

AS AN APPENDIX TO THE CONSTITUTION (2017)

**REGULATIONS AND BY-LAWS
(made under Article 82)**

1. General

Regulation 1.1

Upon adoption of these Regulations, all previous Regulations and By-Laws are revoked.

Regulation 1.2.

For the purposes of these Regulations, if an act must be done on a day which is not a business day (a business day being a day that is not a Saturday, Sunday or any other day which is a public holiday or bank holiday in the place where the act is to be performed), the act must be done instead on the next business day.

Regulation 1.3.

Unless repugnant to the context, terms used in these Regulations have the same meaning as given to them in the Articles.

2. Election Of Councillors

Regulation 2.1.

This and the following Regulations 2.2 to 2.13 apply equally to the election of Councillors (Chapter-Elected) and Councillors (Nationally-Elected). The management and administration of the election process shall be under the delegated authority of Council.

Subject to these Regulations, all communications concerning an election of Councillors to the membership of the Institute from any Institute source, including related body corporates, and through any medium, (in this Regulation 'communication') must treat each candidate equally.

Regulations 2.12 or 3.5, as applicable, require communication to the members. These and any other communication in relation to an election are strictly for the purpose of inviting members to participate in the nomination or ballot process, and informing the voting members of any or a combination of:

- the result of an election where no ballot was required
- the necessity for a ballot and the manner and the time in which a ballot will be held
- the names of the candidates in a ballot and their platform statements, including their personal platform statement
- the result of an election where a ballot was conducted.

Candidates' personal platform statements are limited to 200 words and the limit must be enforced.

The order in which a candidate's name appears on a ballot paper will be determined by lot, by a process conducted by the Principal Returning Officer or delegate.

In any communication, candidates' platform statements and personal platform statements must appear in the same order as in the ballot paper.

For a Chapter Council election, the communication required by Regulation 3.5 may be made in a postal communication for the purpose, the relevant Chapter Publication issued to members, or by e-mail to those members who have supplied the Institute with an e-mail address. The Principal Returning Officer, or if unavailable, the Chief Executive, may approve the whole of all relevant candidates' platform statements appearing in one or more additional separate communications.

Only content equally treating all candidates for the relevant positions may appear in any communication. Partial content of one or more candidate's platform statement is not permitted in any communication.

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No use of Institute resources by a candidate for the purpose of promoting their candidacy is permitted, including but not limited to:

- staff time
- use of Institute premises, equipment or stationery
- intellectual property, or
- contact details for members

For the guidance of staff and members, making the same resource as a candidate requests available to other candidates is not ordinarily equal treatment of the candidates.

The Principal Returning Officer, or if unavailable, the Chief Executive, will determine any question of use of Institute resources or equal treatment as described in this Regulation, and the decision is final.

Regulation 2.2.

Every election of Councillors shall be by an on-line voting system available to members who have supplied the Institute with an e-mail address and otherwise by postal ballot. Nominations may only take place through the on-line voting system.

Regulation 2.3.

The Principal Returning Officer shall be appointed by the Council or, in default thereof, shall be the person fulfilling the role of Secretary. The Principal Returning Officer shall conduct the elections and may from time to time appoint a Returning Officer to act for him or her and may appoint Deputy Returning Officers. For the purpose of these Regulations, the terms Deputy Returning Officer and Returning Officer mean the person delegated by the Principal Returning Officer, or if none is appointed, the Principal Returning Officer.

The required notification to candidates of the result of a ballot is by e-mail, provided that a read receipt is requested and the confirmation is received. If not received within a reasonable time, notification must be by facsimile to the number indicated in the Institute's membership records unless an alternative facsimile number is notified to the Returning Officer before the ballot is conducted. Nothing prevents telephone contact if convenient but it is not required under this regulation.

Regulation 2.4.

The Principal Returning Officer (and his or her delegates) shall decide questions relating to the validity of any nomination or ballot paper and a statement signed by him or her to the effect that a person has been elected or appointed to any office or has vacated any office (except as provided in **Article 19**) shall be sufficient evidence of the same, provided that the Principal Returning Officer shall not act in any matter which concerns an elected office for which he or she is a candidate, in which case the Principal Returning Officer must appoint a Returning Officer to assume such responsibility.

Regulation 2.5.

All hardcopy ballot papers and electronic records of nomination forms and voting (ballot) must be retained by the Returning Officer for a period of 45 days after the relevant date for submission.

A request for a re-count may only be made by a candidate and by written request to the Principal Returning Officer delivered within 30 days after the ballot. The Principal Returning Officer must conduct the re-count within a further 30 days under arrangements made at his or her discretion, not limited to reliance on an external provider for verification of the integrity of the on-line voting process in the re-count. The re-count is final, subject to Regulations 2.13 or 3.7, as applicable.

Regulation 2.6.

Notice of each election for Councillors shall be given to all members entitled to elect Councillors and posted no later than 8 weeks prior to the date upon which each Councillor to be elected will take office.

Regulation 2.7.

A valid nomination must be accompanied by the undertaking of the nominee to serve, if elected, endorsed (supported) by 5 Corporate Members or Graduate Members and accompanied by with the candidate's personal platform statement referred to in Regulation 2.1, requiring the information determined by Council from time to time, and the nominee must have been verified as a member eligible to hold the office to which the nomination applies.

Regulation 2.8.

Nominations without defects must be received on-line by the Institute by the closing time on the closing date, such time being not less than 3 weeks from the date of e-mail notification to members that nominations are open and the posting of such a notice to those members who have not supplied the Institute with an e-mail address, whichever is later.

Regulation 2.9.

Where the number of valid nominations is greater than the number of vacancies left by retiring Councillors, a postal ballot shall be conducted.

Regulation 2.10.

Where the number of valid nominations is equal to the number of vacancies, the candidate or candidates nominated shall be declared elected.

Regulation 2.11.

Where the number of valid nominations is less than the number of vacancies, the President shall have the power to nominate a consenting member eligible to serve as a Councillor to make up the full number of Councillors, and such person or persons (together with members otherwise nominated) shall be declared elected.

Regulation 2.12.

Where a ballot is required, the notification that a ballot on the on-line voting system is open and the posting of any hardcopy ballot papers, whichever is later, must occur not later than 3 weeks before the date the ballot closes.

The successful candidates will be elected under an "optional multiple preferential" system. Ballot papers, on-line or hardcopy, for the election of Councillors will require the voting member to indicate preferences for the respective candidates under an optional multiple preferential system, in which:

- a) the minimum number of numerically ordered preferences required for a valid vote is equal to the number of positions to be filled and voters may indicate further preferences in numerical order of preference
- b) a voter's preferences for the minimum number of positions are each counted as a primary vote, and
- c) as each candidate with the lowest number of primary votes is eliminated from the count, that candidate's numerical preferences for remaining candidates are reallocated upwards by one number, until there remains one candidate more than the number of positions to be filled and all but that one candidate is/are elected.

Regulation 2.13.

If at any ballot 2 or more candidates receive an equal number of votes, the candidate or candidates to be considered as having the higher number of votes shall be determined by lot. The drawing of lots shall be conducted in such manner as the Principal Returning Officer may determine, the candidates whose name is first drawn being considered as having the higher number of votes.

3. Election of Chapter Councillors

Regulation 3.1.

The election of Chapter Councillors by members shall be organised and administered by the Council. Corporate Institute Members and Graduate Institute Members of the Chapter are entitled to vote in an election to appoint Chapter Councillors in accordance with **Article 46**. Chapter Councillors shall be appointed using one of the following two methods:

- (1) (a) Candidates for election to the Chapter Council must nominate the National Committee on which they would like to serve, being a National Committee where a vacancy exists or will exist in respect of the particular Chapter.

(b) Of the candidates who nominated a particular National Committee, the candidate receiving the most votes shall sit on that committee and shall be elected Chapter Councillor.

(c) Where the number of Chapter Councillors to be elected (as determined by the Chapter Council in accordance with Regulation 3.2) exceeds the number of Chapter Councillors elected in accordance with paragraph (b), sufficient additional Chapter Councillors shall be elected in accordance with the number of votes received by each of the remaining candidates.

- (2) Persons shall be elected by the Chapter to be Chapter Councillors. The Chapter Council may appoint such members of the Chapter Council as it thinks fit to the National Committees, provided that a person may not be appointed to more than one National Committee.

The method to be used in relation to each Chapter shall be as follows:

Chapter	Method (1) or (2)
New South Wales	(2)
Western Australia	(2)
Victoria	(2)
Australian Capital Territory	(1)
Queensland	(2)
South Australia	(2)
Tasmania	(2)
Northern Territory	(2)

Regulation 3.2.

Not later than 31 October in the year preceding the year in which an election is required to be held the relevant Deputy Returning Officer shall determine the number of Chapter Councillors to be elected at the forthcoming Chapter Council election and notify that number to the Principal Returning Officer, provided always that:

- (1) the number of elected Chapter Councillors is as provided in **Article 45**; and
- (2) the number of Chapter Councillors elected by the members may not be less than 6.

The Council shall cause to be issued to all members entitled to elect Chapter Councillors the notice referred to in Regulation 2.1, which shall include a list of retiring members of the Chapter Council, indicating those who are eligible for and seek re-election and their level of attendance at Chapter Council meetings since their last election.

The notice must further inform members that on-line nominations will be received up to the date and time stated, such time being not less than 3 weeks from the date of e-mail notification to members that nominations are open and the posting of such a notice to those members who have not supplied the Institute with an e-mail address, whichever is later.

Each such nomination must be accompanied by the written undertaking of the nominee to serve, if elected, endorsed (supported) by 2 Corporate or Graduate Institute Members and accompanied by the candidate's personal platform statement referred to in Regulation 2.1, requiring the information determined by Council from time to time. Any defective nomination or nomination delivered late will not be accepted.

The nominee must have been verified as a member eligible to hold the office to which the nomination applies. Nominations without defects must be received on-line by the Institute by the closing time on the closing date

Regulation 3.3.

If insufficient nominations for Chapter Councillors elected by the members are received, the Chapter Council shall make additional nominations as may be necessary.

Regulation 3.4.

If sufficient (but no more than sufficient) nominations are received (including nominations made by the Chapter Council in accordance with Regulation 3.3) are received, the candidates so nominated shall be declared elected.

Regulation 3.5.

Where a ballot is required, the notification that a ballot on the on-line voting system is open and the posting of any hardcopy ballot papers, whichever is later, must occur not later than 3 weeks before the date the ballot closes.

Regulation 3.6.

Voting at elections of Chapter Councillors shall be by members marking with a cross the names of candidates for whom they desire to vote. A ballot paper shall be deemed to be invalid if more names are so marked than the number of candidates to be elected, but it shall not be deemed to be invalid if fewer names are so marked than the number of candidates to be elected.

Regulation 3.7.

The candidates who receive the largest number of votes in a single count shall be declared elected. Should any 2 or more candidates receive an equal number of votes, the candidate or candidates to be elected shall be determined by lot in such manner as the Principal Returning Officer may determine.

Regulation 3.8.

Regulations 2.3, 2.4 and 2.5 apply to the election of Chapter Councillors.

4. Meetings of Chapter Councils

Regulation 4.1.

A Chapter Council shall meet at such times as is necessary to allow it to properly conduct the affairs of the Chapter in accordance with the **Articles**, these Regulations and policies of the Institute.

Regulation 4.2.

The Chapter President may call a meeting of the Chapter Council at such time as he or she thinks fit but must do so upon the written request of 2 Chapter Councillors. Such written request must state the business proposed to be transacted at the meeting and this shall be incorporated in the notice convening the meeting, which shall provide not less than 7 days' notice of the meeting. No business other than that stated in the notice shall be transacted at the requested meeting.

Regulation 4.3.

At a meeting of a Chapter Council, the number of Chapter Councillors whose presence is necessary to constitute a quorum is that whole number immediately above 60% of the number of Chapter Councillors, or such other quorum as may be determined from time to time by the Chapter Council.

5. General Meetings of the Chapter

Regulation 5.1.

General Meetings of a Chapter shall be held as the Chapter Council may determine provided that the Chapter Council must ensure that a general meeting is convened at least once in each year (and before elections are held in relation to the Chapter Council) in order that the Chapter Council may report to the members on the activities and results of the last year preceding.

Regulation 5.2.

The provisions of **Articles** 57 to 73 relating to the conduct of general meetings apply so far as they are capable of application and with the necessary changes to every general meeting of a Chapter. For these purposes only, references in those **Articles** to:

- (1) the Institute shall be deemed to be references to the Chapter;
- (2) the Council shall be deemed to be references to the Chapter Council;
- (3) Councillors shall be deemed to be references to Chapter Councillors;
- (4) the President shall be deemed to be references to the Chapter President.

6. Powers of the Chapter Councils

Regulation 6.1.

Subject to the **Articles** and these Regulations, each Chapter Council is empowered to make rules only in respect of the following matters:

- (1) the constitution and administration of committees of the Chapter Council;
- (2) the delegation of powers of the Chapter Council;
- (3) the election and tenure of office bearers (not being the Chapter President) in respect of the Chapter Council;
- (4) procedures at meetings of the Chapter Council;

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- (5) the appointment of alternate Chapter Councillors where Chapter Councillors are unable to attend meetings of the Chapter Council; and
- (6) media releases and publicity in respect of issues concerning the Chapter.

Regulation 6.2.

No Chapter Councillor shall enter into or purport to enter into any agreement, lease, covenant or contractual obligation of any kind on behalf of the Institute unless it relates to the provision of goods or services required in the normal day to day operations of the Chapter.

Regulation 6.3.

Each Chapter Council shall ensure that the policies of the Institute are implemented within the Chapter and shall conduct itself in a manner consistent with those policies.

7. Notices to be Sent to Council

Regulation 7.1.

A copy of every Chapter notice, circular, report or the like issued to members by a Chapter Council or office bearer shall be forwarded to the Secretary at the time the same is forwarded to the members and a copy of every resolution adopted by a Chapter Council or general meeting of a Chapter shall be forwarded to the Council within 15 days of such meeting.

8. Financial

Regulation 8.1.

All income and expenditure of the Institute shall be defined as either core or program. The category that a particular item will fall into will be determined from time to time by The Council.

Regulation 8.2.

Approved core expenditure will be funded in whole by an allocation by The Council for that expenditure. Program expenditure will be self-funding.

Regulation 8.3.

Each year the Council shall set aside an amount into a Property Fund (to fund non-cyclical property maintenance), a Special Projects Fund (for non-recurring expenditure as approved by Council), and a Furniture and Equipment Fund (for the purchase and replacement of furniture & equipment). The amount set aside from income each year to these funds will be determined by Council and the balance of the fund shall be carried forward from year to year.

Regulation 8.4.

The Institute's accounts and banking shall be maintained centrally by the Council. In this regard, all accounting entities shall comply with the accounting, financial and administrative requirements of the Council.

Regulation 8.5.

The accounts of an accounting entity shall be kept in such manner as the Council or the Chief Executive may require.

Regulation 8.6.

Surplus funds retained by an accounting entity at 31 December 1997 will be made available to that entity for expenditure by that entity upon approval by the Council. The method of calculating the quantum of that balance will be determined by Council.

Regulation 8.7.

The Council will maintain the Institute's accounts in such a manner that separate profit and loss reports are produced monthly for each entity and these reports shall be produced in a consistent manner.

Regulation 8.8.

A surplus in any one year for an accounting entity will be any surplus in excess of the budgeted result for the combined operations of that entity. A loss will be the amount of any negative variance to the budget for the combined operations of that entity.

Regulation 8.9.

One third of all surpluses generated by Chapters will be retained by the Institute as a whole and the remaining two thirds will be available to the entity generating the surplus for their use in future years, provided that the future expenditure is approved by The Council. Any prior losses will be required to be recouped from surpluses before any surplus will be available.

Regulation 8.10.

Where an accounting entity maintains credit or surplus funds in the accounting system no interest will be payable on those funds.

Regulation 8.11.

Under the central accounting, finance and audit arrangements, the Council will bear all of the costs of the audit of the whole Institute, excluding subsidiary and associate companies (except that where the acquittal of a grant requires a separate audit fee that fee will be borne by the program).

9. Divisions of a Chapter**Regulation 9.1.**

Where in any part of the territory of a Chapter a number of members sufficient for the purpose have their place of work or residence, the Chapter Council may define such part of the territory as a Division thereof and without effect to the normal functioning of the Chapter as a whole the members of a Division may be empowered as follows:

- (1) To elect a Divisional Committee, appoint Honorary Officers and hold meetings both of the Committee and members of the Division.
- (2) Administer the affairs of the Institute at local level and to formulate and implement policy on local issues. Its aims shall be consistent with those of the Institute.
- (3) Each Division may elect or appoint a representative to the Chapter Council. Such representative shall be an ex-officio member of the Chapter Council with full voting rights.

10. Area Committees**Regulation 10.**

Where a body of members is resident in an area outside Australia and such area has not been constituted a territory by resolution of the Council pursuant to the provisions of **Article 54** the Council may declare such area to be an Organised Area.

Regulation 15 applies to Area Committees. All such Area Committees shall be directly responsible to the Council.

11. Admission to the Institute

Regulation 11.1.

Every candidate for admission to Membership shall make application on the prescribed form showing that he or she has passed such examination or examinations as may be approved by the Council and that he or she has complied with any requirement for practical experience. Such application shall be lodged with the Chapter Council in the territory wherein the candidate is resident or, if resident outside the territory of a Chapter, with the National Manager Membership together with the annual subscription.

Regulation 11.2.

If a Chapter Council approves of an application for admission it shall submit the same so endorsed to the National Manager Membership who if satisfied that the qualifications submitted by the candidate are in accordance with the requirements of the Institute shall forthwith cause the name of the applicant to be entered in the roll of members with appropriate advice to the candidate and to the Chapter Council. If the applicant to be entered on the roll of members is resident in an Organised Area, the National Manager Membership must advise the candidate and the Area Committee concerned.

Regulation 11.3.

Any candidate for admission to Membership of the Institute whose application for such membership is not approved by the Chapter Council or whose qualifications are determined by the National Manager Membership not to be in accordance with the requirements of the Institute may give notice to the National Manager Membership within thirty days of receipt of notice that such application for membership has not been approved advising that he or she disputes any of the decisions abovementioned whereupon such dispute or difference shall, if the candidate agrees, be submitted to arbitration in accordance with and subject to the Institute of Arbitrators Australia Rules for the Conduct of Commercial Arbitrations.

Regulation 11.4.

At the first general meeting at which he or she is present the candidate may be presented with his or her membership certificate by the chairperson of the general meeting and formally admitted to membership. It is desirable that the admission shall be to the effect following:

“In the name and by the authority of the Council of The Royal Australian Institute of Architects I admit you as a member* of the Institute.”

** The appropriate class of membership should be substituted for the word ‘member’.*

(Note: Chapter Councils are particularly asked to note that members are admitted to the Institute not to a Chapter thereof: Chapter membership is incidental and provided he or she complies with the **Articles** of Association a member of the Institute is ipso facto a member of any Chapter in whose territory he or she may be domiciled.)

12. Non-Corporate Members

Regulation 12.1.

Graduate Membership is available to those holding an approved qualification prescribed by Council for admission to Ordinary Membership, commencing in the year after the graduate is notified that he or she passed all examinations leading to the award of the approved qualification.

Regulation 12.2.

Student Membership is available to those enrolled in a course:

- (1) leading to the award of an approved qualification prescribed by Council for admission to Ordinary Membership, in accordance with Regulation 13.1, or
- (2) for which provisional recognition and accreditation of the course has been granted under the Institute/AACA jointly published procedures, or
- (3) which has received a favourable opinion from a Preliminary Assessment Panel as likely to meet those recognition and assessment requirements.

Student Members will be elevated to Graduate Membership on the notification of the passing of all examinations leading to the award of the approved qualification.

For a Student Member, financial during the final year of the course leading to the approved qualification, the Student Member subscription rate will continue until the commencement of the next Institute subscription year after the approved qualification is conferred on the graduate. Student Members, who re-apply for Student membership in the year after they are due to have had the approved qualification conferred, may be asked to provide proof of continued enrolment in the course leading to the approved qualification, before their membership at the Student rate is accepted.

Regulation 12.3.

Graduate Members and Student Members are required to pay such annual membership subscriptions as the Council may prescribe. No entrance fee is charged but upon transfer to Corporate Membership the then obtaining conditions governing admission must be complied with.

Regulation 12.4.

Graduate Members and Student Members are entitled to such privileges including attendance at meetings and receipt of publications as the local Chapter Council or Area Committee may see fit to extend, and receipt of such publications of the Institute Headquarters as the Council may prescribe.

Regulation 12.5.

Honorary Members will be non-subscribing. They will be entitled to such local privileges as the local Chapter may see fit to extend and receipt of such publications of the Institute as the Council may prescribe.

Regulation 12.6.

Level 2 membership of the Ordinary Member class is available to candidates eligible to join the Institute as Level 1 Ordinary Members, or to existing Level 1 Ordinary Members, provided that none of the following apply:

- The member or candidate is a director of a company or a partner in a partnership engaged in architectural practice or a director or partner of a firm operating in the construction industry
- 20% or more of annual income earned from architectural practice derives from self-employment in architectural practice as a sole practitioner
- The member or candidate is a self-employed independent contractor to the

practice, or an employee, a shareholder, partner or beneficiary of a company or business entity that provides the member or candidate's services to an architectural practice or to another business entity controlling the architectural practice.

- The member or candidate is an employee of an architectural practice and is also entitled as a shareholder, partner or beneficiary of a business entity controlling that practice to receive a distribution of profit from that business entity
- The member or candidate is an employee of a business entity controlling an architectural practice and is also entitled as a shareholder or beneficiary of the architectural practice to receive a distribution of profit from the architectural practice.

Candidates for Level 2 Ordinary Membership who are not Ordinary Members must provide nominations from 3 financial members of the Ordinary Member (level 1 or level 2), Fellow or Life Fellow classes.

Continuation of membership as a Level 2 Ordinary Member is subject to compliance with the eligibility rules contained in the Regulations. Level 2 Ordinary Members no longer eligible will be allocated to the Level 1 Ordinary Member class unless eligible for another class of membership. Where non-eligibility is due to a change in the Regulations, re-allocation will occur at the commencement of the following subscription year.

Level 1 Ordinary Members requesting transfer to Level 2 membership will not be transferred until the commencement of the next subscription year, subject to their eligibility at the time of transfer.

Regulation 12.7

Level 2 membership of the Affiliate class of members is available to candidates who do not

have an architectural qualification, as prescribed by Council for admission to the Ordinary Member class, but do have a qualification in a discipline determined by Council from time to time as being associated with architecture or the built environment, or, do have another qualification considered suitably connected to the built environment by National Membership Committee.

Nominations for the Affiliate Level 2 class must be signed by three financial members of the Institute who are Ordinary Members, Fellows or Life Fellows. Applicants resident overseas may apply without nominations or the required number of nominations. If so, their application will be individually considered by the National Manager responsible for membership.

Applicants without formal qualifications, resident in Australia, and working in any of the built environment disciplines associated with a qualification for membership determined by Council from time to time, may be nominated by 5 financial members of the Ordinary Member, Fellow or Life Fellow classes.

No candidate may be admitted, or may a member remain admitted to the subclass, if he or she has, or obtains, a prescribed architectural qualification for admission as an Ordinary Member, or has been registered, is eligible to be registered, or is registered as an architect in Australia. Candidates' applications will be considered for, and ineligible members will be transferred to, the appropriate class or subclass of membership.

If a member is no longer eligible, due to a change in Council's recognised qualifications, the person affected may ask in writing for a review of eligibility by the National Membership Committee. In any case, a change in membership status will not take effect until the beginning of the next subscription year.

13. Architectural Education

Regulation 13.1.

The Council will approve specified qualifications which entitle the holders thereof to apply for admission to Ordinary Membership of the Institute. The aforementioned qualifications may in some instances have attaching supplementary requirements for the holders thereof to gain certain periods of approved practical experience. The list of approved qualifications and supplementary requirements if any will be issued by the Council from time to time. Applicants who do not hold an approved qualification may be treated as special cases.

14. Appointment of Chief Executive

Regulation 14.1.

The Council may appoint a Chief Executive for such period and on such terms as it thinks fit and, subject to the terms of any agreement entered into in a particular case, may revoke the appointment.

Regulation 14.2.

The Council may, upon such terms and conditions and with such restrictions as it thinks fit, confer upon a Chief Executive any of the powers exercisable by it. Any powers so conferred may be concurrent with, or to the exclusion of, the powers of the Council. The Council may at any time withdraw or vary any of the powers so conferred on a Chief Executive.

15. Administration of Area Committees

Regulation 15.1.

The election of Area Committee Members by Institute members will be organised and administered by National Council. Corporate Institute Members and Graduate Institute Members resident in the Organised Area are entitled to vote in an election to appoint Area Committee Members for the Organised Area. The Committee Members take office for approximately 2 years, with an election called by National Council to be held every year in accordance with these Regulations

If, in the prior election year, less than 3 valid nominations were received from Corporate and Graduate Institute Members resident in the Organised Area, National Council may, at its discretion, defer calling an election for, or abandon Institute support for an Area Committee, unless and until it sees fit.

Regulation 15.2.

The maximum number of Area Committee Members is 10, of which not less than 6 must have been elected by Institute members resident in the relevant Organised Area in an election administered by National Council.

Regulation 15.3.

Each year, at least half of the existing Members must retire. Those to retire are:

- a. Members elected or appointed as a result of an election cycle which occurred prior to the last preceding cycle, or
- b. if there is any doubt, any Member who would serve for more than 2 years if he or she did not retire, and

- c. where half of the existing Members is not a whole number, any Member who is directed to retire following the drawing of lots

Any retiring Member who remains eligible may seek re-election without formal announcement of an intention to do so.

Each year, subject to Regulation 15.1, National Council must issue to all Institute members entitled to elect an Area Committee's Members a notice generally in the form of the equivalent notice of the election of Chapter Councillors, which (except in the initial year) includes a list of retiring members of the Area Committee, indicating their level of attendance at Area Committee meetings since their last election and, if known, those former Members who are eligible for and seek re-election by re-nomination.

The notice must state the closing date for nominations as determined by the Principal Returning Officer from time to time. Each nominee must be an Institute Corporate or Graduate Member resident in the relevant Organised Area and the nomination must be by 2 Corporate or Graduate Institute Members also resident in the Organised Area. The nominee must give a written undertaking to serve if elected and to take office at the first Area Committee meeting after the election, or ballot, as applicable.

Any defective nomination or nomination delivered late must be rejected and the person nominated in that rejected nomination will not be eligible for election pursuant to that nomination.

Regulation 15.4

If less than 3 nominations for Area Committee Members elected by the Institute members in the Organised Area are received, (6 nominations in an initial year), the matter must be referred to National Council to take whatever action it considers necessary. Pending National Council's decision, a pre-existing Area Committee for an Organised Area will continue in office until National Council determines otherwise.

If at least 3 but no more than 5 valid nominations are received, (6 but no more than 10 in an initial year) the candidates so nominated are declared elected, and the Area Committee constituted may appoint during its term, from Institute members resident in the Organised Area, any remaining vacancies. Such appointees hold office for the remainder of the Area Committee's term, and are eligible for re-election.

If more than 5 nominations are received, (10 in an initial year), National Council must conduct a ballot. As soon as practicable, ballot papers in a form approved by the Principal Returning Officer, but generally similar to the ballot paper for the election of National Councillors, will be issued to all Institute members entitled to elect Area Committee Members in the Organised Area. The ballot papers will be accompanied by the candidate's platform statements in the form prescribed by National Council for National Council elections. The place to which the ballot paper must be returned must be stated on the papers along with the ballot return date. The date must be at 4.00pm EST (irrespective of daylight saving in Australia) on a day not less than 2 weeks after the date of posting of the ballot papers.

Regulation 15.5.

Voting in a ballot for Area Committee Members is by eligible Institute members marking with a cross the names of candidates for whom they desire to vote. A ballot paper with more names marked than the number of candidates to be elected is invalid, but is not invalid if fewer names than the number of candidates to be elected are marked. Voting members must demonstrate their eligibility by stating their Institute membership number and signing the ballot envelope containing the voting paper.

Regulation 15.5A

Alternatively, an electronic voting system approved by National Council covering either the whole election, or a part of the election, may be utilized. National Council may approve an electronic voting system, or part system, without being satisfied that every Institute member eligible to vote has access to the electronic system.

Regulation 15.6.

In any ballot, the candidates, up to the number of vacancies, who receive the largest number of valid votes in a single count must be declared elected. If any 2 or more candidates qualifying for the last vacancy to be filled receive an equal number of votes, the candidate or candidates to be elected shall be determined by lot in a manner the Principal Returning Officer may determine. When satisfied that all the positions are filled the Principal Returning Officer must declare the result and inform the elected candidates and National Council.

Regulation 15.7.

Regulations 2.3, 2.4 and 2.5 apply to the election of Area Committee Members.

Regulation 15.8.

The Secretary must call a meeting of the Area Committee to take place as soon as practicable but no more than 80 days after declaration of the Area Committee Members who are elected.

At the first meeting after an election, the Area Committee must elect a Chair from its membership. The Chair until that time will be the prior Chair, unless the Chair has retired without re-election, or that is otherwise not practicable. In that case, the Secretary must nominate an Acting Chair to hold office until the Chair is elected. Area Committee Members, including the Acting Chair, may self-nominate, but may not vote while their nomination stands. If the Committee is unable to elect the Chair by a clear majority vote the National President must at first opportunity appoint the Chair from the nominees with the highest numbers of votes.

Once elected, the Chair has a vote and a casting vote in the event of a tied vote of the Area Committee. The Chair does not have a casting vote in a motion to remove the Chair, which must have the supporting vote of at least 2/3 of the Area Committee Members.

The Chair must call meetings as necessary to allow the Area Committee to properly conduct the affairs of the Area Committee, or as directed by National Council.

The Chair must by written notice call a meeting on written request of 4 Area Committee Members. The written request must state the business proposed to be transacted at the meeting and this must be incorporated in the notice, giving not less than 21 days notice of the meeting. No business requiring a vote other than that stated in the written request for the meeting may be transacted at the requested meeting.

Regulations

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Regulation 15.9.

The number of Area Committee Members present physically or by voice communication to constitute a quorum is that whole number immediately above half of the number of Area Committee Members.

issued by the Area Committee or office bearer at the same time it is issued and within 15 days of the relevant meeting, must be copied every resolution adopted by an Area Committee.

Regulation 15.10.

An Area Committee is empowered, subject to the overriding direction of National Council, to make rules only in respect of the following matters:

- (1) the constitution and administration of subcommittees of the Area Committee;
- (2) the delegation of powers of the Area Committee;
- (3) the election and tenure of office bearers (not being the Chair) from within the Area Committee;
- (4) procedures at meetings of the Area Committee and subcommittees;
- (5) media releases and publicity in respect of issues concerning the Area Committee.

Subcommittee members must be Corporate Institute Members or Graduate Institute Members.

No Area Committee may enter into or purport to enter into any agreement, lease, covenant or contractual obligation of any kind on behalf of the Institute unless it relates to the provision of goods or services required in the normal day to day operations of the Area Committee.

Regulation 15.11.

Each Area Committee must ensure that the policies of the Institute are implemented so far as is applicable to the Organised Area represented by the Area Committee and that the Area Committee conducts itself in a manner consistent with those policies.

The Institute CEO or delegate must be copied every Area Committee notice, circular, report or the like