



Australian Property Institute

Australian Property Institute

By Laws

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Amendments to:

- Section 19.6.1 b i Amend section by deleting this line. Subsequent Roman numerals are renumbered.
- Section 19.7 Insert new section establishing a certification for Property Managers.
- Section 19.9 Existing section 19.7 renumbered to 19.9 and amended by replacing the word “Practitioner” in the heading with “Manager”.
- Section 19.9.1 Existing section 19.7.1 renumbered to 19.9.1 and amended by replacing the word “Practitioner” with “Manager” and deleting references to asset management.
- Section 19.8 Insert new section establishing a certification for Facility Managers.
- Section 19.11 Existing section 19.8 renumbered to section 19.11.
- Section 19.10 Insert new Section establishing a certification for Asset Managers.
- Section 19.13 Existing section 19.10 renumbered to section 19.13.
- Section 19.12.1 Existing section 19.9 renumbered to section 19.12 and amended by expanding the reference to read 19.3 to 19.11.

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Section 1: Interpretation

1.1 Consistency with Constitution

- 1.1.1 Any expressions, words or phrases defined in the Constitution shall have the same meaning in the By Laws. In the event of any inconsistency between the provisions of the Constitution and these By Laws, the provisions of the Constitution will prevail.

1.2 Definitions

'Accredited Course' means a degree (UG 1) or tertiary qualification approved by the National Council on the recommendation of the National Education Board as satisfying the academic entry requirements for Membership of the Institute.

'Accredited Postgraduate Qualification' means a master's degree or postgraduate diploma or graduate certificate or its equivalent (PG 1), approved by the National Council on the recommendation of the National Education Board as satisfying academic entry requirements for Membership of the Institute.

'Act' refers to the Associations Incorporations Act 1985 of South Australia.

'Admonish' means to advise a Member in accordance with the By Laws that he has transgressed the provisions of the Institute's Constitution, By Laws or Fundamental Rules.

'Affiliate' means a person affiliated with the Institute under Clause 7.3 of the Constitution.

'Annual General Meeting' means:

- a. when it refers to the Annual General Meeting of a Division - an ordinary general meeting held each year not later than 15 March at a time and place appointed by the Divisional Council;
- b. when it refers to the Annual General Meeting of the Institute - an ordinary general meeting held not before 16 March and no later than 31 May of each year at a place determined by the National Council.

'Approved Professional Experience' means either:

- a. experience gained outside a course of study in property and/or plant and machinery valuation professions under the supervision of a:
 - (i) life Fellow, Fellow or Associate of the Institute;OR
 - (ii) Licensed or Registered Valuer of any State or Territory of Australia, at the discretion of a Divisional Council.OR

- b. experience gained outside a course of study in the property and/or plant and machinery valuation professions including overseas experience of a nature, which satisfies the Divisional Council.

'By Laws' means By Laws made by the National Council under Clause 4.14 of the Constitution.

'Comparable property professional association' means any body or association that is listed in Schedule 1 to the By Laws or may be added to that list by special resolution of the National Council.

'Constitution' means the Constitution of the Australian Property Institute.

'Continuing Professional Development' (CPD) is the systematic maintenance, improvement and broadening of knowledge and skills and the development of personal qualities necessary for the execution of professional and technical duties throughout the practitioner's working life.

'Division' means a division of the Institute established under Clause 5 of the Constitution.

'Divisional Director' means the person appointed under the By-Laws to administer the affairs of a Divisional Council and has the same meaning as 'Executive Officer'.

'Divisional Council' means a council established under Clause 6 of the Constitution to manage the affairs of a Division.

'Divisional Councillor' means a Member of a Divisional Council.

'Endorsed Course' means an API accredited degree, partially accredited degree, post graduate qualification, recognised TAFE qualification and an Institute approved qualification pathway.

'Ex-Officio' shall mean that the Councillor has been made a Member of a Council by reason of holding another office in the Institute and that person will have equal rights with every other Member of that Council to speak, stand for office, propose motions, vote and be counted as present for the purposes of a quorum.

'Executive Officer' means the person appointed under the By-Laws to administer the affairs of a Divisional Council and has the same meaning as 'Divisional Director'.

'External Appeals Committee' means the committee appointed by the National Council to hear appeals, as set out in the By-Laws, against decisions of the Disciplinary Tribunal.

'Extraordinary General Meeting' means any General Meeting of the Institute or a Division, which is not an Annual General Meeting.

'Extraordinary Resolution' means a resolution passed by a majority of at least two-thirds of Members who are entitled to vote and who vote in respect of the resolution.

'Fundamental Rules' means the rules contained in Clause 8 of the Constitution.

'General Meeting' means:

- a. when it is a General Meeting of the Institute, a meeting to which all Members are duly summoned.
- b. when it is a General Meeting of the Division, a meeting to which all Members attached to that Division are duly summoned.

'Institute' means the Australian Property Institute.

'Member' means any person who is admitted to Membership of the Institute under Clause 7 of the Constitution.

'Month' means calendar month.

'National Council' means the body established under Clause 4 of the Constitution to manage the affairs of the Institute.

'National Councillor' means a Member of the National Council.

'National Director' means the person appointed under the By Laws to administer the affairs of National Council and the National Secretariat.

'National Education Board' means the Board established under Clause 4.12.2 of the Constitution.

'National Finance Board' means the Board established under Clause 4.12.3 of the Constitution.

'National Office' means the office at which the National Director conducts Institute business.

'National Professional Board' means the Board established under Clause 4.12.1 of the Constitution.

'Office Holder' is defined as being:

1. when it relates to Divisional Council is defined as being:
 - a. President
 - b. Vice Presidents
 - c. Immediate Past President
 - d. National Councillor
2. when it relates to National Council is defined as being:
 - a. President
 - b. Vice Presidents
 - c. Immediate Past President

'Ordinary Business' means:

- a. When it relates to the Annual General Meeting of the Institute:
 - (i) to receive and consider:
 - (A) the statement of income and expenditure;

- (B) the balance sheet;
 - (C) the report of the National Council for the preceding year;
 - (D) reports of any trusts established by the Institute; and,
 - (E) the auditor's report.
 - to elect auditors; and
 - (iii) to announce the office bearers of the Institute for the ensuing year elected by the National Council.
- b. When it relates to the Annual General Meeting of a Division:
- (i) to receive and consider:
 - (A) the statement of income and expenditure;
 - (B) the balance sheet;
 - (C) the report of the Divisional Council of such Division for the preceding year;
 - (D) reports of any trusts established by the Division; and,
 - (E) the auditors report
 - (ii) to announce the results of the election of councillors of that Division to fill the vacancies occurring on that Divisional Council; and
 - (iii) to announce the office bearers of the Division for the ensuing year elected by the Divisional Council.

'Ordinary Resolution' means a resolution passed by a simple majority of Members who are entitled to vote and who vote in respect of the resolution.

'Partially Qualifying Degree' means a degree or tertiary qualification with content corresponding to part of the property and/or plant and machinery disciplines approved by National Council on the recommendation of the National Education Committee as satisfying academic entry requirements for Membership of the Institute.

'Property' in the Constitution and By Laws refers to intellectual, personal, real and leasehold property, and includes plant and machinery.

'Prescribed' means prescribed by the National Council.

'President' means the President of the National Council or Divisional Council as applicable, elected in accordance with the Constitution and By Laws.

'Quorum' means:

- a. in respect of a General Meeting of the Institute, 20 Members personally present and entitled to vote;
- b. in respect of a General Meeting of a Division, 5 Members personally present and entitled to vote;
- c. in any other case, as set out in the Constitution and By Laws.

'Reprimand' means to advise a Member in writing that that Member has transgressed the Institute's Constitution, By Laws, or the Fundamental Rules as detailed in the Constitution, and that the transgression will become part of the Member's record.

'Returning Officer' means the National Director, the Executive Officer, or their non-voting nominee, as appropriate.

'Special Resolution' means a resolution passed by a majority of at least three quarters of Members who are entitled to vote and who vote in respect of the resolution.

'Standing Committee' means a committee established under Clause 4.15.4 or Clause 6.9 of the Constitution.

'Student' means an Affiliate undertaking an accredited course of study.

'Suspension of Membership' means loss of:

- a. use of the Institute Members' logo;
- b. use of postnominals
- c. referrals of work from the Institute
- d. right to vote
- e. publication of professional card in the journal

for a period as determined by National Council or a Divisional Council in accordance with the Constitution and By Laws.

'Vice-President' means a Vice-President of the National Council or a Divisional Council elected in accordance with the Constitution and By Laws.

1.3 Number and Gender

- 1.3.1 Words importing the singular include the plural and words importing the masculine gender include the feminine gender and vice-versa.

Section 2: Management of the Institute

2.1 The National Director

- 2.1.1 The National Director will hold office at the will of the National Council.
- 2.1.2 The National Director will:
- a. in person, or by appointment of a deputy, attend all meetings of the Institute, the National Council, National Boards and National Standing Committees;
 - b. be responsible to see that notices, agendas and accompanying papers are issued in adequate time for all meetings;
 - c. be responsible to see that minutes of all the proceedings of all meetings of the Institute, the National Council, National Boards and National Standing Committees are entered in the Minute Books;
 - d. be responsible for ensuring that the decisions of the National Council, National Boards and National Standing Committees are implemented;
 - e. issue all notices calling General Meetings of the Institute and meetings of the National Council, National Boards and National Standing Committees;
 - f. have the superintendence of the persons employed by the Institute on behalf of the National Council, subject to the control of the National Council.
 - g. participate (by telephone, video link or in person, at the National Directors discretion) in the annual Performance Reviews of the Executive Officers.

2.2 Common Seal

- 2.2.1 The common seal of the Institute will be kept at the office of the National Director. The common seal must not be affixed to any instrument, deed, document or writing except with the authority of the National Council, and any instrument, deed, document or writing must be signed by at least two National Councillors and by the National Director or some other person in the place of the National Director appointed by National Council for the purpose.

2.3 National Register

- 2.3.1 The National Director shall keep a register of all Members and Affiliates of the Institute. The register will be in a form and contain the particulars prescribed by the National Council.

2.4 National Executive

- 2.4.1 The National Executive will comprise the National President, the two National Vice-Presidents, the Immediate Past National President and the chair of the National Finance Board, who shall be a non-voting member.
- 2.4.2 The National Executive will have the power to regulate its own conduct within the ambit of the authority delegated to it by the National Council.
- 2.4.3 The duties of the National Executive are to:
 - a. implement the policy decisions of the National Council,
 - b. carry out such matters as the National Council has delegated to it by resolution,
 - c. oversee all routine administration required between meetings of National Council subject only to general policy and the Constitution, and
 - d. deal with matters arising between meetings of National Council.
- 2.4.4 At each meeting of the National Council, the National Executive will report to the National Council, outlining the activities of the National Executive for the period ensuing from the preceding National Council meeting.
- 2.4.5 Meetings of the National Executive may be conducted through any medium as the National Executive sees fit.

Section 3: National Financial Administration of the Institute

3.1 Banking and Finance

- 3.1.1 All moneys received on account of the Institute by the National Council must be paid into an Institute account as soon as practicable.
- 3.1.2 All bills of exchange, promissory notes, cheques or other negotiable instruments will be accepted, made, drawn or endorsed for and on behalf of the Institute by one National Councillor and counter-signed by the National Director or his appointee.
- 3.1.3 Cheques or other negotiable instruments paid to the bankers of the National Council for collection requiring endorsement may be endorsed by the National Director or by such other person as may be appointed for the purpose by the National Council.

3.2 Accounts

- 3.2.1 The National Council must cause true accounts to be kept of:
 - a. all moneys received and expended by it;
 - b. details of receipts and expenditure; and
 - c. the assets and liabilities of the National Council.
- 3.2.2 All accounts of the National Council must, unless otherwise determined by the National Council, be closed annually as at the 31st day of December.
- 3.2.3 A revenue account for the National Council for the period and a balance sheet as at the closing date of each year must be prepared and submitted to the auditor by the National Council with the relevant receipts and vouchers for his examination not less than 40 days before each Annual General Meeting of the Institute.
- 3.2.4 The National Council must cause a consolidated revenue account and a balance sheet to be prepared for the Institute as at the closing date for each year and for these to be duly audited.

Section 4: National Auditors of the Institute

4.1 Election of National Auditors

- 4.1.1 At each Annual General Meeting of the Institute one or more auditors will be elected by the Members:
 - a. to audit the accounts of the Institute which are to be presented to the next Annual General Meeting of the Institute; and
 - b. to audit the accounts of each Division which are to be presented to the next Annual General Meeting of each Division.
 - c. to hold office until the next Annual General Meeting of the Institute.

- 4.1.2 Nominations for the office of Auditor of the Institute must be:
 - a. in writing signed by the candidate and two Members; and
 - b. lodged with the National Director at least 40 days before the Annual General Meeting of the Institute.

- 4.1.3 The criteria for nomination in Section 4.1.2. will not apply to retiring auditors who are seeking re-election.

- 4.1.4 No person other than a registered company auditor is eligible for election as an auditor, and no Member or Affiliate is eligible for election as an auditor.

- 4.1.5 The National Council may fill any casual vacancy in the office of Auditor. While any vacancy continues, the surviving or continuing auditor or auditors may act.

4.2 Removal of National Auditor

- 4.2.1 An Extraordinary General Meeting of the Members of the Institute may by Special Resolution remove any national auditor from office before the expiration of his term, and may appoint another national auditor in his place to hold office only until the next Annual General Meeting of the Institute.

Section 5: Meetings and Procedures of National Council

5.1 General

- 5.1.1 The National Council may meet, adjourn and regulate its meetings as it thinks fit, but it must meet at least three times every year. The National Director must give 28 days notice of each meeting of the Council to every National Councillor.

5.2 Quorum

- 5.2.1 Business must not be transacted at a meeting of the National Council unless there is a quorum present.
- 5.2.2 For the purposes of a meeting of the National Council, a quorum will consist of 50% plus one of National Council Members.

5.3 Convening Meetings

- 5.3.1 A meeting of the National Council shall at any time be called upon the request of:
- a. the National President, or
 - b. the two Vice-Presidents, or
- five National Councillors

5.4 Transaction of Business

- 5.4.1 Unless otherwise provided for by the Constitution, questions at any meeting of the National Council will be decided by a majority of votes of all Councillors present or represented by duly accredited substitutes. In the case of an equality of votes the Chairman will have a second or casting vote.
- 5.4.2 The National President will preside over all meetings of the National Council. If the National President is absent, one of the Vice-Presidents, chosen by the Councillors will preside, and in their absence a Chairman will be elected from amongst the Councillors present.

5.5 Procedure for the Dissolution of Divisions

- 5.5.1 In accordance with Clause 5.2 of the Constitution, National Council may dissolve a Division by passing a Special Resolution at a National Council meeting specifically called for that purpose.
- 5.5.2 Notice of the proposed Special Resolution to dissolve a Division shall be given by the National Director to:

- a. the Executive Officer of the Division concerned;
- b. each Divisional Councillor; and,
- c. each Member of any committee appointed by the Divisional Council

at least 28 days prior to the National Council meeting called in accordance with Section 5.5.1.

- 5.5.3 The notice of Special Resolution shall include grounds for dissolution as proposed by the National Council and the proposed motion.
- 5.5.4 Failure to give notice specified in Section 5.5.2 shall invalidate the dissolution of the Division. The non-receipt of this notice shall not invalidate the dissolution of the Division subject to proof of service being able to be demonstrated.

5.6 Minutes of Meetings of National Council

- 5.6.1 The National Council will cause Minutes to be kept of all meetings of the Council.
- 5.6.2 The Minutes of any meeting signed by the Chairman of the next meeting will be conclusive evidence of the transactions recorded in the Minutes.

5.7 Meetings of Committees, Panels or Groups appointed by the National Council

- 5.7.1 Meetings, proceedings and actions of any board, committee, panel or group appointed or established by the National Council under the Constitution or these By Laws will be governed and regulated by the provisions laid down by the National Council in its resolution relating to the appointment. The National Council may by resolution amend or add to the provisions.
- 5.7.2 All acts done at any meeting of a board, committee, panel or group, or by a Member of any such body appointed or established by the National Council will be as valid as if the body or person had been duly appointed and was qualified to act, even if it is afterwards discovered that there was some defect in the appointment of the body or person.
- 5.7.3 The National Council will cause Minutes to be kept of meetings of any board, committee, panel, or group appointed or established by the National Council. The Minutes of any meeting signed by the Chairman of the next meeting will be conclusive evidence of the transactions recorded in the Minutes.

5.8 'Paper' Meeting

- 5.8.1 A resolution in writing proposed by the President, a copy of which has been forwarded to every Councillor and subsequently signed by at least six of them and representing a majority of Councillors eligible to vote, will be as valid and effectual as if passed at a meeting of the National Council duly called and constituted.

- 5.8.2 The procedure in Section 5.8.1 does not apply to any resolution for the dissolution of Divisions.

Section 6: The National Professional Board

6.1 Role and Composition of the National Professional Board

- 6.1.1 In accordance with the Constitution Clause 4.12.1, the National Council shall establish a Board to develop and provide advice on technical and professional matters on behalf of Members of the Institute on a national basis. This Board will be known as the National Professional Board.
- 6.1.2 The National Professional Board shall report directly to the National Council.
- 6.1.3 The National Professional Board will comprise seven Members in the class of Life Fellow, Fellow or Associate, appointed by National Council in accordance with Sections 6.1.4 and 6.1.5 plus a National Councillor, plus the Chairman of the Australian Valuation & Property Standards Board, plus a representative of the Property Institute of New Zealand and those Members so appointed shall be known as Members of the National Professional Board.
- 6.1.4 Divisional Councils have the right, but are not obligated, to provide a minimum of two and a maximum of four nominees for consideration by National Council for appointment to the National Professional Board at the National Council meeting held immediately before the Annual General Meeting of the Institute.
- 6.1.5 The National Council in appointing Members to the National Professional Board must, where nominations have been received, appoint a minimum of one representative from each Division and shall be cognisant of achieving a representation of the various disciplines of Membership of the Institute.
- 6.1.6 National Council shall appoint an alternate for each Divisional Member of the NPB. These members shall be known as Alternate Members and be from the same Division as the appointed Member. National Council in appointing members shall, as far as practicable, ensure that an Alternate Member is from the same discipline as the appointed Member.
- 6.1.7 National Council can, by resolution, terminate a Member's or an Alternate Member's appointment to the National Professional Board.

6.2 Responsibilities of the National Professional Board

- 6.2.1 The National Professional Board will develop and provide advice on technical and professional policy within the different property disciplines represented within the Institute Membership as determined by the National Council in the following matters:
- a. technical practice standards;
 - b. professional conduct and practice standards including the annual publication of the Code of Professional Practice;
 - c. any other business of the Institute falling within the scope of the Board's professional expertise as directed by the National Council.

6.3 Tenure of National Professional Board Members

- 6.3.1 Board Members appointed from Divisional nominees in accordance with Section 6.1 shall hold office for a term of two years and may serve a maximum of four continuous terms.
- 6.3.2 The National Councillor and Chairman of the Australian Valuation & Property Standards Board shall hold office for a term of one year and will be appointed annually.
- 6.3.3 Tenure of Board Members will commence from the conclusion of the Institute's Annual General Meeting.

6.4 Filling a Casual Vacancy

- 6.4.1 If a casual vacancy occurs on the National Professional Board, National Council shall appoint a Member to fill the vacancy for the remaining term of the retiring Member subject to Section 6.1.5.

6.5 Substitute National Professional Board Member

- 6.5.1 The Alternate Member, as defined in Sections 6.1.6, shall attend a meeting of the National Professional Board as a replacement for the appointed Member who is unable to attend a meeting of that Board.
- 6.5.2 While the Alternate Member holds office as a Board Member, the Alternate Member will be entitled to receive notice of the meeting and to vote at the meeting.
- 6.5.3 The Alternate Member must vacate office if and when the Divisional Council or National Council so decides or when the absent Board Member is able to return to office.

6.6 Chairman of National Professional Board

- 6.6.1 The Chairman will be elected by the Members of the Board for a one year term.
- 6.6.2 The Chairman may be elected annually for a maximum of three consecutive years, subject to that person being re-nominated to the National Professional Board by his or her Division.
- 6.6.3 The Chairman will preside over all meetings of the National Professional Board. If the Chairman is absent, a Chairman for the meeting will be elected from amongst the Members of the Board present at the meeting.

6.7 Standing and Ad-Hoc Committees of the National Professional Board

- 6.7.1 The National Professional Board may establish and dissolve committees to undertake specific tasks and advise on the specific matters that fall within the Board's responsibilities in accordance with Section 6.2 of the By-laws.
- 6.7.2 The National Professional Board may establish committees to advise on the following matters;
 - a. ethics, professional practice standards and conduct,
 - b. technical practice standards;
 - c. other matters of concern in accordance with Section 6.2 of the By-laws.

Section 7: The National Education Board

7.1 Role and Composition of the National Education Board

- 7.1.1 In accordance with the Constitution Clause 4.12.2, the National Council shall establish a Board to develop and provide advice on education and entry requirement matters on behalf of Members of the Institute on a national basis. This Board will be known as the National Education Board.
- 7.1.2 The National Education Board shall report directly to the National Council.
- 7.1.3 The National Education Board will consist of a maximum of eight Members in the class of Life Fellow, Fellow and Associate, appointed by National Council in accordance with Section 7.1.4, plus a national councillor, plus a representative of the Property Institute of New Zealand and those Members so appointed shall be known as Members of the National Education Board.
- 7.1.4 Divisional Councils have the right, but are not obligated, to provide a minimum of two and maximum of four nominees for consideration by National Council for appointment to the National Education Board at the National Council meeting held immediately before the Annual General Meeting of the Institute.
- 7.1.5 A maximum of two Members who specialise in disciplines not covered through Divisional nominees may be nominated by the Chairman for positions on the NEB.
- 7.1.6 The National Council in appointing Members to the National Education Board must, where nominations have been received, appoint a minimum of one representative from each Division and shall be cognisant of achieving a representation of practitioners and tertiary institutions offering Institute accredited courses.
- 7.1.7 National Council shall appoint an Alternate for each Divisional member of the NEB. These members shall be known as Alternate Members. National Council in appointing members shall, as far as practicable, ensure that an Alternate Member represents the same area of practice (Practitioner or Academic) as the appointed member.
- 7.1.8 National Council can, by resolution, terminate a Member's or an Alternate Member's appointment to the National Education Board.

7.2 Responsibilities of the National education Board

- 7.2.1 The National Education Board shall have responsibility for education and membership entry requirement matters, and any other business of the Institute falling within the scope of the Boards professional expertise as directed by the National Council.
- 7.2.2 The National Education Board shall work in consultation with the National Professional Board.

7.3 Tenure of National Education Board Members

- 7.3.1 Board Members appointed in accordance with Section 7.1 shall hold office for a term of two years and may serve a maximum of four continuous terms. Tenure of Board Members will commence from the conclusion of the Institute's Annual General Meeting.
- 7.3.2 The National Councillor shall hold office for a term of one year and will be appointed annually.
- 7.3.3 Tenure of Board Members will commence from the conclusion of the Institute's Annual General Meeting.

7.4 Filling a Casual Vacancy

- 7.4.1 If a casual vacancy occurs on the National Education Board, National Council shall appoint a Member to fill the vacancy for the remaining term of the retiring Member subject to Section 7.1.6.

7.5 Substitute National Education Board Members

- 7.5.1 The Alternate Member, as defined in Section 7.1.7, shall attend a meeting of the National Education Board as a replacement for the appointed Member who is unable to attend a meeting of that Board.
- 7.5.2 While the Alternate Member holds office as a Board Member, the Alternate Member will be entitled to receive notice of the meeting and to vote at the meeting.
- 7.5.3 The Alternate Member must vacate office if and when the Divisional Council or National Council so decides or when the absent Board Member is able to return to office.

7.6 Chairman of the National Education Board

- 7.6.1 The Chairman will be elected by the Members of the Board for a one year term.
- 7.6.2 The Chairman may be elected annually for a maximum of three consecutive years, subject to that person being re-nominated to the National Education Board by his or her Division.
- 7.6.3 The Chairman will preside over all meetings of the National Education Board. If the Chairman is absent, a Chairman for the meeting will be elected from amongst the Members of the Board present at the meeting.

7.7 Standing and Ad-Hoc Committees of the National Education Board

- 7.7.1 The National Education Board may establish and dissolve committees to undertake specific tasks and advise on the specific matters that fall within the Board's responsibilities in accordance with Section 7.2 of the By-laws.

Section 8: The National Finance Board

8.1 Role and Composition of the National Finance Board

- 8.1.1 In accordance with the Constitution Clause 4.12.3, the National Council shall establish a Board whose role it is to ensure prudent financial management of the Institute nationally. This Board will be known as the National Finance Board.
- 8.1.2 The National Finance Board shall report directly to the National Council.
- 8.1.3 The National Finance Board will consist of a maximum of four Members plus the Chairman in the class of Life Fellow, Fellow or Associate, appointed by National Council in accordance with Section 8.1.4 and those Members so appointed shall be known as Members of the National Finance Board.
- 8.1.4 Nominations for membership to the National Finance Board shall be provided by the Chairman of the Board to the National Council meeting held immediately prior to the Annual General Meeting of the Institute.

8.2 Responsibilities of the National Finance Board

- 8.2.1 The National Finance Board shall have responsibility to ensure that:
 - a. All assets and liabilities of the Institute are properly managed and accounted for.
 - b. All moneys received and expended by the Institute are properly accounted for.
 - c. In consultation with Divisions, a National budget of income and expenditure is prepared for consideration and approval by National Council each year.
 - d. All accounts of National Council are closed annually as at the close of business of 31st day of December.
 - e. A revenue account for the National Council for the period and a balance sheet as at the closing date of each year is prepared and submitted to the auditor with the relevant receipts and vouchers.
 - f. A consolidated revenue account and a balance sheet is prepared for the whole Institute as at the closing date for each year and for these to be duly audited.
 - g. The financial management of the Institute's Research Trust Fund and the Institute's Awards Trust Fund are carried out in accordance with the Trust Deeds. The National Finance Board is to hold all delegations for the financial administration of the Trusts including, but not limited to, investment of funds and accounting for all income and expenditure associated therewith. It is the responsibility of the National Finance Board to ensure that accounts for the Trusts are audited and that audited financial

statements and management reports for both Funds are provided to the Members on an annual basis.

- h. The Operating Guidelines dealing with financial matters are periodically reviewed to ensure their continued relevance and applicability.
- i. The financial impacts of all strategic plans and changes are properly assessed and budgeted.
- j. A recommended per capita levy for Members is prepared as part of the annual National budget.

- 8.2.2 The National Finance Board shall work in consultation with other National Boards on matters of mutual interest.

8.3 Tenure of National Finance Board Members

- 8.3.1 Board Members appointed in accordance with Section 8.1 shall hold office for a term of two years and shall serve a maximum of four continuous terms. Tenure of Board Members will commence from the conclusion of the Institute's Annual General Meeting.

8.4 Filling a Casual Vacancy

- 8.4.1 If a casual vacancy occurs on the National Finance Board, National Council shall appoint a Member to fill the vacancy for the remaining term of the retiring Member subject to Section 8.1.4.

8.5 Substitute National Finance Board Members

- 8.5.1 Alternate Members will not be appointed to the National Finance Board

8.6 Chairman of the National Finance Board

- 8.6.1 The Chairman will be a National Councillor. The Chairman shall be appointed by the National Council on an annual basis at the meeting held immediately prior to the Annual General Meeting of the Institute and will take office from the conclusion of the Annual General Meeting.
- 8.6.2 The Chairman may be appointed annually by National Council for a maximum of three consecutive years, subject to that person being re-nominated to National Council by his or her Division.
- 8.6.3 The Chairman will preside over all meetings of the National Finance Board. If the Chairman is absent, a Chairman for the meeting will be elected from amongst the Members of the Board present at the meeting.

Section 9: Meetings of National Boards

9.1 General

- 9.1.1 The National Boards may meet, adjourn and otherwise regulate its meetings as it thinks fit, but it must meet at least three times every year.

9.2 Quorum

- 9.2.1 Business must not be transacted at any meeting of a National Board unless a quorum is present.
- 9.2.2 A quorum will be 50% plus one of the Board.

9.3 Transaction of Business

- 9.3.1 Unless otherwise provided for under these By Laws, resolutions at any meeting of a National Board will be decided by a majority of votes of all the Members of the Board present.
- 9.3.2 In the case of an equality of votes the Chairman will have a second or casting vote.

9.4 Minutes of Meetings of National Boards

- 9.4.1 Each National Board will cause Minutes to be kept of any and all of its meetings and the names of those present for the purpose of recording the business transacted.
- 9.4.2 The Minutes of any meeting signed by the Chairman of the next meeting will be conclusive evidence of the transaction recorded in the Minutes.

9.5 'Paper' Meeting

- 9.5.1 A resolution in writing proposed by the Chairman of a National Board, a copy of which has been forwarded to every Member of the Board and subsequently signed by a majority of National Board Members, will be as valid and effectual as if it had been passed at a meeting of the Board duly called and constituted.

9.6 Meetings of Committees, appointed by National Boards

- 9.6.1 Meetings, proceedings and actions of any committee appointed by a National Board will be governed and regulated by the provisions, including reporting provisions, laid down by the appointing National Board in its resolution relating to the appointment. The appointing National Board may by resolution amend or add to the provisions.

Section 10: Management of the Divisions

10.1 Executive Officers

- 10.1.1 Each Executive Officer of a Division will be appointed by the Council of that Division and will hold office at the will of the Council.
- 10.1.2 Each Executive Officer will:
- a. in person or by the appointment of a deputy, attend all meetings of the Division and of the Divisional Council, and other standing committees as deemed appropriate by the Divisional Council;
 - b. be responsible for ensuring that minutes of all proceedings are properly entered in the Minute Books;
 - c. issue all notices calling General Meetings of the Division or meetings of the Divisional Council.
- 10.1.3 Each Executive Officer, subject to the control of the Divisional Council, will be responsible for:
- a. the superintendence of the persons employed by the Division;
 - b. managing the correspondence of the Division;
 - c. printing and publishing the transactions and proceedings of the Division;
 - d. receiving and paying all moneys on account of the Divisional Council;
 - e. keeping a current account in a bank selected by the Divisional Council;
 - f. furnishing a properly audited account to accompany each annual report; and
 - g. exercising and performing any other powers, duties and obligations that are prescribed under these By Laws.

Section 11: General Meetings of the Divisions

11.1 Annual General Meetings of Division

- 11.1.1 Each Division must hold an Annual General Meeting no later than 15 March each year to deal with the Ordinary Business of the Division.

11.2 Extraordinary General Meetings

- 11.2.1 A Divisional Council may at any time, and must within 40 days of receipt of a requisition from Members, hold an Extraordinary General Meeting of the Division. A requisition must:
- a. be in writing
 - b. state the objective and purpose of the Extraordinary General Meeting, including a Notice of Motion, and
 - c. be signed by at least 25 Members who are entitled to vote at a General Meeting of the Division.
- 11.2.2 The Divisional Council must give Notice as specified in Section 11.4 for each Extraordinary General Meeting of the Institute and this Notice shall include a printed copy of the requisition.
- 11.2.3 If the Divisional Council does not hold an Extraordinary General Meeting within the time specified in Section 11.2.1, the requisitionists may convene an Extraordinary General Meeting in the capital city of the State or Territory in which the Division is situated and must give the notice specified in Section 11.2.1.
- 11.2.4 All business before an Extraordinary General Meeting of a Division must be determined by Ordinary Resolution unless the Constitution or the By Laws provide that the business must be determined by Extraordinary Resolution or Special Resolution.

11.3 Business at the Annual General Meeting of a Division

- 11.3.1 A Divisional Council may bring any motion or business to an Annual General Meeting of the Division that does not relate to Ordinary Business of the Division, by giving notice in writing to the Executive Officer not less than 40 days prior to the Meeting. The Executive Officer must include such motion or business in the agenda for the next Annual General Meeting.
- 11.3.2 A Member wishing to bring any motion or business before an Annual General Meeting of a Division that does not relate to the Ordinary Business of a Division must give notice in writing to the Executive Officer at least 40 days before the day of the Annual General Meeting. The Executive Officer must include such motion or business in the agenda for the next Annual General Meeting.

11.3.3 No motion or business other than Ordinary Business of the Division or the business brought forward by the Executive Officer under Section 11.3.1 or Section 11.3.2, can come before an Annual General Meeting of a Division.

11.3.4 All business before an Annual General Meeting of a Division must be determined by Ordinary Resolution unless the Constitution or the By Laws provide that the business must be determined by Extraordinary Resolution or Special Resolution.

11.4 Notice

11.4.1 At least 21 days' clear notice of every General Meeting must be given to Members in writing, specifying:

- a. the place, date and hour of the General Meeting; and
- b. the nature of the business to be transacted

11.4.2 If any Member does not receive the notice specified in 11.4.1, it does not invalidate the proceedings at any General Meeting.

11.5 Minutes

15.5.1 The Divisional Council will cause minutes of General Meetings of the Division and the names of those present at the General Meetings to be regularly entered in books provided for the purpose.

11.6 Chair at General Meetings of the Divisions

15.6.1 The Divisional President, or in the absence of the Divisional President, a Divisional Vice-President, or in the absence of a Divisional Vice President, a Divisional Councillor to be chosen by the Members present, will be entitled to take the chair at every General Meeting of that Division.

Section 12: Financial Management of the Divisions

12.1 Banking and Finance

- 12.1.1 All moneys received on account of the Institute by a Divisional Council must be paid into an Institute account as soon as practicable.
- 12.1.2 Each Divisional Council will have control over the expenditure of all moneys received by it.
- 12.1.3 All bills of exchange, promissory notes, cheques or other negotiable instruments will be accepted, made, drawn or endorsed for and on behalf of a Division by one Divisional Councillor and counter-signed by the relevant Executive Officer or other officer appointed by the Council for the purpose.
- 12.1.4 Cheques or other negotiable instruments paid to the bankers of a Divisional Council for collection requiring endorsement may be endorsed by the Executive Officer of the Division or by such other person as may be appointed for the purpose by the Divisional Council.

12.2 Accounts

- 12.2.1 Each Divisional Council must cause true accounts to be kept of:
 - a. all moneys received and expended;
 - b. details of receipts and expenditure; and
 - c. the assets and liabilities of the Division.
- 12.2.2 All accounts of each Divisional Council must, unless otherwise determined by the National Council, be closed annually as at the 31st day of December.
- 12.2.3 A revenue account for the period and a balance sheet as at the closing date of each year must be prepared and submitted to the auditor by the Divisional Council with the relevant receipts and vouchers for examination not less than 40 days before each Annual General Meeting of the Division.
- 12.2.4 A copy of the revenue account, and balance sheet of a Division, and of the auditor's report must be issued to each Member attached to each Division at least 7 days before the Annual General Meeting of the Division.
- 12.2.5 Each Divisional Council must upon the receipt of the auditor's report, forward its revenue account and balance sheet and annual report to the National Council

Section 13: Meetings and Procedures of the Divisional Councils

13.1 Election of Office Holders

- 13.1.1 A meeting of the Divisional Council will be held immediately before every Annual General Meeting of the Division. At this meeting the Divisional Council will elect from the Divisional Councillors a President and two Vice-Presidents to hold office from the conclusion of the Annual General Meeting for a 1 year term.
- 13.1.2 The President may be re-elected in successive years and remain in office up to a maximum of 3 years continuous service.
- 13.1.3 The Vice-Presidents elected may be re-elected in successive years and remain in office for a maximum period of 4 years continuous service.
- 13.1.4 The President and the Vice-Presidents will hold office until successors are appointed.
- 13.1.5 Any casual vacancy may be filled at a meeting of the relevant Divisional Council. This meeting must be held as soon as practicable after the vacancy occurs, and notice of the business to be transacted at this meeting must be given to all Members of the Council.
- 13.1.6 The President will preside over all meetings of the Divisional Council. If the President is absent, a Vice-President will preside. If the President and the Vice-Presidents are absent, a Chairman for the meeting will be elected from amongst the Members of the Council.

13.2 Meetings of the Divisional Council

- 13.2.1 A Divisional Council must meet at least once every 3 months.
- 13.2.2 The President or both Vice-Presidents, or 50% of Divisional Councillors may at any time require the Executive Officer to call an extraordinary meeting, and due notice of each meeting of a Divisional Council must be sent to every Divisional Councillor.

13.3 Quorum

- 13.3.1 No business may be transacted at a meeting of a Divisional Council unless a quorum is present.
- 13.3.2 One more than half of the Divisional Councillors will form a quorum of a meeting of a Divisional Council.

13.4 Minutes of the Divisional Council Meetings

- 13.4.1 Each Divisional Council will cause minutes to be regularly entered in books provided for the purpose.
- 13.4.2 The minutes of any meeting signed by the Chairman of the next meeting will be conclusive evidence of the transactions recorded in the minutes.

13.5 Aggrieved Members

- 13.5.1 Any Member or Members aggrieved by any decision of their Divisional Council may appeal this decision in writing to the National Council. This avenue of appeal does not include appeals by Members against findings against them by Divisional Councils as a result of a complaint. These appeals shall be in accordance with Section 25.
- 13.5.2 Notice of the appeal must be given to the relevant Divisional Council.

Section 14: Powers and Discretions of the Divisional Councils

14.1 Personnel

- 14.1.1 A Divisional Council may, on behalf of the Institute, appoint or remove, and determine the duties, salaries, remuneration and conditions of service of the Executive Officer of a Division, agents, staff and employees of the Division on any terms and conditions it thinks fit.

14.2 Legal Proceedings

- 14.2.1 Divisional Councils must not institute or defend legal proceedings and must refer all legal claims and actions made against the Division or its officers to the National Council.

14.3 Securing of Premises

- 14.3.1 With the consent of Members of a Division at a General Meeting each Divisional Council may, on behalf of the Institute, and with the approval of the National Council, rent and/or purchase suitable premises for the use of the Division including the purchase of shares in a company entitling the holder to use or occupy premises.
- 14.3.2 Each Divisional Council may, on behalf of the Institute, and subject to the approval of the National Council, borrow moneys in connection with any renting or purchase and, if necessary, secure the repayment by mortgage or security over the estate or interests in the premises to be rented or purchased or over any of the assets of the Division.

14.4 Agents

- 14.4.1 Each Divisional Council may, on behalf of the Institute, and subject to the approval of the National Council, appoint office bearers of that Division to enter into on its behalf:
- a. any contract, lease, sub-lease, licence or other document relative to any such renting and to hold any leases or licence on its behalf; and
 - b. to enter into any mortgage or security on such terms as it thinks fit.
- 14.4.2 Any document referred to in Section 14.4.1 requiring the affixing of the Institute's seal can only be executed as per Section 2.2 and in consultation with the Divisional President.
- 14.4.3 Each Divisional Council shall, on behalf of the Institute, indemnify the persons appointed in Section 14.4.1 in respect of any actions, claims, losses,

costs or expenses for which they may become liable in relation to any contract, lease, sub-lease, licence, document, mortgage or security.

- 14.4.4 Each Divisional Council may, on behalf of the Institute, and subject to the approval of the National Council, remove any person appointed in accordance with paragraph 14.4.1.

14.5 Establishment of Committees, Panels and Groups

- 14.5.1 Each Divisional Council will have power to establish and dissolve committees, panels and groups within the Division and to delegate functions and powers to these committees, panels and groups.

14.6 Reporting to the National Council

- 14.6.1 At the end of each calendar year, each Divisional Council will furnish to the National Council:
- a. a copy of its accounts and report of its proceedings during the previous year;
 - b. a revised list of Members attached to its Division; and
 - c. such other information as the National Council may reasonably require.
- 14.6.2 Each Divisional Council, in addition to section 14.6.1(b), shall furnish to National Council a monthly Membership update.

14.7 Fees

- 14.7.1 Each Divisional Council will prescribe and receive the annual Membership subscription fees, entrance fees and any other moneys payable to the Division, and it may make and give receipts, releases and other discharges for the fees, claims and demands of the Division.

14.8 Libraries

- 14.8.1 Each Divisional Council may establish libraries for the use of Members and may accept a donation of or purchase books and other forms of literature. The Divisional Council may pay for purchases out of the funds of the Division.

14.9 Rules Governing Conduct of Members

- 14.9.1 National Council shall from time to time prepare and distribute to the Members a new edition of the Code of Professional Practice.

- 14.9.2 Where a Divisional Council has received from the National Council notice in writing of any amendments to the Code of Professional Practice, the Division will cause the Executive Officer to give notice in writing of the amendments to each Member and Affiliate attached to the Division.

14.10 Financial Enterprises

- 14.10.1 Each Divisional Council may, subject to the policies of the National Council, conduct any activity or enterprise (including but not limited to the purchase or sale of goods or the provision of services) which, in the opinion of the Divisional Council, is related to, or ancillary to, the objects of the Institute and which may, in the opinion of the Divisional Council provide financial support to the Division.

14.11 Payment Per Capita Contribution

- 14.11.1 Each Divisional Council will pay to the National Council an annual per capita contribution determined by the National Council for each Member (other than Life Fellows) and each Affiliate (other than Non-Practising Members, Honorary Members or Honorary Fellows) attached to that Division.

Section 15: Groups within Divisions

15.1 Establishment of Groups

- 15.1.1 Groups may be established within Divisions subject to the approval of the Divisional Council and in accordance with the objects for which the Institute is established.
- 15.1.2 No resolution of a Group will be binding on the Divisional Council or the Institute.

15.2 Membership of Groups

- 15.2.1 Membership of a Group will be at the discretion of the Divisional Council.
- 15.2.2 Except as provided by the Constitution, it will not be permissible for a Member or Group to dispute a determination or resolution of either the Divisional Council or the National Council.
- 15.2.3 It will not be permissible for a Member or Group to use the official stationery of the Institute in any written communication except with the prior written approval of the Divisional Council.

15.3 Management of Groups

- 15.3.1 For the purpose of these By Laws there will be elected in each Group a Management Committee.
- 15.3.2 The Management Committee will comprise:
 - a. that number of Members of the Institute as is approved by the Divisional Councils; or
 - b. where there are insufficient Members available, or where in the opinion of the Divisional Council, exceptional circumstances warrant, a Group may elect one or more Affiliates to any of the positions on the Management Committee.
- 15.3.3 The office bearers of the Management Committee will consist of a Chairman, Deputy Chairman, Secretary and Treasurer.
- 15.3.4 The Members of a Group at an Annual General Meeting may, by simple majority, elect Members of the Management Committee including the office bearers, however, if an Affiliate has been nominated to the Management Committee, before being declared elected that Affiliate must receive at least three fourths of the votes of all Members of the Group.

- 15.3.5 The Divisional President or his nominee who will be a Member of the Divisional Council, will be an ex officio Member of the Management Committee.
- 15.3.6 Neither the office bearers nor any Member of the Management Committee will be entitled as of right to attend a meeting of the Divisional Council but the Divisional Council, in its own discretion may invite the Chairman or, in his absence, the Deputy Chairman of the Management Committee to attend a Divisional Council meeting.
- 15.3.7 Neither the Management Committee nor the office bearers nor other Members of a Group will make any public statements or express any comments or views on behalf of the Institute unless authorised by the National President or in his absence, a National Vice President or by the Divisional President or in his absence a Divisional Vice President.

15.4 Conduct of Groups

- 15.4.1 The Divisional Council must satisfy itself that any rules for the conduct of a Group faithfully comply with the Constitution, By Laws and policies of the Institute as determined by the National Council.
- 15.4.2 A detailed report of the activities of a Group for the preceding year signed by the Chairman and Secretary must be forwarded to the Divisional Council annually.

15.5 Finance of Groups

- 15.5.1 The Divisional Council may in its discretion make funds available to a Group by way of subsidy.

15.6 Dissolution of Groups

- 15.6.1 Whenever a Divisional Council is of the opinion that the continuation of any Group within that Division is no longer in the best interests of the Institute, the Divisional Council may dissolve the Group.
- 15.6.2 Notice of the resolution dissolving the Group must be given by the Executive Officer to the Secretary of the Group but the omission to give any notice or the non receipt of notice by the Secretary will not invalidate the dissolution of the Group.
- 15.6.3 All funds and property of the Divisional Council over which the former Group may have exercised control will be under the exclusive control and administration of the Divisional Council.

15.7 Meetings and Proceedings of Groups Appointed by a Divisional Council

- 15.7.1 Meetings, proceedings and actions of any board, committee, panel or Group appointed or established by a Divisional Council will be governed and regulated by the provisions laid down by the Divisional Council in its resolution relating to the appointment. A Divisional Council may by resolution amend or add to such provisions.
- 15.7.2 No resolution of any board, committee, panel or Group will bind the Division until confirmed by the Divisional Council unless at the time of the appointment powers to do so were expressly given to such body.
- 15.7.3 All acts done at any meeting of:
- a. a committee, panel or Group appointed by the Divisional Council;
 - or
 - b. by any person acting as a Member of any such body,
- will be valid even if it is afterwards discovered that there was some defect in the appointment of the body or person.

Section 16: Standing and Ad-Hoc Committees

16.1 General

- 16.1.1 Standing Committees or Boards and Ad-Hoc Committees may be appointed by the National Council or any Divisional Council.
- 16.1.2 National Boards may appoint Standing Committees or Ad-Hoc Committees.
- 16.1.3 The terms of reference or duties of Standing Committees or Boards and Ad-Hoc Committees will be notified in writing by the appointing Council or Board. Committees shall regulate their own proceedings subject to overall guidance provided by the appointing Council or Board.
- 16.1.4 A quorum of a committee or board formed under this Section will consist of one half of the Members of the committee or board.
- 16.1.5 Any vacancy arising on a Standing Committee or Board and Ad-Hoc Committee will be filled by the appointing Council or Board at the appointing Council or Board's next meeting.

16.2 Editorial Committee

- 16.2.1 The Editorial Committee shall be responsible for producing the Institute's professional journal and shall be cognisant of the following objectives:
 - a. to produce the best professional property journal in Australia,
 - b. to enhance and promote the standing of the profession,
 - c. to inform Members and other interested parties about the activities of the Institute and the latest technical developments in the property profession.
- 16.2.2 The Editorial Committee will consist of six to eight Members, plus a national councillor in the class of Life Fellow, Fellow or Associate, appointed by National Council in accordance with Section 16.2.3 and those Members so appointed shall be known as Members of the Editorial Committee.
- 16.2.3 Nominations for membership to the Editorial Committee shall be provided by the Chairman of the Editorial Committee to the National Council meeting held immediately prior to the Annual General Meeting of the Institute.
- 16.2.4 The National Council in appointing Members to the Editorial Committee shall be cognisant of achieving a representation of the various disciplines of Membership of the Institute.
- 16.2.5 The Editorial Committee shall report directly to the National Council.

- 16.2.6 The Chairman of the Editorial Committee will be elected by the Members of the Committee for a one year term.
- 16.2.7 The Chairman may be elected annually for a maximum of three consecutive years.
- 16.2.8 The Chairman will preside over all meetings of the Editorial Committee. If the Chairman is absent, a Chairman for the meeting will be elected from amongst the Members of the Committee present at the meeting.
- 16.2.9 Committee Members shall hold office for a term of two years and shall serve a maximum of four continuous terms. Tenure of Committee Members will commence from the conclusion of the Institute's Annual General meeting.
- 16.2.10 Where a Member of the Editorial Board retires from office prior to the expiration of his term, the Chairman of the Editorial Board will appoint a Member, with a recommendation to National Council for approval, to replace the retiring Member for the balance of the term.

16.3 The International Committee

- 16.3.1 The International Committee shall be responsible for developing and extending links with other professional bodies to encourage development/adoption/migration of globally harmonised and transparent best practice, conduct, education and skills development; achieve mutual recognition of Australian qualifications; and to develop and deliver internationally recognised post-nominals to API members.
- 16.3.2 The International Committee shall report directly to the National Council.
- 16.3.3 The International Committee will consist of a maximum of four API Committee Members, plus a representative of the Property Institute of New Zealand plus a National Councillor in the class of Life Fellow, Fellow or Associate, appointed by National Council in accordance with Section 16.3.4 and those Members so appointed shall be known as Members of the International Committee.
- 16.3.4 Nominations for membership to the International Committee shall be provided by the Chairman of the Committee to the National Council meeting held immediately prior to the Annual General Meeting of the Institute.
- 16.3.5 The International Committee shall have responsibility:
- a) to fully participate in harmonization of global professional market through membership of WAVO, IVSC and CAPE etc
 - b) to ensure migration into API issues consideration;
 - c) to review current arrangements with neighbours including reciprocity and potential merger agreements and

- d) to examine global and regional issues in developing strategic alliances.
- 16.3.6 The International Committee shall work in consultation with the National Boards on matters of mutual interest.
- 16.3.7 Committee Members shall hold office for a term of two years and shall serve a maximum of four continuous terms. Tenure of Committee Members will commence from the conclusion of the Institute's Annual General Meeting.
- 16.3.8 Where a Member of the International Committee retires from office prior to the expiration of his term, the Chairman of the International Committee will appoint a Member, with a recommendation to National Council for approval, to replace the retiring Member for the balance of the term.
- 16.3.9 The Chairman of the International Committee will be elected by the Members of the Committee for a one year term.
- 16.3.10 The Chairman may be elected annually for a maximum of three consecutive years.
- 16.3.11 The Chairman will preside over all meetings of the International Committee. If the Chairman is absent, a Chairman for the meeting will be elected from amongst the Members of the Committee present at the meeting.

16.4 The National Membership Committee

- 16.4.1 The National Membership Committee shall be responsible for assessing the current and future needs of the Institute's membership, developing strategies to increase membership and provide better services to Institute members on behalf of the Members of the Institute on a national basis.
- 16.4.2 The National Membership Committee shall report directly to the National Council.
- 16.4.3 The National Membership Committee will consist of a maximum of two Members in the class of Life Fellow, Fellow or Associate, plus two Divisional staff representatives, plus a National Councillor appointed by National Council.
- 16.4.4 Nominations for membership to the National Membership Committee shall be provided by the Chairman of the Committee to the National Council meeting held immediately before the Annual General Meeting of the Institute.
- 16.4.5 The National Membership Committee shall have responsibility for assessing the needs of the Institute's members, developing strategies to increase

membership, develop member services and managing membership development and membership structures and other business of the Institute falling within the scope of the Committee's expertise as directed by National Council.

- 16.4.6 The National Membership Committee shall work in consultation with other National Boards on matters of mutual interest.
- 16.4.7 Committee Members appointed in accordance with Section 16.4.3 shall hold office for a term determined by National Council. Tenure of Committee Members will commence from the date of appointment by National Council.
- 16.4.8 Where a Member of the Membership Committee retires from office prior to the expiration of his term, the Chairman of the Membership Committee will appoint a Member, with a recommendation to National Council for approval, to replace the retiring Member for the balance of the term.
- 16.4.9 The Chairman will be a National Councillor. The Chairman shall be appointed by the National Council on an annual basis at the meeting held immediately prior to the Annual General Meeting of the Institute and will take office from the conclusion of the Annual General Meeting.
- 16.4.10 The Chairman may be appointed annually by National Council for a maximum of three consecutive years, subject to that person being re-nominated to National Council by his or her Division.
- 16.4.11 The Chairman will preside over all meetings of the National Membership Committee. If the Chairman is absent, a Chairman for the meeting will be elected from amongst the Members of the Committee present at the meeting.

16.5 Young Members' Committee

- 16.5.1 Unless otherwise exempted by National Council, each Division shall form a Young Members' Committee. The size of the Committee shall be at Divisional Council discretion, but should be not less than three Members.
- 16.5.2 The role of the Committee will be to encourage younger property professionals to join and become involved in Institute affairs. This role includes, but is not limited to, involvement in Membership development, liaison with student Groups at educational institutions, and the organisation of functions to promote the objects of the Institute.
- 16.5.3 Membership of this Committee should preferably be restricted to Members under thirty-five years of age.
- 16.5.4 The Chairman of the Young Members' Committee, or the substitute agreed by the Divisional Council, shall be a Divisional Councillor and shall report on the Committee's activities at Divisional Council meetings.

- 16.5.5 The Chairman of the Young Members' Committee shall be elected for a term of one year and will be eligible for re-election for a maximum of three continuous terms.
- 16.5.6 Neither the Chairman nor members of the Young Members' Committee will make any public statements or express any comments or views on behalf of the Institute.

Section 17: Membership Generally

17.1 Agreement to Abide by Constitution and By Laws

- 17.1.1 All applicants on first applying for Membership must sign an undertaking agreeing to abide by the Constitution, By Laws, and Code of Professional Practice if subsequently admitted to the Institute.

17.2 Attachment to a Division

- 17.2.1 All Members residing in a State or Territory where a Division is established will be attached to that Division unless, having regard to the place of residence of any particular Member, a Divisional Council is of the opinion that the Member would be more appropriately attached to some other Division, in which case the National Council may direct that the Member be deemed to be attached to another Division.
- 17.2.2 If the National Council is of the opinion that a Member is not residing in a State or Territory in which a Division is established, the National Council may determine to which Division the Member will be attached.
- 17.2.3 In addition to rights, privileges and obligations as Members of the Institute, all Members attached to a Division will have the rights, privileges and obligations to which they are entitled as Members of a Division.

17.3 Cessation of Membership

- 17.3.1 A Member will cease to be a Member on death or if:
- a. the Member gives notice of resignation in writing as required by these By Laws; and,
 - b. the Council of the Division to which the Member is attached accepts the resignation.
- 17.3.2 The Council of the Division to which a Member is attached may, by resolution, which must be conveyed to the Member in writing, terminate the Membership of a Member for any of the following reasons:
- a. the Member becomes bankrupt or insolvent; or
 - b. the Member becomes of unsound mind within the meaning of the law for the time being relating to mental health operative in the place in which a Member resides; or
 - c. the Member's subscription, levies or other amounts due to the Institute are overdue for a period of three months; or
 - d. the Member is or has been convicted of:
 - (i) any offence punishable with imprisonment for three months or more; or
 - (ii) any offence in connection with the promotion, formation or management of a corporation.

- e. the National Council makes a decision pursuant to a complaint to terminate the Member's Membership.
- 17.3.3 The Member may appeal to the National Council against the termination of Membership made pursuant to Section 17.3.2 (a to d) and the National Council may, if it allows the appeal, reinstate that person as a Member.
- 17.3.4 The provisions of this section will not prejudice any right of the Institute to recover all arrears including the subscription for the current year.

17.4 Resignations

- 17.4.1 Any Member who wishes to resign Membership must forward a written resignation to the Divisional Executive Officer. The resignation will take effect as from the date upon which the Divisional Council accepts the resignation. After acceptance of the resignation, the former Member shall not use any means to imply existing Membership status.

17.5 Transfer to Another Division

- 17.5.1 Any Member who wishes to transfer Membership to another Division will advise the Division from which they wish to transfer of the proposed action in writing. That Division will advise the receiving Division whether:
 - a. The Member's subscriptions and any other financial liabilities to the transferring Division are fully paid. The transfer will not be processed until all monies owing are paid to the transferring Division.
 - b. There are any proven actions or complaints concerning the conduct of the Member for which appropriate action, if any, has not been taken.
 - c. The Member has fulfilled his CPD requirements.
- 17.5.2 Upon approval of the transfer by the Divisional Council, the transferring Division will advise the receiving Division in writing that the transfer is approved and will forward to the receiving Division the Membership details of the Member held by the transferring Division.
- 17.5.3 The receiving Division will then enter the Member on its Membership roll and will advise the Member in writing that the transfer has been completed.

17.6 Re-Admission to Membership

- 17.6.1 Except in relation to a Member removed in accordance with Section 17.3.2(e), a Divisional Council may re-admit to Membership, without loss of status, any Member who resigned, was removed from Membership or who transferred to the non-practising Member or retired Member classes of

Affiliate, subject to such terms and conditions as it sees fit. The terms and conditions may be successful completion of a Professional interview, payment of previously unpaid dues, payment of late fees, completion of any required CPD points and the payment of an application or restoration fee.

- 17.6.2 A Member removed in accordance with Section 17.3.2(e) may be readmitted to Membership in accordance with Section 17.6.1 subject to such terms and conditions deemed appropriate by a Divisional Council but also subject to the endorsement of National Council.
- 17.6.3 Any applicant for re-admission who is required by a Divisional Council to pass a Professional interview and who fails has the right of appeal under the provisions of Section 18.9.

17.7 Certificates of Membership

- 17.7.1 Every Life Fellow, Fellow, Associate, Graduate, Provisional Associate, Provisional Member and other Members as the National Council may determine, will be entitled to obtain a certificate of Membership subject to any conditions the National Council may determine, and on payment of any fees or other sums the National Council may determine.
- 17.7.2 Any person ceasing to be a Member must return to the Executive Officer their Certificate of Membership, but any Fellow, Associate, Graduate, Provisional Associate or Provisional Member retiring from practice may, at the pleasure of the National Council, retain the certificate.

17.8 Registers of Members and Affiliates

- 17.8.1 The National Director must keep a register of all Members and Affiliates of the Institute.
- 17.8.2 Each Divisional Executive Officer must keep a register of all the Members and Affiliates of the Division.
- 17.8.3 Every Member must furnish the Divisional Council with all required information to enable it to compile a record of qualifications of Members.
- 17.8.4 The names of Life Fellows and Honorary Fellows being National Council appointments may only be entered in, or removed from the registers of the Institute by authority of National Council.
- 17.8.5 The names of Fellows, Associates, Graduates, Provisional Associates and Provisional Members together with Affiliates of the Institute, may be entered in, or removed from a Divisional register by authority of the Divisional Council.

17.9 Membership Documentation and Prescribed Forms

- 17.9.1 Documentation, including any prescribed forms, Explanatory Notes, Membership entry requirements, Policy and Procedures or any other documentation relating to membership of the Institute shall be in accordance with the Policy and Procedure Documents referenced in Schedule 2 of these By-laws.

17.10 Grandfathering and Transitional Arrangements for Technical Associates, Graduates, Provisional Associates and Students

- 17.10.1 The movement of Technical Associates, Provisional Associates, Graduates and Student to other classes of membership shall be in accordance with the Policy and Procedure document referenced at Schedule 2 of these By-laws.

Section 18: Admission to Membership and advancement of status

18.1 Admission as a Provisional Associate

- 18.1.1 Any application for Provisional Associate Membership of the Institute will be made to the Divisional Executive Officer on forms prescribed by the National Council accompanied by the fees prescribed by the Divisional Council, and proof of the qualifications required by the National Council. The fees will be payable to the Division at the time of application.
- 18.1.2 Every applicant for admission as a Provisional Associate Member must:
- a. be a person of good character and repute; and
 - b. have passed the examinations in an accredited course of study in property required by the National Council for Provisional Associate Membership.
- 18.1.3 Every application received that satisfies Section 18.1.2 will be referred to the Divisional Membership Committee for recommendation.
- 18.1.4 The Divisional Council will consider the recommendations of the Divisional Membership Committee but may also inform itself in regard to any application from any other source. The Executive Officer shall notify the applicant of the decision as soon as possible.

18.2 Admission as a Provisional Member

- 18.2.1 Any application for Provisional Membership of the Institute will be made to the Divisional Executive Officer on forms prescribed by the National Council, accompanied by the fees prescribed by the Divisional Council and proof of the qualifications required by the National Council. The fees will be payable to the Division at the time of application.
- 18.2.2 Every applicant for admission as a Provisional Member must:
- a. be of good character and repute;
 - b. have passed any examination and tests required by the National Council; or
 - c. Have completed an Institute Endorsed Course or degree equivalent; or
 - d. Have completed an Institute approved partially qualifying degree. Applications submitted will be referred to the Divisional Membership Committee, which will satisfy itself as to whether or not the applicant has a period of at least two years Approved Professional Experience gained within the four years immediately prior to the date of application; or
 - e. Have completed an Institute approved overseas qualification other than an Institute approved partially qualifying degree, with less than five years Approved Professional Experience. Applications submitted

will be referred to the Divisional Membership Committee, which will satisfy itself as to whether or not the applicant has a period of at least two years Approved Professional Experience gained within the four years immediately prior to the date of application.

- f. Applicants who have completed a partially qualifying engineering degree will satisfy the requirements of 18.2.2c

- 18.2.3 Any graduate of a course that ceases to be accredited by this Institute has a maximum of five years after the cessation of accreditation in which to apply for Provisional Membership.

- 18.2.4 The Divisional Council will consider the recommendations of the Divisional Membership Committee but may also inform itself in regard to any application from any other source. The Executive Officer shall notify the applicant of the decision as soon as possible.

- 18.2.5 Provisional Members who have completed an Institute endorsed valuation qualification and have completed a minimum one years Approved Professional Experience in valuation will be eligible to sit a Professional Interview for the designation of Residential Property Valuer.

18.3 Admission as a Graduate Member

- 18.3.1 Any applications for Graduate Membership of the Institute will be made to the Divisional Executive Officer on forms prescribed by National Council, accompanied by the fees prescribed by the Divisional Council and proof of the qualifications as required by National Council. The fees will be payable to the Division at the time of application.

- 18.3.2 Every applicant as a Graduate Member must:
 - a. Be of good character and repute; and
 - b. Have passed any examinations and tests required by National Council; or,
 - c. Have, or have had, associate fellow or life fellow Membership of a comparable property professional association as defined in Clause 1.1 of the Constitution; or,
 - d. Have completed an approved partially qualifying degree course. Applications submitted will be referred to the Divisional Membership Committee, which will satisfy itself as to whether or not the applicant has a period of at least two years Approved Professional Experience gained within the four years immediately prior to the date of application.

- 18.3.3. Any graduate of a course that ceases to be accredited by this Institute has a maximum of five years after the cessation of accreditation in which to apply for Graduate Membership.

- 18.3.4 Every application will be referred to the Divisional Membership Committee for consideration and recommendation.

- 18.3.5 The Divisional Council will consider the recommendations of the Divisional Membership Committee but may also inform itself in regard to any application from any other source. The Executive Officer shall notify the applicant of the decision as soon as possible.

18.4 Admission as an Associate Member

- 18.4.1 Any application for Associate Membership of the Institute will be made to the Divisional Executive Officer on forms prescribed by National Council, accompanied by the fees prescribed by the Divisional Council and proof of the qualifications required by National Council. The fees will be payable to the Division at the time of application.
- 18.4.2 Every applicant for admission as an Associate Member must:
- a. be of good character and repute;
 - b. have passed any examinations and tests required by the National Council;
 - c. have had such approved professional experience as is required in these By Laws.
- 18.4.3 Every applicant for admission as an Associate member shall be referred to the Divisional Membership Committee which will satisfy itself as to whether or not:
- a. applicants who have an API accredited Higher Education Bachelor Degree have a period of at least two years Approved Professional Experience gained within the four years immediately prior to the date of application; or
 - b. applicants who have an API approved Higher Education partially qualifying Bachelor Degree will have a period of at least five years Approved Professional Experience gained within the eight years immediately prior to the date of application; or in the case of a partially qualifying degree for Plant & Machinery Valuation, have an aggregated period of at least three years Approved Professional Experience in the five years immediately prior to the date of application; or
 - c. applicants who have an API approved Higher Education partially qualifying Bachelor Degree with an API endorsed Higher Education post graduate upgrade qualification have a period of at least two years Approved Professional Experience gained within the four years immediately prior to the date of application; or
 - d. applicants who have an API recognized prior qualification with an API endorsed Higher Education post graduate upgrade qualification have a period of at least two years Approved

Professional Experience gained within the four years immediately prior to the date of application; or

- e. applicants who have an Australian Higher Education Bachelor Degree that is not endorsed or partially qualifying and an API endorsed Higher Education postgraduate upgrade qualification have a period of at least three years Approved Professional Experience gained within the five years immediately prior to the date of application; or
- f. applicants who have an Overseas Degree (deemed equivalent to an Australian Higher Education Bachelor Degree) and an API endorsed Higher Education postgraduate upgrade qualification have a period of at least three years Approved Professional Experience gained within the five years immediately prior to the date of application; or
- g. applicants with an API approved overseas partially qualifying degree (deemed equivalent to an Australian Higher Education Bachelor Degree) have an aggregated period of five years Approved Professional Experience gained within the eight years immediately prior to the date of application including a minimum of one year Approved Professional Experience gained within Australia and successful completion of an Australian Property Law subject delivered by an API endorsed Higher Education provider; or
- h. applicants with an API approved overseas partially qualifying degree (deemed equivalent to an Australian Higher Education Bachelor Degree) with an API endorsed Higher Education post graduate upgrade qualification have a period of at least two years Approved Professional Experience gained within the four years immediately prior to the date of application; or
- i. applicants who have Associate, Fellow or Life Fellow equivalent Membership of a comparable property professional association as defined in Section 1.2, have a minimum period of one year Approved Professional Experience in Australia (experience in Australia is waived for applicants from a New Zealand recognized Association); or
- j. applicants who have an API approved overseas property specialization degree (deemed as an Australian Higher Education Bachelor Degree equivalent) have a period of two years Approved Professional Experience gained within the four years immediately prior to the date of application, including a minimum one year Approved Professional Experience gained within Australia and successful completion of an Australian Property Law subject delivered by an API endorsed Higher Education provider, except for applicants from New Zealand where the one year Approved

Professional Experience gained within Australia and successful completion of an Australian Property Law subject requirements are waived; or

- k. applications other than those listed above shall be referred to the National Education Board for clarification
- 18.4.4. If the Divisional Membership Committee is satisfied that the applicant satisfies the requirements in Sections 18.4.2 and 18.4.3 then the Division will conduct a Professional interview and/or practical test and/or such other tests to determine the property knowledge of the applicant as laid down by the National Education Board.
- 18.4.5 The Divisional Council will consider the recommendations of the Divisional Membership Committee but may also inform itself in regard to any application from any other source. The Executive Officer shall notify the applicant of the decision as soon as possible.
- 18.4.6 If the Divisional Membership Committee is satisfied that the applicant satisfies the requirements of Section 18.4.2 and has ten years or more of approved professional experience, then the Division will need only to conduct a membership induction session as laid down by the National Education Board.

18.5 Admission of Members from Comparable Property Professional Associations

- 18.5.1 Every applicant for admission as a Provisional Member or Associate Member who is a Member or has been a member of a comparable property professional association as defined in Section 1.2, must provide evidence of holding or once holding the membership level of Associate, Fellow or Life Fellow or equivalent.

18.6 Advance in Status from Associate to Fellow

- 18.6.1 Every applicant for advancement in status from Associate to Fellow will make application to the Divisional Executive Officer on the appropriate form, accompanied by such application fee as is determined by the Divisional Council. The fees will be payable to the Division at the time of application.
- 18.6.2 Every applicant for advancement in status from Associate to Fellow must satisfy the following requirements:
- a. have been an Associate Member for a period of at least ten years immediately prior to the date of application and have practised in the property profession in full time employment for an aggregated total of ten years prior to the date of application;

- b. be recommended in writing by at least three Fellows to whom the applicant is personally known;
 - c. have satisfied the Divisional Council that the applicant is a person of good character and repute; and
 - d. have an established professional reputation and high ethical standards and be held in high esteem within the property professions.
- 18.6.3 Every applicant for advancement in status from Associate to Fellow must satisfy at least three of the following criteria:
- a. have served the property professions with distinction;
 - b. have been engaged in a senior position for at least five years;
 - c. have been recognised as having a high level of competence in the property profession;
 - d. have demonstrated substantial managerial or professional ability in a property discipline or have made a substantial contribution to the advancement of the profession or the development and dissemination of property knowledge;
 - e. have made a significant personal contribution over a reasonable period to the property profession through serving on National Council or the National Professional Board or a Divisional Council or Standing Committee, the preparation and delivery of significant papers to conventions or the Institute Journal or otherwise have been involved in communicating ideas to the profession or in any other way to have gained the respect of his peers for his work for the advancement of the profession.
- 18.6.4 The Divisional Council shall make such enquires as are necessary to satisfy itself whether in its opinion the applicant conforms with the requirements of the Constitution and these By Laws in regard to advancement.
- 18.6.5 Subsequent to the Divisional Council making its decision, the Divisional Executive Officer shall advise the applicant accordingly and take such necessary action to ensure that the Member is provided with the appropriate certificate.
- 18.6.6 Any Member whose application for advancement is rejected by a Divisional Council may, upon payment of such fee as may be determined by the National Council, request the National Council in writing that the application be reconsidered.
- 18.6.7 Upon such application under Section 18.6.6 being received, the National Council may appoint a special committee of three Members that are either Life Fellows or Fellows of the Institute to review the case, making such investigation of the matter as it may deem necessary.
- 18.6.8 The findings of the special committee formed under Section 18.6.7 will be reported to the National Council, which will consider the appeal and advise the applicant and the Divisional Council of its decision. Such decision will be final and no further applications will be considered from the applicant for

a period of at least two years from the date of the National Council's rejection of the application.

18.7 Election of a Life Fellow

- 18.7.1 The National Council, as provided for in Clause 7.4 of the Constitution, will consider nominations for elevation to the Membership class of Life Fellow.

18.8 Examination of Members

- 18.8.1 The National Council may cause examinations to be conducted of persons applying for admission as Members or for advancement in status, and for this purpose may appoint examiners, set courses, subjects and standards, issue notifications and certificates as to qualification, and do all such things in any way referring to such examinations as the Council may determine.
- 18.8.2 The National Council may, in lieu of conducting examinations as referred to in Section 18.8.1, accept from applicants for Membership or advancement in status, documentary proof of satisfactory completion of such courses or studies conducted by any Australian or foreign tertiary institution.

18.9 Professional interview, Practical and Other Tests, and Membership Induction

- 18.9.1 The determination of the amount and type of Approved Professional Experience to be required for Membership will be made by National Council.
- 18.9.2 National Council on advice from the National Education Board, and the National Professional Board will, from time to time, review the guidelines for the professional interview and for the process of membership induction.
- 18.9.3 The test or tests will be conducted by an examination panel of at least two Members, or two Members of the same certification if relevant, as applied for by the applicant. A membership induction session will be conducted by the Divisional President or his nominee(s). Examiners must read and be conversant with the document "Examiners Notes for the Professional Interview" prior to attending the interview.
- 18.9.4 The Examiners are required to complete the interview in accordance with the Examiner's Notes. In the case of an unsatisfactory professional interview a written record of the applicant's performance against each criteria is to be maintained. This is to be sufficiently detailed so that it may be utilized at some later time to assist an unsuccessful applicant.

- 18.9.5 The interview process for Admission as an Associate or for the gaining of Certified Practising Valuer or Certified Practising Valuer (Plant and Machinery) may be conducted at the same time or separately.
- 18.9.6 Examiners will adhere to the provisions of privacy legislation in respect of personal information supplied by applicants, or provided in Referees' Reports.
- 18.9.7 After reviewing the results of the tests, the Divisional Membership Standing Committee will make its recommendations to the Divisional Council.
- 18.9.8 An applicant who fails the professional interview will have a right of appeal to the Divisional Membership Committee and will be allowed twenty eight days after formal notification in which to exercise this right. This appeal must be in writing directed to the Divisional Executive Officer and accompanied by whatever fee is prescribed by the Divisional Council.
- 18.9.9 An applicant who fails and who does not exercise the right of appeal will stand deferred for a period of at least six months from the date of the previous test.
- 18.9.10 If an appeal is sustained, the Divisional Council, in its absolute discretion, may remit in whole or in part the fee paid in respect of the lodgement of appeal.
- 18.9.11 Where notice of appeal is lodged, the Divisional Membership Committee will arrange for a post examination to be conducted as early as conveniently possible.
- 18.9.12 The Divisional Membership Committee will appoint at least two persons (but excluding those who conducted the original test or tests) to conduct the post examination.
- 18.9.13 An applicant who fails the post examination will not be permitted to present for another test or tests until a period of twelve months has elapsed from the date of the previous post examination.
- 18.9.14 An applicant who fails three attempts at the professional interview must show cause to the Divisional Council and be subsequently recommended by the Divisional Council to be able to sit for another professional interview.
- 18.9.15 Subject to the appeal process outlined in section 18.9.14, the decision of the Divisional Council shall be final, except that a Member or applicant dissatisfied with the Divisional Council decision may appeal to National Council as allowed in Section 13.5.

18.10 Notification of Membership

- 18.10.1 Upon the Divisional Council making its decision, the Divisional Executive Officer will advise the applicant accordingly. The Executive Officer will also take such steps as are necessary to ensure that an applicant who has been granted Membership of the Institute is presented with a certificate of Membership as soon as practicable thereafter.

Section 19: Certification & Designation

19.1 Certification of Members

- 19.1.1 National Council may approve the certification of Members. A Member may hold more than one certification.

19.2 Gaining a Certification

- 19.2.1 Any application for a certification will be made to the Divisional Executive Officer on forms prescribed by National Council, accompanied by the fees prescribed by the Divisional Council and proof of the qualifications required by National Council. The fees will be payable to the Division at the time of application.
- 19.2.2 On receipt, the Executive Officer shall refer the application to the Divisional Council for consideration.

19.3 Certified Practising Valuer

- 19.3.1 All new applicants for Certified Practising Valuer must satisfy the following requirements:
- a. have a recognised academic qualification as determined by National Council;
 - b. two years Approved Professional Experience in valuation gained within the four years immediately prior to the date of application,
 - c. successful completion of a professional interview in valuation principles and practice.

19.4 Certified Practising Valuer (P&M)

- 19.4.1 All new applicants for Certified Practising Valuer (Plant & Machinery) must satisfy the following requirements:
- a. have a recognised academic qualification as determined by National Council;
 - b. two years Approved Professional Experience in Plant & Machinery valuation, gained within the four years immediately prior to the date of application, or in the case of a partially qualifying degree for Plant & Machinery Valuation, have an aggregated period of at least three years Approved Professional Experience in the five years immediately prior to the date of application;
 - c. successful completion of a professional interview in valuation principles and practice.

19.5 Certified Practising Valuer (Business)

- 19.5.1 All new applicants for Certified Practising Valuer (Business) must satisfy the following requirements:
- a. have a recognised academic qualification as determined by National Council;
 - b. two years Approved Professional Experience in Business and or intangible asset valuation gained within the four years immediately prior to the date of application;
 - c. successful completion of a professional interview in valuation principles and practice.

19.6 Certified Property Practitioner

- 19.6.1 All applicants for Certified Property Practitioner must satisfy the following requirements:
- a. have a recognised academic qualification as determined by National Council;
 - b. two years Approved Professional Experience in the relevant field of either:
 - i Sales, Leasing & Negotiation, or
 - ii Property Research, or
 - iii Property Consultancy, or
 - iv Property Education, or
 - v Property Law, or
 - vi Property Finance,
 - vii Corporate Real Estate,gained within the four years immediately prior to the date of application;
 - c. successful completion of a professional interview in the relevant field.
- 19.6.2 Members gaining the certification of Certified Property Practitioner (CPP) in the field of Education, Law or Finance will use the certification CPP(Ed), CPP(Law) or CPP(Fin) respectively.

19.7 Certified Property Manager

- 19.7.1 All applicants for Certified Property Manager must satisfy the following requirements:
- a. have a recognised academic qualification as determined by National Council;
 - b. two years Approved Professional Experience in property management gained within the four years immediately prior to the date of application;
 - c. successful completion of a professional interview in property management principles and practice.

19.8 Certified Facilities Manager

- 19.8.1 All applicants for Certified Facilities Manager must satisfy the following requirements:
- a. have a recognised academic qualification as determined by National Council;
 - b. two years Approved Professional Experience in facilities management gained within the four years immediately prior to the date of application;
 - c. successful completion of a professional interview in facilities management principles and practice.

19.9 Certified Funds Manager

- 19.9.1 All applicants for Certified Funds Manager must satisfy the following requirements:
- a. have a recognised academic qualification as determined by National Council;
 - b. two years Approved Professional Experience in funds management or analysis gained within the four years immediately prior to the date of application;
 - c. successful completion of a professional interview in funds management.

19.10 Certified Asset Manager

- 19.10.1 All applicants for Certified Asset Manager must satisfy the following requirements:
- a. have a recognised academic qualification as determined by National Council;
 - b. two years Approved Professional Experience in asset management or analysis gained within the four years immediately prior to the date of application;
 - c. successful completion of a professional interview in asset management.

19.11 Certified Development Practitioner

- 19.11.1 All applicants for Certified Development Practitioner must satisfy the following requirements:
- a. have a recognised academic qualification as determined by National Council;
 - b. two years Approved Professional Experience in property development gained within the four years immediately prior to the date of application;
 - c. successful completion of a professional interview in the relevant property development field.

19.12 NPB Professional Experience Discretion

- 19.12.1 In respect of Section (b) of By-Laws 19.3 to 19.11 above, the National Professional Board shall have discretionary power concerning these timings, and may consider special case applications for certification where the minimum professional experience timings fall outside these guidelines.

19.13 Designation of Residential Property Valuer

- 19.13.1 National Council may approve the designation of Provisional Members as Residential Property Valuer.
- 19.13.2 Any application for the designation of Residential Property Valuer will be made to the Divisional Executive Officer on forms prescribed by National Council, accompanied by the fees prescribed by the Divisional Council and proof of the qualifications required by National Council. The fees will be payable to the Division at the time of application.
- 19.13.3 Upon receipt, the Executive Officer shall refer the application to the Divisional Council for consideration.
- 19.13.4 All new applicants for Residential Property Valuer must satisfy the following requirements:
- a. have a recognised academic qualification as determined by National Council;
 - b. one years Approved Professional Experience in residential valuation gained within the two years immediately prior to the date of application;
 - c. successful completion of a professional interview in residential valuation principles and practice.

Section 20: Continuing Professional Development (CPD)

20.1 Definition

- 20.1.1 An activity is recognised as CPD if it increases/improves the member's knowledge/skills or develops personal qualities necessary for the performance of professional, technical, managerial and administrative duties throughout the member's career (subject to Section 20.5, Section 20.6, and Section 20.7)

20.2 Membership Classes Required to Undertake

- 20.2.1 The following Membership Classes must satisfy the Institute's CPD requirements;
- a. Life Fellow
 - b. Fellow
 - c. Associate
 - d. Provisional Member
 - e. Provisional Associate
 - f. Graduate
- 20.2.2 Affiliate Members are not required to undertake CPD. Affiliate members (as outlined in Section 21) include:
- a. Students
 - b. Retired Members
 - c. Non-Practising
 - d. Honorary Members
 - e. Honorary Fellow

20.3 The Number of CPD Points Required

- 20.3.1 Members in section 20.2.1 are required to achieve 20 CPD points per annum (1 January to 31 December) as per provisions outlined in Section 20.4.
- 20.3.2 Members joining the Institute or transferring from Affiliate Membership (subject to Section 17.6) are required to undertake CPD points on a pro-rata basis as follows;
- a. Members joining the Institute or transferring from Affiliate Membership from 1 January to 31 March in any year are required to undertake 20 CPD points in that year.
 - b. Members joining the Institute or transferring from Affiliate Membership from 1 April to 30 June are required to undertake 16 CPD points in that year.
 - c. Members joining the Institute or transferring from Affiliate Membership from 1 July to 30 September are required to undertake 10 CPD points in that year.

- d. Members joining the Institute or transferring from Affiliate Membership from 1 October to 31 December are not required to undertake CPD points for that year.
 - e. The normal requirements in relation to coverage of topic areas (property and non-property as outlined in Section 20.4) and to the number of points recognised for the different forms of CPD apply on a pro-rata basis.
- 20.3.3 All members who undertake valuations of Australian Property must undertake an Institute approved Risk Management Module.
- 20.3.4 New members who undertake valuations of Property must undertake an Institute approved Risk Management Module in the first twelve months of their membership.
- 20.3.5 Members who have resided overseas must, upon returning to reside in Australia (either permanently or temporarily), undertake an Institute approved Risk Management Module within twelve months of returning to Australia (unless the Member concerned has completed an Institute approved Risk Management Module within the previous two years), if the Member concerned undertakes the valuation of Australian property.
- 20.3.6 All members wishing to retain the certification, Certified Practising Valuer, must undertake an Institute approved Risk Management Module once every three years, unless residing permanently overseas.
- 20.3.7 One CPD point accrues for each hour directly spent on the CPD activity (meal breaks are excluded).

20.4 Type of CPD Points

- 20.4.1 Members in section 20.2.1 must complete a minimum of 10 CPD points per annum from both property topics and structured activities as outlined in Sections 20.7 and 20.6 respectively. Property and structured CPD points can be achieved concurrently where applicable. In the case of members undertaking pro-rata CPD points in accordance with Section 20.3.2, members must complete a minimum of 50% of the required number of points from property topics and a minimum of 50% must be from structured activities.
- 20.4.2 Members may claim an unlimited number of CPD points from business/professional topics (as outlined in Section 20.7) subject to achieving the required CPD points in property topics.
- 20.4.3 A maximum of 10 CPD points per annum will be recognised for on-the-job learning from performing additional or new vocational or professional functions as defined in Section 20.6.5b and/or private planned study as defined in Section 20.6.5a and c. That is, a member can obtain a maximum of 10 points from a combination of private planned study and learning on-the-job.

- 20.4.4 One CPD point per hour can be claimed for the preparation of a relevant presentation, published article or text book or book or an Institute Practice Standard or Guidance Note.
- 20.4.5 Subject to the provision of By Law 20.3.3, members who undertake valuations of Property must complete an Institute approved Risk Management Module once every three years together with any additional risk management training as required by the Institute from time to time.

20.5 Assessment of Topic

- 20.5.1 Each member must assess whether or not a topic qualifies as CPD. That is, whether a topic relates to;
- a. some part of the theory of property and/or
 - b. other technical topics related to current or potential occupations in property and/or
 - c. personal or business skills designed to increase a member's management or business efficiency

20.6 Recognised Forms of CPD Activity

- 20.6.1 CPD activities can be structured or unstructured.
- 20.6.2 Structured activities are defined as activities where an organisation or individual structures an activity for participation by the delegate. The provider determines the learning outcomes and structures the learning process.
- 20.6.3 Recognised structured activities include but are not limited to;
- a. Attendance at conferences, seminars, workshops, courses and field trips
 - b. Attendance at functions with a keynote speaker such as breakfasts, luncheons, dinners and open forums
 - c. Attendance at discussion groups or study groups
 - d. Formal qualification including a certificate, associate diploma, diploma, degree, masters degree, graduate certificate, graduate diploma, doctorate course (including external studies)
 - e. Participation in a distance education courses or programmed learning units
 - f. preparation of a paper for presentation
 - g. Authorship of a paper or book for publication
 - h. Preparation of handbooks or manuals
 - i. Preparation or consulting on the preparation of guidance note, position papers, technical handbooks, professional responses to government
 - j. Membership and attendance at meetings of technical/professional committees (excluding administrative committees)

- k. Membership and attendance at meetings of professional association or industry body administrative committees (maximum of 2 points per year for one or more committees)
 - l. Computer based learning packages
 - m. Formal workplace orientation programs
- 20.6.4 Unstructured activities are defined as activities where the member determines the learning outcomes and structures the learning process or the learning outcomes and process are ad-hoc and informal.
- 20.6.5 Unstructured activities include but are not limited to;
- a. Private planned study where the Member nominates a topic and researches relevant information such as seminar papers, text books, journals, legislation, etc.
 - b. Performing additional or new vocational or professional functions in the profession including but not limited to;
 - i Commencing in a new organisation or being seconded or promoted to a new position/department
 - ii Changes to existing position to include new duties/responsibilities/tasks
 - iii Undertaking a new project or task not previously experienced
 - iv Managing the introduction of change (eg developing and installing a new computer system, developing and introducing quality assurance procedures)
 - v Merging with/acquiring a new/commencing a new practice
 - vi Adapting to organisational change (eg learning a new computer system or quality assurance procedures)
 - c. Video tapes and audio tapes
- 20.6.6 Divisional CPD Committees may approve the use of audio and video tapes as a structured activity for Members in distant locations.

20.7 CPD Topics

- 20.7.1 Property topics include topics that are directly relevant to the property industry. Topics include, but are not limited to;
- a. Property Valuation
 - b. Plant and machinery valuation
 - c. Property management
 - d. Property or land development including construction and subdivision
 - e. Property law
 - f. Property transactions including sales and leasing
 - g. Facilities management
 - h. Asset and Portfolio management
 - i. Property investment and finance
 - j. Property research

- k. Property education
 - l. Professional risk management
- 20.7.2 Each Member must assess whether a specific CPD topic qualifies as property.
- 20.7.3 Business/professional topics are topics that are not directly relevant to the property industry but do contribute to a member's knowledge/skills allowing the member to better perform management, administration or professional tasks. For example, topics such as time management, quality assurance, team management, practice management, risk management etc., would be considered business/professional topics.

20.8 Recognised Providers of CPD Activities

- 20.8.1 Members may undertake CPD with any, but not limited to, the following providers;
- a. The API
 - b. Universities, colleges and tertiary education providers
 - c. Professional associations
 - d. Industry bodies
 - e. Employer/own organisation
 - f. Commercial course providers
 - g. In the case of professional risk management courses, such courses as are approved, and such course providers as are accredited, by the Institute

20.9 Formal Qualifications

- 20.9.1 Members undertaking approved courses of formal study in topics outlined in Section 20.7.1, or a business/management course resulting in 20 hours (or in the case of pro-rata points the number of points required) of lectures, tutorials, assignments, study or other activities will satisfy the total CPD requirement.
- 20.9.2 Approved courses of formal study can be those offered by tertiary institutions, professional associations or Industry Associations. Approved courses of formal study will generally lead to awards such as Certificates, Diplomas, Associate Diplomas, Advanced Diplomas, Degrees, Graduate Certificates, Graduate Diplomas, Masters' Degrees or Doctorates

20.10 CPD Records and Reporting

- 20.10.1 It is the member's responsibility to keep a record of CPD activities, including the date, time, topic/skills or knowledge learnt, speaker/authors, provider/publisher, even if the activity is undertaken with the API. A CPD

Planner/Record is included in every Professional Practice Handbook for this purpose.

- 20.10.2 Completing a CPD record form is optional. Members are only required to complete the record if they;
- a. request a CPD Certificate
 - b. are selected in the random audit

20.11 CPD Certificates of Compliance and Completion

- 20.11.1 The API will issue an annual CPD Certificate of Compliance to members on request. Members who wish to receive a CPD Certificate of Compliance are required to forward a CPD record to the Divisional Office.
- 20.11.2 Members joining the Institute or transferring from Affiliate Membership from 1 October to 31 December who request a CPD Compliance Certificate are required to have achieved 5 CPD points for that year.
- 20.11.3 Affiliate Members that meet the CPD requirements on a voluntary basis may request and receive a CPD Certificate of Compliance.
- 20.11.4 Non-financial members are not eligible to receive a CPD Certificate.
- 20.11.5 Members who complete an Institute approved Risk Management Module will receive a Certificate of Completion.

20.12 Random Audit

- 20.12.1 The API monitors CPD compliance by conducting a minimum 15% random audit with each Division determining the percentage of the random audit.
- 20.12.2 The Divisional President will notify the members selected in the random audit advising them that they have been selected. Members selected in the audit process are required to return a record of their CPD activities.
- 20.12.3 Members who undertake valuations of Property and who are selected in random audit are also required to provide a copy of their Certificate of Completion for an Institute approved Risk Management Module and/or any additional risk management training required to be undertaken by the Institute.

20.13 Exemptions from CPD

- 20.13.1 The Divisional CPD Committee may grant a full or partial exemption from CPD due to extenuating circumstances, which apply to a member. Such a

decision is made in accordance with these By-Laws and based on the merits of each case. Members must make a submission to the Divisional CPD Committee for exemption in writing.

- 20.13.2 Circumstances in which the Divisional CPD Committee, may consider granting a full or partial exemption from CPD include but are not limited to;
- a. illness/accident of a serious nature
 - b. compassionate grounds such as illness/accident of a close family relative of a serious nature
 - c. a member not practising in the property profession as defined in Section 21.3.5
 - d. non-practising can also be defined as being on leave for a minimum period of twelve months. Members granted an exemption for longer than twelve months should be informed that the achievement of 20 CPD points is a minimum requirement before re-commencing practice
 - e. maternity or paternity leave
- 20.13.3 Exemptions, unless otherwise specified by the Divisional CPD Committee, are granted for only one year. A member must re-apply each year for continued exemptions.
- 20.13.4 In cases where the member is in a remote location either in Australia or overseas and unable to access structured CPD or property topics, the Divisional CPD Committee may give consideration to requiring 20 hours of private planned study per annum. Such recognition is not automatic. Members must make a submission to the Divisional CPD Committee for approval in writing.
- 20.13.5 Members working part time are not exempt from CPD
- 20.13.6 Appeals against a decision can be made to the Divisional CPD Committee on the basis of new or additional information or clarification of existing information.
- 20.13.7 Notwithstanding the provisions of By Law 20.3.3, the Divisional CPD Committee may grant an exemption from the Risk Management Module for each 3-year Risk Management Module cycle referred to in By Law 20.4.5

20.14 Non-Compliance with CPD Requirements

- 20.14.1 Non-compliance with CPD requirements is a breach of the Institute's Rules of Conduct.
- 20.14.2 A member will be considered as not having complied with CPD requirements if they;
- a. fail to return a CPD record form when required to do so

- b. fail to return a Certificate of Completion for an Institute approved Risk Management Module and/or any additional risk management training when required to do so
 - c. indicate that they have not completed the required number of CPD points without adequate reason
 - d. fail to return information requested relevant to a CPD Audit
- 20.14.3 The Divisional CPD Committee will refer non-compliance to the Divisional Complaints Chair for possible action under the Institute's Complaints Procedures. Each case of non compliance will be treated on its merits.
- 20.14.4 Penalties for non-compliance without adequate reason are:
 - a. First instance of non-compliance admonishment of the member as defined in Sections 1.2
 - b. Second instance of non-compliance admonishment of the member for the second instance suspension from membership as defined in Section 1.2 for a specified period of 6 months
 - c. Third instance of non-compliance admonishment of the member for the third instance expulsion from membership

Section 21: Affiliate Membership

21.1 Admission as a Student Member

- 21.1.1 Any application for Student Membership will be made to the Divisional Executive Officer on forms prescribed by the National Council, and accompanied by the fees prescribed by the Divisional Council and proof of the qualifications required by the National Council. The fees will be payable to the Division at the time of application.
- 21.1.2 Every applicant for admission as a Student Member must:
 - a. be a person of good character and repute;
 - b. be undertaking an accredited course of the Institute.
- 21.1.3 Every application for admission as a Student Member will be referred to the Divisional Membership Committee for recommendation.
- 21.1.4 The Divisional Council will consider the recommendations of the Divisional Membership Committee but may also inform itself in regard to any application from any other source. The Divisional Executive Officer shall notify the applicant of the decision as soon as possible.
- 21.1.5 The Divisional Council shall, at any time, have the ability to make enquires on the current status of Student Members so as to satisfy itself as to the bona fides of this status.
- 21.1.6 Where a Divisional Council has issued written requests to a Student Member on two separate occasions for proof of current enrolment in an Institute accredited course, and the Member concerned has failed to provide such evidence, the Divisional Council may terminate the membership of the member concerned.

21.2 Change to a Retired Member

- 21.2.1 On application to a Divisional Council for Retired Membership, a Member who has retired from practice in the property profession, does not receive any fee, retainer or income from practising in the property profession, and who is not engaged in any other profession or business, may be transferred to the Affiliate Class of Membership, upon payment of the annual subscription as determined by the Divisional Council be provided with such services as are decided by the Divisional Council and be permitted to attend meetings of the Institute.
- 21.2.2 A Retired Member will not be entitled to vote at any General Meeting or be elected as a Member of the National Council or a Divisional Council.
- 21.2.3 A Retired Member may continue to use any designation, to which he was entitled to use before retirement.

21.3 Change to a Non-Practising Member

- 21.3.1 On application to a Divisional Council and the payment of the annual subscription as determined by a Divisional Council, a Member may be granted a transfer to the Non-Practising Member Affiliate class.
- 21.3.2 A Non-Practising Member shall receive the level of services as determined by a Divisional Council.
- 21.3.3 A Non-Practising Member shall have no requirement to complete the Continuing Professional Development (CPD) requirements, subject to Section 17.6.
- 21.3.4 A Non-Practising Member shall have no right to use the Institute's Members' logo or to advertise in a manner that indicates active Membership. However a Non-Practising Member may continue to use any post-nominals to which he was previously entitled.
- 21.3.5 A Non-Practising Member shall provide an annual declaration to the Divisional Council that he does not receive any fee, retainer or income from practising in the property profession. A Member who is not engaged in any facet of the property industry may be deemed to be Non-Practising. A Member whose employment is in any way reliant on or enhanced by property related or Institute recognised qualifications is deemed to be practising.
- 21.3.6 Where a Member provides false and/or misleading information to Divisional Council in relation to By-Laws 21.3.1 to 21.3.5 the Divisional Council may refuse the application, or in the case of existing Non-Practising Members may terminate the membership of the member concerned.
- 21.3.7 Where a Divisional Council has issued written requests to a Non-Practising Member on two separate occasions for an annual declaration in accordance with Section 21.3.5, and the Member concerned has failed to provide such evidence, the Divisional Council may terminate the membership of the member concerned.

21.4 Appointment as an Honorary Member

- 21.4.1 Any person who has rendered services to the Institute which, in the opinion of a Divisional Council, entitle that person to distinction, or any other person upon whom a Council desires to confer distinction because of the person's knowledge and experience in pursuits connected with the property profession may be admitted as an Honorary Member on a resolution passed by at least three quarters of those present at a meeting of the Divisional Council.

21.5 Appointment as an Honorary Fellow

- 21.5.1 The National Council may by a resolution passed by at least three quarters of those present at any meeting of the National Council, elect a person as an Honorary Fellow of the Institute without entrance fee or subscription notwithstanding that he would not otherwise be eligible as a Member.
- 21.5.2 Such an election must not take place unless a notice of proposal to elect has been placed on the agenda paper of that Council meeting which has been circulated at least seven days in advance of the meeting date.
- 21.5.3 An Honorary Fellow will be a person who, by reason of status or experience, may in the opinion of the National Council be able to render assistance in promoting the objects of the Institute and who is not necessarily engaged in the property profession. An Honorary Fellow will have the privilege of being present and taking part in all meetings of the Institute but will have no right to vote.

Section 22: Fees and Annual Subscriptions

22.1 Annual Subscriptions

- 22.1.1 The annual subscription which is payable to the Divisional Council on the first day of January of each year by Members and Affiliates will be an amount determined by the Divisional Council.
- 22.1.2 Every subscribing Member will be liable to pay an annual subscription until his name has been removed from the Register of Members.
- 22.1.3 Membership subscriptions unpaid as at 1 April in each year will result in the Member's membership being terminated.
- 22.1.4 Divisional Council retains the flexibility to vary this standing requirement where the Member makes application in writing (to the Divisional Council) sighting exceptional circumstances, and the Divisional Council supports the application.
- 22.1.5 Membership subscriptions paid after 31 March in each year may result in the Member being reinstated to the applicable membership class, subject to the provisions of By-Law Section 17.6.
- 22.1.6 Members joining part way through a year will pay a pro-rata Membership subscription based on the number of months to 31 December.
- 22.1.7 If the resignation of a Member who is in arrears with their subscription is accepted, he will cease to be a Member and will not be liable for any further annual subscriptions. However, he will remain liable for the amount of arrears due at the time of the acceptance of the resignation.
- 22.1.8 No Member who is in arrears with their subscriptions will be entitled to vote or take part in the proceedings of any meeting.
- 22.1.9 If any Fellow, Associate, Graduate, Provisional Associate or Provisional Member is unable due to ill health or advanced age or other sufficient cause to continue to practise in the profession, the Divisional Council may remit the annual subscription and/or waive any arrears due.
- 22.1.10 Every person who becomes entitled to admission must, before his name is entered in the Register of Members and before he becomes entitled to the privileges of Membership, pay the first annual subscription according to the status in which such person is entitled to admission and must, so long as he continues to be a Member, pay the annual subscription according to his status for the time being.
- 22.1.11 Every Member advanced to a higher status must thereupon pay an additional fee for the year then current as may be determined.

- 22.1.12 Any person admitted as an Affiliate or a Member or advanced to a higher status after the first day of July in any year will be entitled to a rebate of such portion of his subscription at the higher status as may be determined by the Divisional Council.
- 22.1.13 Graduate members fees will be advanced to that of Associate level after a continuous period of five years membership after Graduate admission, subject to National Council having the discretion to exempt the fee increase in special circumstances.
- For new members a period of five (5) years shall apply with effect from 1 January 2002.
 - For Graduate members who have already held Graduate membership for more than five (5) years, the five (5) years shall be reduced to two years from 1 January 2002.

Section 23: Complaints

23.1 Interpretation

- 23.1.1 These provisions replace all other disciplinary complaints procedures issued by the Institute.
- 23.1.2 Subject to Section 23.1.3, any complaint that has progressed past the Complaints Committee decision stage should be dealt with under those procedures in place at the time the complaint was initially lodged.
- 23.1.3 A Member complained of can choose to have a complaint dealt with under any new procedures even though the complaint had progressed past the Complaints Committee stage when the new procedures came into effect.
- 23.1.4 Where a Member resigns the investigation of any outstanding disciplinary complaint will cease but not be deleted from the records system maintained by the Institute.
- 23.1.5 Where a former Member of the Institute applies to join the Institute any past incomplete disciplinary complaints will be finalised before membership is considered.
- 23.1.6 Any disciplinary breach emanating from a Complaints Committee is a breach brought against that Member by the Institute and for the purpose of Disciplinary Tribunals and Appeals Procedures the complainant is the Institute.
- 23.1.7 Where a complaint has been lodged against a National Councillor, Divisional Councillor, Board or Committee member, or any member of a Divisional complaints structure, and where the complaint has been transferred to the Tribunal, such persons shall stand down from their position until the matter is resolved, unless the National; or relevant Divisional Council decides that for such persons to stand down will adversely effect the operations of the Institute. In making such a decision the National or Divisional Councils may impose restrictions on such persons.

23.2 Definitions

- 23.2.1 “Serious breach”- For the purposes of these By Laws a “serious breach” will be any matter that;
- relates to issues of dishonesty or criminal conduct;
 - relates to a refusal to comply with a Complaint Committee, Disciplinary Tribunal or External Appeals Committee Order;
 - involves three or more minor breaches; and

- are from time to time deemed to be major by the Divisional or National Councils.
- 23.2.2 “Times frames” – All mentions of a period of days is to be read as business days.
- 23.2.3 Subject to other provisions of these By Laws, the Institute will keep details of any particular complaint confidential.

23.3 Complaints Process

- 23.3.1 All complaints must be in writing.
- 23.3.2 If a complaint is made to the Institute in writing that a Member has allegedly:
- (a) violated any part of the Institute’s Constitution or By Laws;
 - (b) committed any criminal offence punishable by imprisonment;
 - (c) committed any civil offence involving dishonesty or fraud;
 - (d) engaged in conduct prejudicial to the good name of the Institute; or
 - (e) obtained admission to the Institute by improper means,
- the complaint will be handled in accordance with the procedures set out in the By Laws.
- 23.3.3 Upon the receipt of a written Complaint the Divisional Complaints Chair shall appoint a Complaints Advisor to consider the particular complaint.
- 23.3.4 On receipt of a written complaint, the Divisional Complaints Chair shall advise the party in writing that the matter has been referred to a Complaints Advisor.
- 23.3.5 A complaint shall not be pursued if:
- (a) the complainant does not agree, in writing, that their identity can be revealed to the member complained of;
 - (b) the information provided by the complainant does not disclose a breach of the Institute’s Constitution, By Laws, Code of Ethics, Rules of Conduct or Practice Standards;
 - (c) it is more appropriate that the complaint be dealt with by a Court or an external complaints, disciplinary, conciliation, or arbitration body or procedure;

- (d) the matter should be put on hold pending the outcome of a Court or other tribunal's decision, as there may still be an Institute disciplinary matter;
 - (e) the complainant is seeking compensation or reimbursement only and is not alleging that a Member has been in breach;
 - (f) the act or omission giving rise to the complaint occurred before the date of commencement of the relevant By law.
 - (g) the subject matter of the particular complaint was comprised in a same complaint by the same person (or any one or more of them) previously considered by the Complaints Committee or the Disciplinary Tribunal and finalized;
 - (h) the Divisional Complaints Chair and the Complaints Advisor are of the view, that the complaint is frivolous or vexatious or is being pursued by the complainant in a frivolous or vexatious manner or for an improper purpose;
 - (i) the complaint is against a non API-Member;
 - (j) the complaint is in relation to a breach of a commercial contract only;
 - (k) the sole issue of concern to the complainant is one of quantum of a valuation.
- 23.3.6 Subject to time frames set out in these By-Laws, the Institute shall set appropriate indicative time frames for the handling of complaints.
- 23.3.7 Where the Complaints Advisor, in conjunction with the Divisional Complaints Chair, decides that the matter is not to be pursued the complainant shall be informed in writing.
- 23.3.8 Where the Complaints Advisor decides that the complaint is to be pursued the Member shall be advised in writing.
- 23.3.9 The Complaints Advisor will prepare the appropriate report for the Complaints Committee in relation to the matter.
- 23.3.10 The Complaints Advisor will have carriage of any matter throughout the disciplinary process.
- 23.3.11 The Complaints Advisor may present the matter on behalf of the Institute in the Complaints Committee, the Tribunal and the External Appeals Committee. The Divisional Complaints Committee Chair can appoint someone else to present the matter on behalf of the Institute in the Tribunal or the External Appeals Committee.
- 23.3.12 In preparing the report, the Complaints Advisor may obtain additional information, including from the complainant and the Member who is the subject of the complaint.

- 23.3.13 The Complaints Advisor may use all legal means to conduct the investigation of a complaint and may conduct the investigation in any manner that the Complaints Advisor considers fit.
- 23.3.14 The Complaints Advisor may require a Member to produce to the Complaints Advisor documents (including records kept in electronic form) within the possession, custody or control of the Member, by way of notice in writing to the Member specifying particular documents or categories of documents, provided that the documents or categories so required to be produced must in the Complaints Advisor's reasonable opinion be potentially relevant to the subject matter of a current investigation being conducted by the Complaints Advisor. A Member who receives such a notice must produce the documents required to the Complaints Advisor in the time specified in the Notice.

Section 24: Appointments to Complaints Committee and Disciplinary Tribunal

24.1 Appointment of a Divisional Complaints Chair and Panel

- 24.1.1 Each Divisional Council shall appoint a Member to be responsible for Divisional complaints procedures. This person shall be called the Divisional Complaints Chair. The Chair shall be appointed on an annual basis.
- 24.1.2 At the time of appointing the Divisional Complaints Chair, the Divisional Council shall appoint an Alternate Chair in the event that for any reason the Divisional Complaints Chair is unable to perform the Chair's duties. In this event, the Alternate Chair will act as the Divisional Complaints Chair for the duration the Chair, as appointed by the Divisional Council, is unable to perform the duties of Chair.
- 24.1.3 A Panel comprising not less than seven (7) Divisional Members shall be appointed on an annual basis by the Divisional Council.
- 24.1.4 The Divisional Complaints Chair shall, on an as required basis, select from the Panel a committee, hereinafter called the Complaints Committee, and a Chair of that Committee, hereinafter called the Complaints Committee Chair, to consider a specific complaint. The Complaints Committee shall comprise a minimum of three (3) members and so far as practicable be drawn from the relevant State Division but can, if deemed necessary by the Divisional Complaints Chairman, be drawn from other Divisions at the request of the President of the National Council.
- 24.1.5 No Member who is in any way concerned with the matter in question, or who is connected in any business entity, firm, corporation, or department with the Member accused or the party, who originated the complaint, shall be a member of the Complaints Committee.

24.2 Matters referred to Complaints Committee

- 24.2.1 Once the Complaints Advisor completes the appropriate report in relation to any complaint the Complaints Advisor shall forward the documentation to the Complaints Committee Chair.
- 24.2.2 Such report shall include and specify any possible breaches alleged against the Member complained of.
- 24.2.3 The Complaints Advisor shall advise the Member complained of, of the alleged breach and seek information in response to the alleged breach.
- 24.2.4 When in receipt of the Complaints Advisors report the Divisional Complaints Chair shall convene a Complaints Committee as provided for in Section 24.1.4.

- 24.2.5 A copy of the Complaints Advisor's report must be sent to the Member complained of and the Member shall be given a reasonable opportunity to respond to the information contained in the report.
- 24.2.6 The Complaints Committee will be bound by the principles of fairness and natural justice.
The Complaints Committee Chair will determine Committee procedures.
- 24.2.7 The Complaints Committee may hold a hearing into the matter where it feels that it is necessary to properly consider that matter.
- 24.2.8 Neither the person instigating the complaint, nor the Member complained of has a right to attend any hearing but the Complaints Committee can ask either to attend if it considers it appropriate.
- 24.2.9 If during the course of its examination of the evidence, the Complaints Committee determines that it requires further information or clarification; the matter may be referred back to the Divisional Complaints Advisor and the Member complained of informed.
- 24.2.10 If during the course of its examination of the evidence, the Complaints Committee determines that there are other issues that need to be addressed these matters may be referred back to the Complaints Advisor for further information and the Member complained of informed.
- 24.2.11 The Complaints Committee can make any one of the following decisions:
- (a) Determine there may be a serious breach and refer the complaint to the Disciplinary Tribunal;
 - (b) Determine that the complaint can be dealt with by the Complaints Committee;
 - (c) Find that there is a breach as specified by the Complaints Advisor and impose a sanction, as set out in Section 24.3.1
 - (d) Find that there is a different breach and impose a sanction, or sanctions as set out in Section 24.3.1;
 - (e) Find there is no breach and dismiss the case.
- 24.2.12 The Member complained of can request (with the agreement of the Complaints Committee Chair) that the complaint be considered by the Disciplinary Tribunal and not the Complaints Committee. Such request must be made as soon as the Member complained of has been advised of the matter by the Complaints Advisor.

- 24.2.13 The decision of the Complaints Committee Chair as to whether or not to agree to the matter going direct to the Disciplinary Tribunal cannot be appealed.
- 24.2.14 Where the Complaints Committee dismisses the matter the Member must be advised in writing.
- 24.2.15 Where the Complaints Committee decides that the matter should be referred to the Disciplinary Tribunal the Chair of the Complaints Committee will formulate the charge and refer the matter to the Disciplinary Tribunal.
- 24.2.16 Where the matter is referred to the Disciplinary Tribunal the Member complained of must be informed in writing.

24.3 Sanctions

- 24.3.1 Where the Complaints Committee determines a matter and finds a breach the Complaints Committee may impose the following sanctions upon the Member complained of;
 - (a) Reprimand the Member.
 - (b) Publicly admonish the Member.
 - (c) Counsel the Member.
 - (d) Impose a payment to the Institute of up to \$5,000.
 - (e) Require the Member to undertake additional CPD training as specified.
- 24.3.2 The Complaints Committee can order more than one of the sanctions, where it considers that appropriate.
- 24.3.3 Where the Complaints Committee has decided a matter, the Member complained of must be informed in writing.
- 24.3.4 The Complaint Committee's determination shall be implemented by the Divisional Executive Officer.
- 24.3.5 The Chair of the Complaints Committee shall have a casting vote if required but the normal decision process will be by majority votes.
- 24.3.6 The member complained of may seek a review, by the Disciplinary Tribunal, of a decision of a Complaints Committee.
- 24.3.7 Any application for review must be lodged with the Divisional Complaints Chair within 21 days of receipt by the member of the Complaints Committee's decision.

- 24.3.8 The Divisional Complaints Chair shall appoint a Disciplinary Tribunal Chair to consider the appeal within a timely manner.
- 24.3.9 The application for review must, at the time of lodgement, specify in detail in what aspects of the decision of the Complaints Committee is sought to be reviewed and on what grounds.
- 24.3.10 The application cannot raise an issue or issues that were not before the Complaints Committee.
- 24.3.11 The Chair of the relevant Divisional Tribunal may dismiss the application for review if the Chair forms the view that the application and the material submitted with it does not support a valid application for review.
- 24.3.12 The Tribunal shall set its own procedures in relation to a review and these may differ from the procedures the Tribunal adopts or is required to adopt on non review matters.
- 24.3.13 The Tribunal shall only have regard to the issues and the material that was before the Complaints Committee
- 24.3.14 There is no right of appeal from the decision of a Disciplinary Tribunal on a review except by the operation of the law of the relevant jurisdiction.
- 24.3.15 Where the application for review is unsuccessful, either wholly or partly, the Tribunal may order the applicant to pay reasonable costs of the review.

24.4 Disciplinary Tribunal

- 24.4.1 Each Divisional Complaints Chair shall appoint a Disciplinary Tribunal, including the appointment of a Chair of that Tribunal, hereinafter called the Chair of the Disciplinary Tribunal, to hear and determine any disciplinary charge brought against a Member of that Division originating from a complaint.
- 24.4.2 The Disciplinary Tribunal shall have a minimum of three (3) members at least one (1) of whom shall have legal qualifications and at least one of whom shall not be a Member of the Institute and so far as practicable be drawn from the relevant State Division but can, if deemed necessary by the Divisional Complaints Chairman, be drawn from other Divisions at the request of the President of the National Council.
- 24.4.3 No Member who is in any way concerned with the matter in question, or who is connected in any business entity, firm, corporation, or department with the Member accused or the party, who originated the complaint, shall be a member of a Complaints Committee or Disciplinary Tribunal.

- 24.4.4 Disciplinary Tribunal processes must be in private.
- 24.4.5 The member complained of may be legally represented before the Disciplinary Tribunal provided that:
- (a) the Tribunal is advised not less than five (5) days prior to the date set down for the Tribunal hearing of the intention of the particular party to have legal representation, and the name and contact details of each such legal representative, and
 - (b) the Tribunal may, if it is satisfied that legal representation has served or may continue to serve to delay the hearing of the matter, terminate the right of the party to have legal representation in which event the legal representative or representatives must depart the hearing and take no further part in it and the hearing must proceed in the absence of that legal representation.
- 24.4.6 No party may be compelled to appear at a hearing of the Disciplinary Tribunal, but any party to a hearing may provide written submissions and evidence to the Chair of the Disciplinary Tribunal, at least three (3) days before the hearing.
- 24.4.7 The Disciplinary Tribunal may make such procedural arrangements as it thinks fit, including directions for the provision of written submissions and evidence.
- 24.4.8 The Disciplinary Tribunal may conduct hearings as it considers fit, having regard to the necessity that adequate consideration be given to matters before it.
- 24.4.9 The laws and rules of evidence do not apply to proceedings before the Disciplinary Tribunal.
- 24.4.10 The Disciplinary Tribunal may obtain legal advice and have legal advisers in attendance at a hearing.
- 24.4.11 The Disciplinary Tribunal may conduct hearings or other meetings of the Tribunal in person or by other means, provided that all members of the Tribunal are able to hear and speak to each other.
- 24.4.12 All determinations and decisions of the Disciplinary Tribunal are to be made by a majority of the members of the Tribunal.
- 24.4.13 The Member complained of in any matter shall be informed, at least 14 days prior to any hearing, of:
- (a) the name of the Disciplinary Tribunal Chair and members of the Disciplinary Tribunal;

- (b) the exact nature of the Complaint and the disciplinary charge that the Member will be required to address;
 - (c) the time, date and place for the hearing;
 - (d) the right of the Member concerned to be heard in regard to the charge;
 - (e) whether the person instigating the complaint will be called to give evidence and/or provide a written submission in statutory declaration form;
 - (f) whether other witnesses will be called to give evidence and/or provide a written submission in statutory declaration form;
 - (g) what material the Member should bring to the hearing; and
 - (h) who will present the matter on behalf of the Institute.
- 24.4.14 The party who instigated the complaint shall, at least seven (7) days prior to any hearing, be informed of the time, date and place of the hearing and whether or not they will be required to give evidence at the hearing.
- 24.4.15 A complaint against a Provisional Member and/or the Provisional Member's supervisor for undertaking a valuation outside the parameters established in the Rules of Conduct will be dealt with by the Disciplinary Tribunal.

24.5 Admission of Evidence

- 24.5.1 No documents will be admitted into evidence that have not been made available to the Member complained of within a reasonable time prior to the hearing. This timeframe will be at the discretion of the Chair of the Disciplinary Tribunal. If any party wishes to introduce additional documentary evidence, the Chair may, if necessary, adjourn the hearing to allow the other party sufficient time to consider the evidence.

24.6 Hearing Procedure

- 24.6.1 The procedures for the hearing shall be at the discretion of the Chair of the Disciplinary Tribunal.
- 24.6.2 A transcript of the hearing is to be kept and a copy given to the Member complained of and the person who instigated the complaint, if that person was asked by the Disciplinary Tribunal to be involved in the hearing. A fee may be charged by the Institute for copies of the transcript.

24.7 Disciplinary Tribunal's Decision

- 24.7.1 After the completion of the hearing, the Chair of the Disciplinary Tribunal shall furnish in writing to the Divisional Executive Officer, the Disciplinary Tribunal's decision, the reasons for the decision and any sanction to be imposed.

24.8 Sanctions

- 24.8.1 Where the Disciplinary Tribunal determines that a Member has not been involved in a breach, the Tribunal shall make a determination to dismiss the matter.
- 24.8.2 Where the Disciplinary Tribunal determines that a Member has been involved in a breach, the Tribunal shall make a determination of breach against the Member complained of, and may impose one or more of the following sanctions,
- (a) reprimand the Member;
 - (b) admonish the Member publicly;
 - (c) counsel the Member;
 - (d) suspend the Member from membership of the Institute, for such period and on such terms or conditions as the Tribunal thinks fit;
 - (e) where the Member is already the subject of an order for suspension, continue that suspension for such period and on such terms or conditions as the Tribunal thinks fit;
 - (f) require the Member to take such steps as the Tribunal may determine to correct the effects of any breach found to have been engaged in;
 - (g) a payment to the Institute to be used as the Tribunal recommends, or in the absence of a recommendation, as the Divisional Council of the Institute determines; such penalty to be no more than \$10,000.00 for the first instance and no more than \$20,000.00 for any subsequent breach,
 - (h) require the Member to undertake such education or compliance program as the Tribunal thinks fit, provided that the purpose of such program is to reduce the likelihood of future breaches by the Member;
 - (i) expel the Member from membership of the Institute;
 - (j) adjourn the proceeding subject to compliance with such conditions as to sanctions as the Tribunal may otherwise impose in accordance with this By Law.
- 24.8.3 Where the Provisional Member and/or the Provisional Member's supervisor is found to have breached the Rules of Conduct governing Provisional Members undertaking valuations, both the Provisional Member and the supervising valuer are liable for a fine of up to \$10,000 for a first offence.

Any subsequent offence of the same nature will result in expulsion from the Institute.

- 24.8.4 The Disciplinary Tribunal may determine that the Member complained of has been involved in a breach but can, if the Tribunal considers it appropriate, determine not to find a breach but can still impose any of the sanctions set out in Section 24.8.2.
- 24.8.5 The Disciplinary Tribunal can award reasonable costs at its discretion against a Member involved in the matter before it.
- 24.8.6 The Disciplinary Tribunal may have a pre-sentence process to relay likely sanctions to the Member complained of, and give that Member an opportunity to state any objections to likely sanctions.
- 24.8.7 When determining any sanction, the Disciplinary Tribunal may take into consideration any penalty imposed on the Member as a result of external legal proceedings brought against that Member in relation to the same matter before the Tribunal.
- 24.8.8 A suspended Member must comply with the Institute's CPD requirements and provide a return for each year as normally required.
- 24.8.9 If a suspended Member breaches the conditions of suspension, then the penalty shall be expulsion from Membership unless, on application by the Member, the Divisional Council or National Council resolves otherwise.
- 24.8.10 No sanction shall be imposed on a Member until the completion of the Institute's appeal procedures

24.9 Notification of Decision

- 24.9.1 The Member complained of and the party who instigated the complaint shall be informed in writing of the Disciplinary Tribunal's decision, the reasons for the decision, and any right of appeal against the decision.
- 24.9.2 The Disciplinary Tribunal will issue a written determination within 30 days of its decision.
- 24.9.3 The parties concerned shall be advised that the Disciplinary Tribunal's written determination will be available for collection or delivery from the relevant Division's office at a specified date and time via the form requested by the parties. A fee may be charged.

24.10 Fees

- 24.10.1 The Complaints Advisor, members of the Complaints Committee appointed to consider the matter, and members of the Disciplinary Tribunal shall, at

the discretion of the Divisional Council, be entitled to receive such fees, remuneration and disbursements as the Divisional Council in its absolute discretion may determine generally or in any individual case.

24.11 External Appeals Committee

- 24.11.1 The External Appeals Committee, shall be a three (3) member appeal body, including the Chair, appointed from time to time by National Council. The Chair, who must possess legal qualifications, shall be appointed by National Council. Neither any Complaints Advisor, any member of the Complaints Committee appointed to consider the matter, any person involved in any mediation of the complaint, any member of the Disciplinary Tribunal that originally dealt with the matter, or any member of the External Appeals Committee that made the initial assessment of the appeal shall sit on the External Appeals Committee that reviews the complaint.
- 24.11.2 A majority of the members of the External Appeals Committee must not be Members of the Institute.

Section 25: Appeal Process

25.1 Appeal

- 25.1.1 The Member complained of may, within 21 days of being notified of the Disciplinary Tribunal's decision, appeal against that decision by notice in writing to the Chair of the External Appeals Committee.
- 25.1.2 The Institute (either by resolution of National Council or the Divisional Council of the Division of which the subject of the complaint is a Member) can also appeal a Disciplinary Tribunal decision and must do so within 21 days of the decision.
- 25.1.3 The Chair of the External Appeals Committee shall notify the appropriate Divisional Executive Officer that an appeal has been lodged and shall request copies of the relevant correspondence and records of proceedings held by that Division. This documentation may include:
- (a) the original complaint,
 - (b) the charge formulated from this complaint,
 - (c) all correspondence and written evidence in relation to the matter,
 - (d) the record of the Disciplinary Tribunal's hearing.
- 25.1.4 This material will be provided to the appellant.
- 25.1.5 The appellant is to notify in writing the basis of the appeal including all documentation within 21 days of lodging the appeal. If the Appellant considers more time is necessary to prepare the appeal, the appellant may submit a request in writing to the Chair of the External Appeals Committee for an extension of time.
- 25.1.6 Parties to the appeal, other than the appellant, shall provide written responses to the appellant's submission within timeframes determined by the Chair of the External Appeals Committee.
- 25.1.7 If the appellant does not comply with the timeframe determined by the External Appeals Committee Chair and an approval for extension of time has not been granted by the Chair of the External Appeals Committee, the appeal shall be deemed to be abandoned and the parties informed accordingly in writing.
- 25.1.8 Where the Chair of the External Appeals Committee is of the view, that the material submitted by the appellant does not support a valid appeal the Chair can dismiss the appeal and inform the parties in writing.

25.2 Withdrawal of Appeal

- 25.2.1 A Member may withdraw an appeal by giving notice in writing to the Chair of the External Appeals Committee.
- 25.2.2 The notice referred to in Section 25.2.1 must be received no later than seven (7) days before the day scheduled for the hearing. After this time, the Member who made the appeal will be responsible for any costs incurred by the External Appeals Committee and the Institute.

25.3 Conduct of Appeal Hearing

- 25.3.1 The procedure and conduct of the appeal hearing will be at the discretion of the Chair of the External Appeals Committee.
- 25.3.2 The External Appeals Committee will not, except where the Committee requests additional material, accept any additional material once the hearing has commenced.
- 25.3.3 Any party may be represented by legal counsel or other person on terms and conditions set by the External Appeals Committee.

25.4 Consequences of Appeal

- 25.4.1 The External Appeals Committee may uphold the appeal, dismiss the appeal or may vary the sanction imposed by the Disciplinary Tribunal.
- 25.4.2 The External Appeals Committee must give written reasons for its decision.
- 25.4.3 The National Director must be informed of the External Appeals Committee's decision.

25.5 Action By National Council

- 25.5.1 The National Council cannot overrule or vary the decision of the External Appeals Committee.

25.6 Costs

- 25.6.1 Costs of the hearing and reasonable costs of the parties may be awarded by the External Appeals Committee.

25.7 Notification to Parties

- 25.7.1 The National Director shall advise the parties of the External Appeals Committee's decision in writing.

25.8 Quorums

- 25.8.1 A decision of the External Appeals Committee shall not be invalidated in consequence of a vacancy in its membership or the absence of any member provided that the decision is made by at least two (2) Members, including the Chair of that Committee.

25.9 Fees

- 25.9.1 Members of the External Appeals Committee shall be entitled to receive such fees, remuneration and disbursements as the National Council in its absolute discretion may determine generally or in any individual case.

25.10 Publication of Decisions

- 25.10.1 The Institute must maintain a Register of all determinations made by the Complaints Committee, the Disciplinary Tribunal and the External Appeals Committee and make the Register available for inspection by Members.
- 25.10.2 The National Director shall have the absolute discretion to decide what is contained on the Register in relation to each concluded matter.
- 25.10.3 The Institute may, as it sees fit, publish or otherwise make available to Members, any other persons or the public generally the content of, or an extract from or précis of, any determinations by the Complaints Committee, the Disciplinary Tribunal and the External Appeals Committee and the Register maintained by the Institute.
- 25.10.4 The Institute shall publish regular information about the outcome of disciplinary matters including an annual overview of the operation of the Institute's disciplinary regime.
- 25.10.5 Where a Member has been expelled the National Director shall advise ASIC and relevant State and Territory regulators.
- 25.10.6 Where a Member has been found to be in breach of conduct relating to the Financial Services Reform Act the National Director shall inform ASIC.

25.11 Keeping Complainants Informed

- 25.11.1 The Complaints Advisor may keep the person instigating the complaint informed of progress in handling the complaint provided always that the Complaints Advisor must not provide any information to a complainant in relation to the progress of the complaint where in the opinion of the Complaints Advisor;
- (a) to do so may expose the Complaints Advisor or any Officer of the Institute to liability for civil damages;
 - (b) to do so would or could prejudice, impede or in any other manner adversely affect the investigation of the complaint, or
 - (c) to do so would deny procedural fairness to the Member, the subject of the complaint.

25.12 Confidentiality

- 25.12.1 Unless authorised by other provisions of the By Laws or Constitution or is reasonably necessary to undertake duties authorised or directed by the By Laws or Constitution, the operations of the complaints process shall be confidential and it shall be a breach of the By Laws for anyone to breach such confidentiality.

Section 26: Standard Procedures for Elections

26.1 Interpretation

- 26.1.1 For the purposes of this Section, 'Annual General Meeting' means in the case of election of Divisional Councillors - the Annual General Meeting of that Division;

26.2 Conduct of Elections

- 26.2.1 The method of voting will be the simple majority system with one vote per Member per vacant position.
- 26.2.2 Ballot papers will contain:
- a. the names of all duly nominated candidates and their class of Membership;
 - b. information as to candidates (approximately 150 words);
 - c. any instructions as to voting as may be laid down in these By Laws;
 - d. 2 envelopes;
 - (i) an outer envelope addressed to the Returning Officer; and
 - (ii) an inner envelope marked 'Ballot Paper'.
- 26.2.3 Non-receipt of ballot papers by any Member entitled to vote will not invalidate the ballot, but the Returning Officer may issue a further ballot paper to a Member claiming non receipt of a ballot paper.
- 26.2.4 The Returning Officer will cause lots to be drawn for the positions in which names of nominated candidates appear on the ballot paper.
- 26.2.5 Each voter will:
- a. record his vote on the ballot paper in accordance with the system of voting in force;
 - b. place the completed ballot paper in the inner envelope and seal it;
 - c. place the inner envelope without any other matter into the outer envelope and seal it; and
 - d. print his name and sign his usual signature across the back flap of the outer envelope.
- 26.2.6 Any ballot paper which is not completed and received in accordance with Section 26.2.5 will be rejected as informal.
- 26.2.7 The voter must return the completed ballot paper by post or deliver it to the Returning Officer not later than the time fixed by the Returning Officer.
- 26.2.8 Any ballot paper which records votes for more than the exact number of candidates must be rejected as informal.

- 26.2.9 If the formality of any ballot paper is in doubt, the matter must be referred to the Returning Officer whose decision will be final.
- 26.2.10 The ballot will be conducted by the Returning Officer who will report the result of the ballot by statutory declaration to the Chairman of the Annual General Meeting.
- 26.2.11 The candidates who receive the greatest number of votes will be elected. The Chairman of the Annual General Meeting will certify the names of the candidates who have been elected to fill the vacancies.
- 26.2.12 The Returning Officer may destroy the ballot papers at any time after the expiration of 1 month from the date of the declaration of the poll.
- 26.2.13 In the event of a tied vote, the Chairman of the Annual General Meeting will cause lots to be drawn to determine the successful candidate.

26.3 Conduct of Ballots

- 26.3.1 The conduct of a ballot is the responsibility of the Returning Officer.
- 26.3.2 The Returning Officer may appoint an appropriate number of persons who themselves are not candidates, to act as scrutineers for the ballot and to assist at the counting of the ballot.
- 26.3.3 No person other than those entitled to be at the counting of the ballot as authorised by these By Laws will be permitted to be present.
- 26.3.4 The following information on the candidate shall be supplied by the Returning Officer with the ballot paper:
 - a. the full name of the candidate;
 - b. whether a retiring Member (this may be denoted by an asterisk of similar sign);
 - c. positions held (i.e. director, partner, manager);
 - d. the firm, partnership, institution, department in which the candidate is employed;
 - e. date of admission as a Provisional Member, Graduate, Provisional Associate or Associate, or elevation to Fellow or Life Fellow;
 - f. a short summary of additional background in Institute and professional activities.
- 26.3.5 The Returning Officer will notify the Chairman of the Annual General Meeting of the result of the ballot and the Chairman may advise the candidates of the result prior to it being announced at the Annual General Meeting.
- 26.3.6 Notification will be by way of a statutory declaration as to the results of the election.

Section 27: Meeting Procedure

27.1 Quorum

- 27.1.1 If within 30 minutes of the time appointed for a meeting a Quorum is not present, the meeting, if convened upon a requisition of Members will be dissolved, but in any other case it will stand adjourned to the same day in the next week at the same time and place or to a date (not more than 31 days after the meeting), time and place appointed by the Chairman of the meeting.
- 27.1.2 If, at the adjourned meeting, a Quorum is not present, those Members who are present will constitute a Quorum and may transact the business for which the meeting was called.

27.2 Voting at Meetings

- 27.2.1 Each motion submitted to a meeting will be decided in the first instance by a show of hands.
- 27.2.2 On a show of hands at any meeting each Member present in person or by proxy and entitled to be present in person or by proxy will have one vote.
- 27.2.3 In the case of an equality of votes (both on a show of hands and at a poll), the Chairman will have a casting vote. The Chairman will have a casting vote in addition to any vote he may be entitled to as a Member.
- 27.2.4 Unless a poll is demanded, a declaration by the Chairman of a meeting of the result of the vote and an entry in the book of proceedings recording the result will be conclusive evidence of the result of the vote at any meeting.

27.3 Poll

- 27.3.1 If a poll is demanded at any meeting, it will be taken in the manner the Chairman of the meeting directs.
- 27.3.2 The demand for a poll will not prevent the meeting continuing for the transaction of any business other than the question on which a poll has been demanded.
- 27.3.3 A demand for a poll may be withdrawn.
- 27.3.4 Any poll duly demanded on the election of the Chairman of the meeting or on any question of adjournment will be taken at the meeting and without adjournment.

- 27.3.5 A poll may be called for by a Member present personally and entitled to vote at a meeting.

27.4 Adjournment

- 27.4.1 The Chairman of a meeting may, with the consent of the meeting, adjourn the meeting, but no business may be transacted at any adjourned General Meeting other than the unfinished business from the General Meeting.

27.5 Entitlement to Vote

- 27.5.1 No Member will be entitled to be present or to vote on any question, either personally or by proxy at any meeting if their subscription has not been paid in full and has been overdue for 3 months, unless the Member has entered into an arrangement for the payment of their subscription which has been approved by their Divisional Council.

27.6 Postal Votes

- 27.6.1. The National Council may prescribe provisions for postal voting in the case of Members who are overseas.

27.7 Proxy Votes

- 27.7.1 The instrument appointing the proxy must be in writing under the hand of the appointor.
- 27.7.2 Only a person who is a Member and entitled to vote may be appointed a proxy.
- 27.7.3 An instrument of proxy may be restricted to any particular motion or matter.
- 27.7.4 The instrument appointing a proxy must be deposited at the National Office of the Institute (6 Champion Street, Deakin ACT 2600), not later than 4.00pm local time three working days preceding the date set down for the holding of the meeting or adjourned meeting, subject to any other requirements stipulated in the notice of the meeting.
- 27.7.5 A vote given in accordance with the terms of an instrument appointing a proxy will be valid notwithstanding the death of the principal or revocation of the instrument under which the vote is given provided that the holder of the proxy has not received notice in writing of the death or revocation.

Section 28: General Matters

28.1 Professional Differences

- 28.1.1 If any professional differences should arise between Members an endeavour will be made to have them settled by the Divisional President and to this end shall have the power to request the parties to attend any meeting.

28.2 Referendum of Divisions

- 28.2.1 A Division in General Meeting or a Divisional Council may refer any question to the Members attached to it by way of a referendum.
- 28.2.2 In any such case the Chairman of the meeting will reduce the resolution or amendment in question to writing, and voting papers embodying the proposed resolution or amendment shall, within 14 days after the meeting at which the matter arose, be sent to Divisional Members.
- 28.2.3 The voting papers must be returned within a period not exceeding 28 days from the date of the meeting or by a date stipulated by the Chairman.
- 28.2.4 The meeting will appoint two scrutineers who with the Executive Officer will open the voting papers.
- 28.2.5 The resolution or amendment must be determined by Ordinary Resolution.
- 28.2.6 The Executive Officer will report the result of the referendum to the Chairman of the meeting and the Chairman will report the findings to the Members of the Division. The result of the voting and the report shall be conclusive as to the result.

28.3 Service of Notices

- 28.3.1 All notices may be served upon any Member either personally or through the post in a pre-paid envelope addressed to the Member at his address as entered in the Register of Members.
- 28.3.2 The non-receipt of a notice will not invalidate the proceeding of a meeting.
- 28.3.3 Where a given number of days' notice is required to be given, the day of service will, unless it is otherwise provided, be counted in the number of days.
- 28.3.4 Notice of all meetings of the National Council must be given to all National Councillors. Notice of all meetings of Divisional Councils must be given to all Divisional Councillors.

28.4 Privilege

- 28.4.1 The following matters and things will be privileged:
- a. all communications addressed to any Member regarding any complaint against the Member;
 - b. all proceedings conducted by the National Council, External Appeals Committee, Divisional Councils, Divisional Complaints Committee and Institute Executives regarding any complaint affecting any Member.

Section 29: Symbols

29.1 Use of the Institute Members' Logo

- 29.1.1 The National Council has established policy for the use of the Institute Members' Logo, which is a registered copyright. Images of the Institute Members' Logo are to be obtained only from the Institute.
- 29.1.2 The National Council authorises the National Office to approve the use of the Institute Members' Logo by a Member of the Institute subject to it being in accordance with rules as hereinafter provided. A register of users of the Institute Members' Logo must be kept by the National Office.
- 29.1.3 In the case of sole Member practitioners, the Institute Members' Logo may be used on all communications and office entry doors.
- 29.1.4 In the case of firms, corporations and partnerships where all professional staff are Institute Members, the Institute Members' logo may be used as for Section 29.1.3
- 29.1.5 In the case of firms, corporations and partnerships, which include professional staff other than Institute Members:
- a. the Institute Members' logo may be used on all communications of individual Members only. It must be used only on communications for which a Member of the Institute is solely responsible and which bears his name and/or personal signature and no other person's name;
 - b. if there is a designated professional area in the office where all professional staff are Institute Members, an Institute Members' logo may be used on the entry door.
- 29.1.6 All communications referred to include reports, report covers, business cards, "with compliments" slips, envelopes, letterheads, facsimiles, electronic mail and web pages.
- 29.1.7 When Members use the API Members' Logo on their communications it must be printed in either Pantone colours or CMYK, using the values below:

Colours	Green	Gold	Black
Pantone	C98 M0 Y72 K61	C20 M30 Y70 K15	C50 M50 Y50 K100
CMYK	PMS 342	PMS 872	Pantone Black

- 29.1.8 The Institute Members' logo will be made available to Members once the Member has completed and lodged the prescribed form with National Office. Members will be required to provide proof copies of the various

forms of communication bearing the Institute Members Logo upon request by the Institute.

- 29.1.9 Where an advertisement, which includes the Institute Members' logo, carries a corporation name, only the names of Members can be included.
- 29.1.10 The National Council may, in special circumstances, approve the use of the Institute Members' logo for purposes other than those set out above.
- 29.1.11 Use of the Institute Members' logo in any manner other than those permitted will constitute a breach of these rules.
- 29.1.12 The National Council may require any Member or Members to refrain from using the Institute Members' logo and to conform to such new or revised regulations as to the use of the Institute Members' logo as the National Council may direct.

29.2 Use of the Crest

- 29.2.1 The Institute Crest, which is the common seal of the Institute and a registered copyright, is only for use by the Institute and not by Members.
- 29.2.2 The Crest may be used on Institute Membership certificates, Continuing Professional Development Certificates and legal documentation.
- 29.2.3 The National Council may, in special circumstances, approve the use of the Crest for purposes other than those set out above.

29.3 Use of the Institute Logo

- 29.3.1 The Institute Logo, which is a registered copyright, is only for use by the Institute and not by Members.
- 29.3.2 The Institute Logo may be used on publications, promotional material and communications.
- 29.3.3 The Institute Logo may be produced in the Institute PMS colours of green 342 and gold 872 or in single colour only. The integrity of the graphic for Australian Property Institute must be maintained.
- 29.3.4 The National Council may, in special circumstances, approve the use of the Institute Logo for purposes other than those set out above.

29.4 Post-nominals of Membership Classes

- 29.4.1 The post-nominals indicate the status of the Member in the following classes:
- a. Life Fellow of the Australian Property Institute (LFAPI);
 - b. Fellow of the Australian Property Institute (FAPI);
 - c. Associate of the Australian Property Institute(AAPI);
 - d. Graduate of the Australian Property Institute(GAPI).
 - e. Provisional Associate of the Australian Property Institute (PAAPI).
 - f. Provisional Member of the Australian Property Institute (PMAPI).

29.5 Use of Membership Initials

- 29.5.1 Initials denote Membership classes.
- 29.5.2 Retired Members and non-practising Members may continue to use any designation, which they were entitled to use before transferring to affiliate Membership.
- 29.5.3 No Affiliate, other than described in Section 21.2.3 and 21.3.4 may use any initials that imply or intend to indicate that he holds Membership of the Institute.

29.6 Use of Certifications and Designations

- 29.6.1 The certification “Certified” may be part of the Member’s post-nominals on business cards but must be included in full on all other correspondence and business stationery.
- 29.6.2 A Member who is both a practising valuer and holds the certification of Certified Practising Valuer must ,when signing correspondence in their professional capacity as a Certified Practising Valuer, either state in full that they are a Certified Practising Valuer or include the CPV Logo which incorporates the words Certified Practising Valuer.



- 29.6.3 The certification “certified” is available only to the membership classes of Life Fellow, Fellow or Associate.
- 29.6.4 The designation “Residential Property Valuer” shall not be part of the Member’s post-nominals but may be included in full on business cards and other business stationery.

Schedule 1

The Bodies that have reciprocity agreements with the Australian Property Institute are:

- Royal Institution of Chartered Surveyors (General Practice Division)
- Property Institute of New Zealand
- Appraisal Institute of Canada
- Hong Kong Institute of Surveyors (General Practice Division)
- Singapore Institute of Surveyors and Valuers (General Practice Division)

Schedule 2

The Australian Property Institute's Policies and Procedures dealing with membership entry are:

- Membership Entry (incl. Application Forms and Explanatory Notes)
- Membership Induction
- Professional Interview
- Provisional Membership transitional arrangements