (ii) if the *Board* considers that the relevant judgment, reasons and/or orders, on their face, give rise to a breach of the *Code of Professional Conduct* and / or the *AIBS By-Laws* by the *Member* the *Board* must instruct the *CEO* to write to the *Member*, detailing the *Board's* determination and reasons, and inviting the *Member* to provide an explanation in writing, within three (3) weeks, to the *Board*.
- (v) Within two (2) weeks after receipt of any response received from the *Member*, or after a period of three (3) weeks has elapsed without having received a reply from the *Member* by the date upon which the response was required, relying on the information which it has otherwise been provided, the *Board* may at their discretion determine that the relevant judgment, reasons and/or orders gives rise to a breach of the *Code of Professional Conduct* and / or the *AIBS By-Laws*.
- (w) Following which, the *Board* must resolve (subject to a two-thirds majority) one or more of the following:
 - (i) despite the breach being found proven, take no further action;
 - (ii) pass a censure motion in respect of the *Member*;
 - (iii) request a public apology, whether written or verbal;
 - (iv) request the *Member* to attend training on a specific topic related to the breach;
 - (v) suspend the *Member* from the rights and privileges of membership for such period as determined by the *Board*;
 - (vi) that the *Member* be removed as a *Member* of the AIBS.

1.14 Reinstatement or readmission

- (a) Any *Member* who has been removed from the *Register* may after a 12-month time period has elapsed apply for readmission in a form prescribed by the *Constitution* and *By-Laws*.
- (b) Any *Member* who is readmitted in accordance with this *By-Law* must pay all outstanding debts to the *AIBS* (payable up until the point when their name was removed from the *Register*) together with all additional fees and subscriptions required in accordance with these *By-Laws*.
- (c) Any *Member* who applies under this *By-Law* must:
 - (i) satisfy the relevant membership criteria and experience requirements of the grade of membership to which they are seeking reinstatement or readmission; and
 - (ii) satisfy the *Board* that they are a suitable candidate for *AIBS* membership, having particular regard to their character and conduct of the candidate in relation to the *Code of Professional Conduct* and any previous matters regarding breaches of the *Code of Professional Conduct* and/or the *By-Laws*.

1.15 Appeal rights

- (a) A *Member* who has had their membership suspended or forfeited may appeal against the suspension or forfeiture to a meeting of the *Board*.
- (b) The *Member* must make a written and signed request for an appeal to the *Board* which must be received by the *CEO* within twenty-one (21) days of the date of the forfeiture or suspension.
- (c) The *Board* must hold a meeting to hear the appeal within forty-five (45) days of the receipt of the request by *CEO*.

- (d) The *Board* may determine the procedures applicable to appeals in its discretion.

2. EDUCATION AND ACCREDITATION OF COURSES

2.1 Accreditation

- (a) The *National Accreditation Scheme* sets out the policies, procedures and fees applicable to *Practicing Members* of AIBS.

2.2 Education Providers

- (a) AIBS through the National Accreditation Scheme recognises Australian tertiary education courses that provide a foundation of Building Surveying theory and practical skills.
- (b) A *Register of Accredited Courses* for the discipline of Building Surveying is published in the National Accreditation Scheme and is maintained on AIBS's website.

3. PROFESSIONAL DEVELOPMENT

3.1 Continuing Professional Development

- (a) AIBS is committed to continuous professional development and has adopted the Continuing Professional Development Program.
- (b) The standards for professional development for a *Practicing Member* are set out in the Continuing Professional Development Program.
- (c) *Practicing Members* are required to undertake professional development in accordance with the standards set out in the Continuing Professional Development Program.

4. OTHER SCHEMES

4.1 Other Schemes

- (a) AIBS may adopt and conduct other schemes in Building Surveying related or allied professions which are aimed at providing a level of assurance of skills for *Members* so qualified.
- (b) Such schemes may require participants to undertake further levels of continuous professional development and also to demonstrate a required level of knowledge in specialist areas of building surveying as determined by the *Board*.
- (c) The *Board* may at its discretion establish a Specialist Advisory Group or seek specialist advice on all matters pertaining to the development and operation of such schemes.

5. BOARD OF DIRECTORS

5.1 Delegations of authority

- (a) In accordance with the *Constitution* the *Board* has the power to delegate such powers and authorities as it thinks fit, and the limits of those delegations must be recorded in the Delegation of Authority Policy.

5.2 Power to make Policies

- (a) The *Board* can prepare, adopt or amend *Policies* to implement any part of these *By-Laws*.
- (b) Unless the contrary intention appears, where a term in these *By-Laws* or the *Constitution* appears in a *Policy*, the term used in the *Policy* shares that definition.
- (c) For the purpose of this *By-Law*, the *Policies* of the *AIBS* include but are not limited to:
 - (i) *Membership Policy*;
 - (ii) *Code of Professional Conduct*;
 - (iii) *Conduct of Elections Policy*;
 - (iv) *Delegation of Authority Policy*;
 - (v) *Governance Policy*;
 - (vi) *Professional Development Guidelines*;
 - (vii) *National Accreditation Scheme*.

5.3 General powers

- (a) Without prejudice to the general powers conferred by the *Constitution*, and without limitation the *Board* on behalf of *AIBS* may:
 - (i) make, vary, amend, enlarge, revoke and repeal *By-Laws*, pronouncements and regulations ancillary to but not inconsistent with the *Constitution*;
 - (ii) prescribe conditions or qualifications (in addition to the requisites of the *Constitution*) for applicants for admission as *Members* and for changes in the status of *Members* either generally or in any particular case;
 - (iii) award prizes, scholarships or bursaries to students and set up special funds or make grants for the education, advancement and training of students and building surveyors on such terms as it may think fit, except that the *Board* must not award any prize, award or distinction of monetary value to a *Member* except as a successful competitor at any competition held or promoted by the *AIBS* or in recognition of any outstanding achievement;
 - (iv) appoint such *officers* and agents for permanent, temporary or special services and it may determine their duties and fix their salaries or emoluments and may require security in such instances and to such amount as it thinks fit;
 - (v) appoint from time to time the bankers and legal advisers of *AIBS*;
 - (vi) purchase, rent or otherwise acquire and furnish suitable premises for the use of *AIBS*;
 - (vii) take cognisance of anything affecting *AIBS* or the professional conduct of members and shall have power to bring before a *General Meeting* of the *AIBS* any matters which it considers material to *AIBS* or a *Chapter* and may make any recommendations and take such actions as it thinks fit in relation thereto;
 - (viii) communicate from time to time with similar bodies and with members of the profession in other places for the purpose of obtaining and communicating information;
 - (ix) negotiate and arrange with similar bodies for the reciprocal recognition of the status of *Members*;

- (x) institute, conduct, defend, compound or abandon any legal proceedings by and against *AIBS* or its *officers* or otherwise concerning the affairs of *AIBS* and also may compound and allow time for payment of satisfaction of any debts due or claims or demands by or against *AIBS*;
 - (xi) refer any claims or demands by or against the *AIBS* to arbitration and observe and perform every award made as a result of such arbitration;
 - (xii) make and give receipts, releases and other discharges for moneys payable to *AIBS* and for the claims and demands of *AIBS*;
 - (xiii) invest and deal with any moneys of *AIBS* upon such security and in such manner as it thinks fit and it may from time to time vary and call in such investments;
 - (xiv) borrow or raise money by bank overdraft or otherwise by the issue of debentures or any other securities founded or based upon all or any of the property and rights of *AIBS* or without any such security and upon such terms as to priorities or otherwise as it thinks fit;
 - (xv) from time to time as it thinks fit establish *Chapters* within the *Commonwealth* and at any place outside the *Commonwealth* and may revoke the establishment of any *Chapter*;
 - (xvi) from time to time in its absolute discretion delegate any of its powers, authorities and discretion (except the power of delegation) to any *Chapter* or any committee or any *officer* of *AIBS* on such conditions and for such period as it may think fit and it may at any time revoke such delegation; and
 - (xvii) exercise all such powers, privileges and discretion as are not by statute or the *Constitution* expressly and exclusively required to be exercised by the *Members* in a *General Meeting*.
- (b) The *Board* must each year circulate via print or electronic means among the members a copy of the accounts and a report of the activities of *AIBS* during the previous year and it may in its discretion print a list of members and such other information as it may deem of interest and circulate the same amongst members;
- (c) The *Board* may at its discretion make such *By-Laws*, Policies and Codes and prescribe such terms and do all such things as it may from time to time in its discretion think necessary, expedient or fit for the internal management, regulation and good governance of *AIBS* and its *Chapters* and affairs.

5.4 Establishing a Specialist Advisory Group

- (a) In accordance with the ***Constitution clause 24.6*** the *Board* may at its discretion appoint *Specialist Advisory Groups*.
- (b) When establishing a new *Specialist Advisory Group*, the *Board* must approve written Terms of Reference which include, but are not be limited to:
 - (i) Purpose
 - (ii) Role
 - (iii) Composition
 - (iv) Responsibilities
 - (v) Meeting Procedures
 - (vi) Reporting to the *Board*.

- (c) In the event of a conflict between a *Specialist Advisory Group's* Terms of Reference and the *Constitution* and/or these *By-Laws*, the *Constitution* and in turn these *By-Laws* take precedence.
- (d) Where a *Specialist Advisory Group* is formed, the *Specialist Advisory Group* must be implemented and operational within eighteen (18) *months* of the relevant *Board* resolution forming the *Specialist Advisory Group*.
- (e) The *Board* must appoint appropriate persons to each *Specialist Advisory Group* and must approve appointment and reappointment of the *Specialist Advisory Group* members and the *Specialist Advisory Group Chair*.
- (f) All appointments will be for a maximum two (2) year term except the inaugural term which may exceed two years and each term will expire at the *AIBS Annual General Meeting*.

5.5 Unconstitutional acts by Specialist Advisory Group or Office-bearers (as defined)

- (a) The *Board* on advisement will investigate any alleged or apparent irregularity or unconstitutional act of any *Specialist Advisory Group* or *Office-bearer*.
- (b) During any such investigation the *Board* may call upon that *Specialist Advisory Group* or *Office-bearer* to explain the alleged or apparent irregularity or unconstitutional act.
- (c) Where the *Board* determines that a breach has been committed, the *Board* will notify the offending *Specialist Advisory Group* or *Office-bearer* and require compliance with the *Constitution* and these *By-Laws*.
- (d) Where any *Specialist Advisory Group* or *Office-bearer* fails to comply, the *Board* can dissolve the relevant *Specialist Advisory Group* or remove from office the relevant *Office-bearer*.
- (e) This *By-Law* applies to all *Specialist Advisory Groups* and *Office-bearers* of or within *AIBS* including those of any *Board*, *Chapter* or *Branch*.

6. CHAPTER ANNUAL MEMBER FORUMS

6.1 Requirement for Annual Forum

A Chapter Annual Member Forum is to be held at least once per year and in a place such as to attract the most number of members in the Chapter. This replaces the previous practice of conducting the Chapter Annual General Meeting.

6.2 Chapter Annual Member Forum

- (a) The *Chapter* Annual Member Forum is to include:
 - (i) A report by the *Committee Chair* of the *Chapter Committee* of the activities of the *Chapter* during the past year;
 - (ii) A presentation of *Member* and *Member* services of *AIBS*; and
 - (iii) Any item submitted by a full member three (3) weeks in advance of the forum.
 - (iv) Any other matters to be raised as agreed by the *Chapter Committee*
- (b) A summary of the Chapter Member Annual Forum will be published in the member's area of the *AIBS* website for the information of Members.

7. CHAPTER COMMITTEE

7.1 Chapter rules

In accordance with **Constitution Clause 26.1(c)**, this section of the *By-Laws* forms part of the **Chapter Rules**.

7.2 Role of Chapter Committee

Chapter Committees have the authority delegated to them by the *Board*.

The role of the *Chapter Committee* is to:

- (a) Support the *Board* to provide *AIBS* representation to regulators and legislators and other key statutory bodies within their respective jurisdictions
- (b) Provide representation to the *Board* of ideas/issues/concerns of the membership in their respective jurisdiction;

7.3 Chapter Committee Composition

- (a) *Chapter Committees* will be composed of at least three (3) *Full Members* and a maximum of six (6) *Full Members* as well as the elected *Board* member from that *Chapter*.
- (b) The elected *Board* member from each *Chapter* is the *Committee Chair* of their respective *Chapter Committee*.
- (c) Subject to the approval of the *Board*, the *Committee Chair* may nominate another *Chapter Committee* member to be the *Committee Chair*. If this nomination is approved by the *Board*, at its discretion, the nominated member will be the *Committee Chair*.
- (d) The *AIBS Office* will have responsibility for the management of the *Chapter Committee*.

7.4 Election of Chapter Committee Members

- (a) The election of the *Chapter Committee* must be conducted in accordance with the *AIBS Conduct of Elections Policy*.
- (b) If there are insufficient nominations for the *Chapter Committee* to require an election by the *Chapter* members, then nominees whose nominations are deemed appropriate and in sufficient accordance with the *Objectives* of *AIBS* will be appointed to the *Chapter Committee* by the *Board*.
- (c) If there are less than three (3) nominees for the *Chapter Committee* whose nominations are deemed appropriate by the *Board* in accordance with clause 7.4(a) above, the *Board* may, as it sees fit appoint any members of that *Chapter* to the committee.
- (d) In the event that no *Chapter* members are willing to be appointed to the *Chapter Committee*, the *Board* can appoint the *CEO* to administer the *Chapter's* affairs pending the appointment of members to the *Chapter Committee* by the *Board* or the next *Chapter* election (whichever occurs first).
- (e) For the sake of clarity, should a *Chapter* election be held after a period of *Chapter* administration by the *CEO* in accordance with clause 7.4(c) above not result in at least three (3) nominees for the *Chapter Committee*, the *Board* may at its discretion again take action under clauses 7.4(b) and 7.4(c) above.

7.5 Term of Office

- (a) At the time of the adoption of these *By-Laws* the *Board* may determine the start date for the commencement of the terms of all *Chapters* to ensure all *Chapter Committee* appointments occur in the same year as the appointment of the *AIBS President and Board*.
- (b) *Chapter Committee* members are appointed for a two-year term commencing at the conclusion of the AIBS Annual General Meeting.

7.6 Resignation

A *Chapter Committee* member may resign by informing the *Chief Executive Officer* in writing of their resignation.

7.7 Vacancies

- (a) The office of a member of the *Chapter Committee* must be vacated if the member:
 - (i) ceases to be a *Full Member* of the *Chapter*;
 - (ii) resigns their position on the *Chapter Committee*;
 - (iii) becomes an insolvent under administration;
 - (iv) becomes of unsound mind or a *Person* whose *Person* or estate is liable to be dealt with in any way under the law relating to mental health;
 - (v) fails to pay any subscription or levy for a period of three (3) *months* or more after the due date for payment;
 - (vi) fails to attend three (3) consecutive meetings without notifying the *Chapter President*;
 - (vii) is the subject of disciplinary action in any jurisdiction by a State or Territory Government which has resulted in the imposition of conditions affecting their ability to practice as a building surveyor, suspension or cancellation of their registration or accreditation, etc. to practice as a building surveyor;
 - (viii) is appointed as an officer of AIBS; or
 - (ix) is censured, suspended or expelled from the *AIBS* in accordance with **Constitution clause 8.4**.

7.8 Filling a vacancy

- (a) The *Board* may, in its discretion:
 - i. co-opt a full member of the *Chapter* to fill a vacancy for a maximum of 1 year or until the end of the term, whichever comes first; or
 - ii. if the *Chapter Committee* comprises less than three (3) members as a result of a vacancy or vacancies, appoint the *CEO* to administer the *Chapter's* affairs pending the appointment of members to the *Chapter Committee* by the *Board* or the next *Chapter* election (whichever occurs first).

7.9 Minutes

The *Chapter Committee* must ensure minutes are kept for all proceedings and recommendations of *Chapter Committee* meetings and provided to the *Board* through the *AIBS Office*.

8. CHAPTER COMMITTEE MEETINGS

8.1 Chapter rules

In accordance with **Constitution clause 26.1(c)**, this section of the *By-Laws* forms part of the **Chapter Rules**.

8.2 Frequency (minimum) of meetings

The *Chapter Committee* is to meet in accordance with the *AIBS Governance Policy*.

8.3 Quorum

Quorum for a *Chapter Committee* meeting is half of the declared members on the Chapter Committee plus one (1).

8.4 Chapter Committee meeting procedures

The *Chapter Committee* will conduct meetings of the *Chapter Committee* where matters are not covered by the *Constitution* and *By-Laws* of *AIBS* as per the *Governance Policy*.

9. CHAPTER SUB-COMMITTEES

9.1 Chapter Rules

In accordance with **Constitution clause 26.1(c)**, this section of the *By-Laws* forms part of the **Chapter Rules**.

9.2 Membership and terms of reference

- (a) The *Chapter Committee* may form Sub-Committees to assist in carrying out their responsibilities for specified roles as it sees fit.
- (b) Any Sub-Committee formed must comply with the regulations that may be imposed on it by the *Chapter Committee* and/or CEO.
- (c) All such Sub-Committees must have a written document specifying that Sub-Committee's terms of reference as determined by the *Chapter Committee*, which should include, but not be limited to:
 - (i) Purpose;
 - (ii) Role;
 - (iii) Authority;
 - (iv) Composition;
 - (v) Responsibilities;
 - (vi) Meeting Procedures;
 - (vii) Reporting to the *Chapter Committee*.
- (d) In the event of a conflict with any specified Sub-Committee's Terms of Reference and the *Constitution* and/or these *By-Laws*, the *Constitution* and *By-Laws* take precedence.

10. BRANCHES

10.1 Branches

- (a) Branches may be established to assist in the delivery of services to *Members* on a geographic basis, and to provide opportunity for *Members* to give advice and provide feedback, and to participate in consultation with the *Chapter Committee* regarding building surveying and issues affecting the building surveying profession.
- (b) Branches in each *Chapter* may be formed on a geographical basis.
- (c) Approval for the formation of a branch is made by the *Board* in consultation with the *Chapter Committee* and meet the requirements as outlined in these By-Laws and the *AIBS Branch Management Policy*.
- (d) Each Branch must have a minimum of fifteen (15) Members unless otherwise approved by the *Board*.
- (e) The location of the Branch will determine the *Chapter Committee* with which they are associated.
- (f) Each Branch is accountable and reports to the *Board* unless the *Board* has delegated this responsibility to the relevant *Chapter Committee*.
- (g) All members of the Branch must be a member of *AIBS* unless special exemption is approved by the *Board*.
- (h) Each Branch must provide minutes of all Branch meetings to the *CEO* or, where relevant, the *Administrator* of the relevant *Chapter* within fourteen (14) days of such meeting.
- (i) Each Branch actively operating is to elect a Branch Convenor and a Deputy Branch Convenor who must each be *Members of AIBS*.
- (j) Elections of a Branch Convenor and a Deputy Branch Convenor are to be conducted annually, and a minimum of one *month* prior to the *Annual Chapter Member Forum*, or as directed by the *Board*.
- (k) Branches must conduct a minimum of 2 meetings per year.
- (l) *AIBS* will provide funding assistance for the conduct of meetings up to a maximum of 4 meetings per year. The costs of meetings must be approved by the *CEO* in advance.
- (m) Branches must not hold any separate bank accounts or undertake any activities that *require collection of money from members*.
- (n) Branches may not make any public statements without the written consent of the *CEO*.
- (o) Branches will be advised of any new members joining *AIBS* in their geographical region
- (p) Upon special application to the *Board*, Branches may be formed that are not geographical in nature, but related to a special interest area directly related to Building Surveying.
- (q) The *Chapter Rules* as defined by **Constitution clause 26.1(c)** of the *Constitution* equally apply to Branches, and any local committee formed by a Branch as applicable.
- (r) Branches may develop and apply their own Branch Guidelines regulating the conduct of the Branch, subject to such Branch Guidelines first being approved by the *Board*. In the event of an inconsistency between the Branch Guidelines, the *Constitution*, the

By-Laws or the *Code of Professional Conduct*, the Constitution and then the By-Laws and then the *Code of Professional Conduct* will prevail.

11. ALTERATION OF BY-LAWS

11.1 By-Laws

Nothing in these *By-Laws* should be construed as implying or creating any privilege, priority or right in favour of any *Member* to limit the power of the *AIBS* at any time to add to, revoke, alter or amend these *By-Laws* in accordance with the *Constitution*.

12. DOCUMENT CONTROL

Author/	AIBS Board Directors
Created	10 May 2013 (interim)
Revised Date	10 June 2021
Distribution Usage	External & Internal
Approval/s	<p>Approved at the electronic board meeting dated 8 August 2018.</p> <p>Approved at the board meeting dated 29 November 2019.</p> <p>Approved at the board meeting dated 30 April 2020.</p> <p>Approved at electronic meeting held 25 August 2020</p> <p>Amendment approved Board meeting of 22 October 2020</p> <p>Amendment approved at Board meeting of 10 June 2021</p>
Comments	

Version	Revision Date	Reviser	Revision Description
001	10 May 2012	Board of Directors	Change from Articles of Association
002	05 September 2016	Board of Directors	Updated and amended and final adoption from interim to approved By-Laws.
003	8 August 2018	Board of Directors & Legal Advisors	Updated with changes to the Chapter Committees
004	29 November 2019	Board of Directors & Legal Advisors	Updated with reformatting & typographical errors
005	30 April 2020	Board of Directors & Legal Advisors	Updated item 1.12 (h) and typographical error
006	25 August 2020	CEO	To reflect the combining of annual membership and accreditation of accredited members, fellows and life fellows
007	22 October 2020	CEO and Legal Advisors	Handling Chapter Committee position vacancies due to successful disciplinary action.
008	10 June 2021	CEO and Legal Advisors	Align to membership policy. Introduce Professional Practice Panel into disciplinary process. Re-wording of board discretion.