

CURRENT REGULATIONS

Table of Contents**A. Adopted July 2020**

- **Details of Membership Classes**
- **Disciplinary Proceedings**
- **Gender Equity Policy**

B. Adopted 2014-2017 regulations, with a planned program of review in 2020/21

- 1. General**
- 2. Election of Councillors**
- 3. Election of Chapter Councillors**
- 4. Meeting of Chapter Councils**
- 5. General Meetings of the Chapter**
- 6. Powers of the Chapter Councils**
- 7. Notices to be sent to Council**
- 8. Financial**
- 9. Divisions of a Chapter**
- 10. Area Committees**
- 11. Admission to the Institute**
- 12. Non-Corporate Members**
- 13. Architectural Educations**
- 14. Appointment of Chief Executive**
- 15. Administration of Area Committees**

Regulations**REGULATION 1: DETAILS OF MEMBERSHIP CLASSES**

Type of Member	Suffix Letters (Post Nominals)	Eligibility	AGM EGM Voting rights	May Attend AGM	Receives Annual Report
Member Level 1	RAIA	Person who, in the opinion of the Board in consultation with National Council , holds a prescribed architectural qualification and who has gained prescribed experience.	✓	✓	✓
Life Fellow	LFRAIA	Fellow who, in the opinion of the National Council, has made notable contribution to the advancement of the profession in design, construction, literature, education, public service or in any other way deemed worthy of the honour of life fellowship.	✓	✓	✓
Fellow	FRAIA	Member Level 1 who has gained substantial experience in architecture and made a significant contribution to the profession.	✓	✓	✓
Graduate Member	RAIA Grad.	Person who, in the opinion of the Board, in consultation with National Council , holds a prescribed architectural qualification.	✗	✓	✓
Student Member	[no suffix]	Person who, in the opinion of the National Council, is enrolled in a course of study at a tertiary education institution in Australia or overseas in a discipline related to the built environment, and who has not attained the academic qualifications required for the Member Level 1 level.	✗	✓	✓
Affiliate (Level 1)	Affiliate RAIA	Person who, in the opinion of the Board in consultation with National Council, holds a prescribed architectural qualification and has also gained approved experience.	✓	✓	✓

THE ROYAL AUSTRALIAN INSTITUTE OF ARCHITECTS ACN 000 023 012

Regulations

Honorary Member	Hon. RAIA	Person who, in the opinion of the National Council, has made a significant and long term contribution to the Institute, or office bearers of international bodies or of overseas architects' associations having a strong affiliation with the Institute.	x	✓	x
Honorary Fellow	Hon. FRAIA	Person who, in the opinion of the National Council, is distinguished by scientific, artistic, literary or other eminent attainments in relation to architecture and who does not practice as an architect in Australia.	x	✓	✓
Member Level 2	[no suffix]	Person who, in the opinion of the Board, in consultation with National Council, is eligible for admission as a Member level 1 member and is an employee in the construction industry.	x	✓	✓
Affiliate Level 2	Affiliate RAIA	Person who, in the opinion of the Board, in consultation with National Council, holds a degree qualification or higher in a built-environment related discipline and does not hold a prescribed architectural qualification that would make them eligible for admission as a Member level 1 or graduate member.	x	x	x

Regulations**REGULATION 2: DISCIPLINARY PROCEEDINGS – DEFINITIONS, LIABILITY UNDER THE CODE AND SUMMARY EXPULSION****1.1 DEFINITIONS**

In this Regulation:

“Allegation” means a report asserting Misconduct by a Relevant Member, which:

- (a) is in writing, signed by the person or persons making an allegation of Misconduct;
- (b) specifies the place or places where the alleged Misconduct occurred;
- (c) specifies the time or times when the Misconduct was asserted to have occurred;
- (d) specifies the type of Misconduct asserted (preferably by reference to the particular relevant principles of the Code), and contains a supporting submission of relevant facts and circumstances; and
- (e) is delivered to the National Office or to any Chapter office of the Institute.

“Assessor” means the Fellows appointed in accordance with clause 6.2 of this Regulation, collectively, the **“Panel of Assessors”**.

“Code” means the Institute Code of Professional Conduct as approved and published by the National Council from time to time.

“Complainant” means the person or persons making an Allegation.

“Conciliation” means conciliation where the neutral third party conciliator is entitled to offer opinion and advise the parties about the interpretation of the facts put forward in the dispute, the merits of the positions of the parties and the terms of settlement, but has no determinative role in resolving the dispute.

“Convenor” means the Tribunal member appointed to the role in accordance with clause 6.3(a) of this Regulation.

“Determination” means a finding or order of the Tribunal.

“Fellow” means a Member who is a Fellow in accordance with that class of Membership set out in the Regulations.

“Misconduct” means conduct contrary to the Code.

“person” means a natural person (an individual).

“Institute Conciliation” means Conciliation in accordance with clause 3.4 of this Regulation.

“Relevant Member” means a person, asserted in the relevant Allegation to be guilty of Misconduct, who was a Member at the time that the asserted Misconduct or relevant event occurred, but in the circumstances of the asserted Misconduct, was not a Representative.

“Representative” means a Member who is a National Councillor, Chapter Councillor, Institute National Committee member, Chapter Committee member, Senior Counsellor; Assessor, Tribunal Member, Competition Advisor, National Awards Director, Awards Jury member, or Institute or related

Regulations

body corporate staff member, while fulfilling the functions of that office or position, or any Member not falling into those categories who, in the opinion of the majority of the CEO of the Institute, chairperson of the Board, National President and Secretary was acting for and on behalf of the Institute, in the circumstances and at the time of the alleged Misconduct.

“**Senior Counsellor**” means a person appointed in accordance with clause 6.1 of this Regulation.

“**Tribunal**” means the tribunal established in accordance with clause 6.3 of this Regulation, made up of Tribunal members.

1.2 Liability under the Code

- (a) Any Relevant Member whose conduct is found by the Tribunal to be contrary to the Code is liable to the sanctions listed in clause 4.8 of this Regulation.
- (b) Where a Relevant Member is also a director of a company, or a partner of a partnership engaging in the practice of architecture, that Relevant Member is liable for any Misconduct by the company or partnership which, if it had been undertaken by the Relevant Member, would amount to Misconduct.

1.3 Summary expulsion

Any Member convicted of any indictable offence or serious indictable offence (or equivalent) or any offence which, if committed within the State or Territory in which he or she resides, would be an indictable offence or serious indictable offence (or equivalent) will, at the discretion of the National Council, be expelled from membership of the Institute effective upon service of a notice under the hand of the National President or the Secretary notifying the Member of the decision of the National Council.

2. ALTERNATIVE DISPUTE RESOLUTION OPTIONS

2.1 Any Member or member of the public with a dispute or grievance relating to a Relevant Member may pursue the matter outside the Institute’s procedures, through other dispute resolution processes not limited to:

- (a) mediation;
- (b) conciliation; or
- (c) litigation,

and if he or she does so, and the process outside the Institute involves any of the same facts and circumstances as the enquiry to the Institute, all Institute procedures will cease. In that case, the Institute’s informal procedures will not recommence. Institute’s formal procedures may recommence, or begin, once all outside procedures are completed, including any appeal periods, but only on written application by the Complainant, and at the Institute’s discretion.

2.2 In any disciplinary proceeding (including both informal and formal), no costs of these disciplinary procedures to any person may be recovered from the Institute, nor may the Institute order any person to pay any part of another person’s costs, except that in accordance with clause 4.9 of this Regulation, the Institute may recover its own costs from a Relevant Member found guilty of Misconduct.

3. INFORMAL COMPLAINT PROCEDURE**3.1 Receipt of a query**

- (a) Upon receipt by the Institute of:

Regulations

- (i) a query from a Member or a member of the public regarding the service provided by a person acting as an architect, or
 - (ii) a grievance regarding the service provided by a person acting as an architect, the Institute must first establish whether or not the person is a Member.
- (b) If the person is not a Member, the enquirer must be advised by the Institute of this fact and informed that the Institute cannot assist for this reason. If the person is a Member, the enquirer will be offered free of charge assistance by a Senior Counsellor, and advised that if the enquirer and the Member agree, the query or grievance may be referred immediately to Institute Conciliation. If the enquirer does not wish to use the informal procedures, or the query or grievance relates to the conduct of a Member and not to the services provided by the Member as an architect, the enquirer will be advised that the only other Institute procedure available is to lodge a formal Allegation.

3.2 Senior Counsellor

- (a) The enquirer will be advised that the Senior Counsellor's services are free of charge and are offered on a voluntary basis to the Institute's Members and members of the public to assist in the resolution of disputes. The Institute will provide the enquirer with contact details and it is the responsibility of the enquirer to make the initial contact with the Senior Counsellor.
- (b) Upon initial contact by the enquirer, it is the duty of the Senior Counsellor to explain that:
- (i) the role of the Senior Counsellor is to assist the parties to resolve a dispute;
 - (ii) the Senior Counsellor will neither impose a solution nor apportion blame;
 - (iii) if the Senior Counsellor is not able to satisfy the enquirer's query or grievance, the Senior Counsellor may seek permission from the enquirer to discuss the matter with the Relevant Member; and
 - (iv) if the query or grievance is referred to Institute Conciliation, or a formal Allegation is lodged, the Senior Counsellor's complimentary services will cease.

3.3 Private negotiations

- (a) Following any discussions with the Member, the Senior Counsellor will encourage the parties to resolve the query or grievance privately.
- (b) The Senior Counsellor may provide advice to one or more parties during this process but will not participate directly in the negotiations. If the parties are able to resolve the query or grievance, the matter is concluded for the purposes of this Regulation.

3.4 Institute Conciliation

- (a) Where the query or grievance was not able to be resolved by the parties with the assistance of a Senior Counsellor, and where the enquirer and the Member (or Relevant Member) have agreed to have the matter conciliated under Institute Conciliation, whether or not a formal Allegation in relation to any of the same facts and circumstances has been received, a Senior Counsellor may be engaged by the enquirer and the Member (or Relevant Member) to act as a conciliator.
- (b) In such cases the relevant Chapter will provide the names of up to three Senior Counsellors, but not necessarily located in the Territory of the Chapter, who are able and willing to act as conciliators, one of whom may be the original Senior Counsellor.

Regulations

- (c) The conciliator must establish a formal agreement between the parties to the query or grievance, regarding:
 - (i) the conduct of the Institute Conciliation (including the extent of the application of the rules of natural justice);
 - (ii) the degree to which any resolution the parties reach will be binding on the parties;
 - (iii) the rights of the parties to have third party representation;
 - (iv) the terms for payment of the conciliator; and
 - (v) any other matters the parties and the conciliator see fit.
- (d) If, with the assistance of the conciliator, the parties are able to resolve the query or grievance, the matter is concluded for the purpose of this Regulation, whether or not there is any subsequent breach of the terms of the resolution, or any formal Allegation in relation to the any of the same facts and circumstances has been received.

3.5 Failure in Institute Conciliation

If the parties are unable to resolve the query or grievance through Institute Conciliation, the conciliator must explain that the only remaining procedure within the Institute's disciplinary proceedings in this Regulation, is for a formal Allegation to be lodged by the enquirer.

3.6 Report from the Senior Counsellor

When a matter is finalised by a Senior Counsellor, the Senior Counsellor must prepare a report, preserving the anonymity of the parties, setting out the issues and the outcome, for consideration by the National Practice Committee (or other committee as determined by National Council) for research purposes and/or professional development planning.

4. FORMAL COMPLAINT PROCEDURE**4.1 Allegations against Relevant Members and companies or partnerships in which Member are directors or partners.**

A formal allegation may be made against a Relevant Member or against a company or partnership of which one or more Members is a director or a partner, as the case may be. If the formal allegation is made against a company or a partnership, or a Relevant Member who is a director or partner, the formal allegation will be treated as if it was made against all directors or partners responsible for, or involved in, the alleged Misconduct.

4.2 Referral to the Assessor

- (a) Upon receipt by the Institute of an allegation against a Relevant Member, it will be referred to and considered by an Assessor appointed in accordance with clause 6.2, who is at arm's length from the Complainant and the Relevant Member and the facts and circumstances of the formal allegation.
- (b) The Assessor will first consider whether the formal allegation meets criteria of an Allegation. If the Assessor decides that further facts or information are required in relation to the matters set out in the formal allegation before reaching any conclusion, the Assessor may send a written request to the Complainant to provide further specified written material. If the Complainant does so, that material becomes part of the formal allegation. The Assessor may provide a copy of the Code to the Complainant, requesting the Complainant to identify the rules allegedly breached.

Regulations

- (c) The Assessor will then decide whether he or she is satisfied that the facts and circumstances referred to in the formal allegation would, if proven on the balance of probabilities, amount to Misconduct by the Relevant Member. If the Assessor's decision is that there is no prima facie case of Misconduct, the investigation is concluded for the purpose of this Regulation, and the formal allegation is returned to the Complainant.

4.3 Contact with the Relevant Member

- (a) If the Assessor is satisfied that the facts and circumstances referred to in the formal allegation would, if proven on the balance of probabilities, amount to Misconduct by the Relevant Member, the Assessor must forward a copy of the Allegation, including any supporting material provided by any Senior Counsellor (all of which must be signed by the Complainant to signify that it is part of the Allegation) to the Relevant Member, requesting a written reply within the reasonable time fixed by the Assessor. This time may be extended by the Assessor at any time in writing.
- (b) The Allegation, including any supporting material, will be sent by registered post, electronic mail, or such other means as may be generally accepted in business from time to time, to the Relevant Member's contact address as recorded in the Institute's membership records.
- (c) The Assessor is not required or permitted to contact the Relevant Member except to forward a copy of the Allegation and material and to request a reply. The Assessor is not required to forward a copy of the Relevant Member's reply to the Complainant.

4.4 Consideration by the Assessor

The Assessor must reconsider the Allegation, the written reply (if any) and all of the relevant surrounding circumstances and decide again whether there is a prima facie case of Misconduct, and if so, whether the Allegation is nevertheless paltry, trivial or vexatious. In considering the Allegation and the reply, (if any), the Assessor may also obtain information or assistance, as appropriate, from colleagues, accountants or lawyers or others, provided that the Assessor is first satisfied they are at arm's length from the parties and the circumstances. The Assessor must advise the Institute in writing of his or her conclusion. If the Assessor's conclusion is that there is no prima facie case of Misconduct, or that if so, the Allegation is nevertheless, paltry, trivial or vexatious, the investigation is concluded for the purpose of this Regulation, and the Allegation is returned to the Complainant.

4.5 Referral to the Tribunal

- (a) If the Assessor's conclusion is that there is a prima facie case of Misconduct and that the Allegation is not paltry, frivolous or vexatious, the Institute must forward the Allegation and the reply (if any) to the Tribunal for consideration.
- (b) If the Allegation is sent to the Tribunal, the Convenor must form a Tribunal, whose members are at arm's length, to determine whether or not the Relevant Member has, on the balance of probabilities, engaged in Misconduct. The Convenor must notify the Complainant and the Relevant Member of:
 - (i) the persons forming the Tribunal, and
 - (ii) the date, time and place of a hearing.
- (c) The Convenor must remove from the Tribunal any Member the Complainant or the Relevant Member objects to on reasonable grounds and may substitute another Tribunal member.
- (d) The Institute must forward a copy of the reply (if any) to the Complainant.

4.6 The hearing

Regulations

- (a) The Tribunal will hear persons, receive documents, ask questions and pursue such lines of enquiry as it sees fit, but only insofar as they are relevant to the subject matter of the Allegation before it. In addition, the Tribunal may obtain assistance or information from any employee of the Institute, any Member, any accountant, solicitor, other legal counsel or other agent or person.
- (b) The Complainant and the Relevant Member are entitled to appear before the Tribunal at the hearing in person. They are entitled to have such advisers (including legal) as they decide present at the hearing to advise them, but they are not entitled to be represented by a solicitor or legal counsel and except in extraordinary circumstances and at the discretion of the Tribunal, by any other person.
- (c) The Complainant or the Relevant Member cannot be compelled to attend the hearing. Where a party does not attend, the hearing will proceed at a subsequent session, however the Tribunal will first give reasonable notice in writing to the Relevant Member or the Complainant to re-attend and state that the Tribunal intends to proceed with the hearing, whether or not the Relevant Member or the Complainant attends.

4.7 Recordings

- (a) All the documents submitted to or considered by the Tribunal will be retained and a sound recording of the hearing will be made. All such documents as well as the sound recording will be forwarded to the Secretary for safekeeping and will be retained for at least 7 years.
- (b) The Secretary will, on request of, but at the expense of either the Complainant or the Relevant Member making the request, arrange for a transcript of the sound recording of the hearing to be made, if the request is made in writing and received within 30 days after the party has received the written Determination of the Tribunal. Copies of the transcript will be made available to the other party, also at the expense of the requesting party.

4.8 Determination

After the hearing, the Tribunal will consider whether or not it finds, on the balance of probabilities, that Misconduct has been proved against the Relevant Member. If it finds Misconduct proven, the Tribunal will consider submissions in mitigation by the Relevant Member and make a Determination stating the Misconduct that it has found proven, as well as its orders that any one, or more, of the following sanctions be levied against any Relevant Member found guilty of Misconduct:

- (a) no sanction be incurred by the Relevant Member;
- (b) that the Relevant Member be reprimanded;
- (c) that the Relevant Member undertake specified professional training in the form determined by Council from time to time, (and the order may include a time in which it is to be completed);
- (d) suspension of membership of the Institute for a stated period not exceeding 2 years; and
- (e) expulsion of membership of the Institute.

4.9 Costs

If the Relevant Member is found guilty of Misconduct the Tribunal may include in its Determination an order that the costs or any part of the costs of the Institute in respect of any aspect of the disciplinary proceedings be paid by the Relevant Member, but may not make any Determination that one party pay any of another party's costs.

Regulations**4.10 Further Tribunal Determinations**

If the Relevant Member does not comply with orders imposed by the Tribunal under clauses 4.8 or 4.9 of this Regulation above by the time stated in the orders, or if not stated, within a reasonable time, the Tribunal, (whether constituted by the same Tribunal members or not), may request the Relevant Member to appear before it, and whether or not the Relevant Member attends as requested, consider and make a further Determination in terms of clauses 4.8 or 4.9 of this Regulation.

4.11 Reporting

The Tribunal will inform the Relevant Member and the Complainant of its Determination and report to the Secretary and the National President. The facts of any Determination and such other information as the National President decides will be recorded in any publication that the National President directs. The Relevant Member is deemed to have consented to that record and publication. If the Tribunal makes any Determination against the National President or a Relevant Member who is a director of a company or partnership of which the National President is a director or a shareholder or a partner, then the report of the Tribunal will be referred to the National Council which will act as if it were the National President for the purposes of this Regulation.

4.12 Effect of suspension or expulsion

During a period of suspension, or after expulsion, the Relevant Member or former Relevant Member will not be entitled to:

- (a) use any words, letters, logo or other indication of membership of the Institute;
- (b) attend meetings of the Institute;
- (c) exercise a right to vote at meetings or elections of the Institute; and
- (d) will return any certificate of Membership to the Secretary.

4.13 Reinstatement

- (a) A Relevant Member that is found guilty of Misconduct and has resigned after the Institute received an Allegation, or a suspended Relevant Member, may apply to be and will be reinstated as a Member at the expiration of any period of suspension, provided that:
 - (i) no further Allegations have been received in that time, and
 - (ii) if any obligations imposed by sanctions applied to the Relevant Member by the Tribunal remain, clause 4.10 of this Regulation above applies.
- (b) An expelled Relevant Member may apply to the Board for reinstatement, addressed to the Secretary, not less than 3 years after expulsion. The Board may require the expelled Relevant Member to state his or her case for reinstatement in person and answer any questions, before it, or before a tribunal specially constituted to advise the Board. If the Board declines reinstatement, the expelled Relevant Member may not reapply for a further 3 years after the date of the Board's decision.

5. ARBITRATION

- 5.1 Relevant Member or Complainant may only dispute any findings or orders of the Tribunal contained in the written Determination, by giving the Secretary written notice of a dispute in respect of the Determination within 30 days of the date of receiving the written Determination ("**the notice of dispute period**"). If the disputing Relevant Member or Complainant delivers to the Secretary within a further 30 days, ("**the arbitration notice period**") a written notice

Regulations

stating that the dispute is to be submitted to arbitration in accordance with this clause, the dispute must proceed to arbitration and the Secretary must acknowledge receipt of the notice and request the nomination of an arbitrator by the Chairperson of the Chapter of the Institute of Arbitrators & Mediators in the Chapter in which the Tribunal hearing was held, at the equal expense of the parties.

- 5.2 If the disputing Relevant Member or Complainant has delivered a written request for a transcript of the record of the hearing within 30 days of receiving the Determination, the notice of dispute period or the arbitration notice period, as the case may be, will not commence until the transcript is delivered to the party requesting it.
- 5.3 If the disputing Relevant Member or Complainant fails to deliver the notice within the arbitration notice period stating that the dispute is to be submitted to arbitration, the disputing party may only take legal proceedings available to it.
- 5.4 Any arbitration under this Regulation will be conducted in accordance with the Institute of Arbitrators and Mediators Australia Rules for the Conduct of Commercial Arbitrations (except that the arbitration will proceed by way of appeal only from the record of the proceedings of the Tribunal).
- 5.5 No arbitration will commence while any litigation concerning the Determination of the Tribunal is on foot.

6. SENIOR COUNSELLOR, COMMITTEE, ASSESSOR, AND TRIBUNAL & ADMINISTRATION**6.1 Senior Counsellor**

- (a) Senior Counsellors for the purpose of this Regulation are senior Members selected and appointed by the National Council to provide advice to members of the public regarding the practice of architecture, and who have agreed to participate for the purpose set out in clauses 3 and 4 of this Regulation.
- (b) Senior Counsellors are appointed on the basis of clear evidence of extensive professional experience, the broad respect of their peers and the profession and possession of a genuine commitment to the highest ethical standards.

6.2 Assessor

There will be a Panel of Assessors for the purposes of clause 4 of this Regulation consisting of Fellows of the Institute of at least 7 years standing appointed in accordance with clause 6.4 of this Regulation, an Assessor from the same Chapter as the Complainant will usually be appointed to consider an Allegation.

6.3 Tribunal

- (a) There will be a Tribunal for each Chapter of the Institute for the purposes set out in clause 4 of this Regulation. A Tribunal will be comprised of Fellows of the Institute of at least 10 years standing (but may also include a lawyer who is not a Member). A Tribunal will appoint one of the Tribunal members as the Convenor. The Convenor for the Chapter in which the Complainant resides is usually responsible for constituting a Tribunal for a particular Allegation and for communicating with the parties. Tribunal members hearing an Allegation must be at arms-length from the parties to, and to the circumstances of, the Allegation. To achieve this, the Tribunal may include, or consist of, Tribunal members from another Chapter.
- (b) The Tribunal constituted must elect a chairperson who is responsible for ensuring prompt and proper performance of the Tribunal's functions, but otherwise has no special status or authority as chairperson, nor any casting vote. A quorum of the Tribunal for the exercise of its powers and functions consists of not less than three and not more than seven Tribunal members, plus any lawyer Tribunal member. A decision of a Tribunal is that of a majority of Tribunal members considering any question.

6.4 Appointment of Tribunal Members and the Panel of Assessors

THE ROYAL AUSTRALIAN INSTITUTE OF ARCHITECTS ACN 000 023 012

Regulations

- (a) The members of the Tribunal, and the Panel of Assessors, will be appointed by the National President for terms of approximately three years, from a list of names, nominated by the President of each Chapter. Tribunal members and Assessors are entitled to reappointment and no decision of, or act done by, or by the authority of, an Assessor or Tribunal will be invalid if the Assessor or any member of that Tribunal is not reappointed, or because of any defect that is afterwards discovered in the appointment or qualifications of any of them.

- (b) A member of a Tribunal or the Panel of Assessors will automatically vacate that office if the member:
 - (i) dies;
 - (ii) resigns;
 - (iii) is involuntarily institutionalised, or whose property is liable to be dealt with pursuant to a law about mental health;
 - (iv) (other than a lawyer member of the Tribunal), ceases to be a Member;
 - (v) becomes bankrupt;
 - (vi) is the subject of a Determination of having committed an act of Misconduct; or
 - (vii) is removed from office by the National President.

- (c) In the event of a casual vacancy in the Tribunal or the Panel of Assessors, the National President may appoint a Member of the relevant Chapter to fill the vacancy and the Member appointed will hold office for the remainder of the term of the Member who has vacated his or her office.

6.5 Person responsible for administration of Disciplinary Proceedings

The Board may appoint or delegate the appointment of an officer responsible for administering the conduct of disciplinary proceedings described in this Regulation who may or may not be a Member, and who may delegate responsibilities to his or her nominees, but if no appointment or delegation is made the Secretary is the responsible officer.

REGULATION 3 : GENDER EQUITY POLICY

The Australian Institute of Architects Gender Equity Policy establishes a set of policy principles to ensure that the Institute and its members are aligned in valuing and exhibiting principles of fairness and equity, which lead to the provision of equal opportunities, rights and benefits to all people, regardless of gender, engaged within the architectural profession, and to eliminate gender-based impacts on the participation and progression of women within the profession.

Context

The Institute aims to continuously improve its operations and its approach to member engagement and guidance, based upon best practice principles. By adopting a comprehensive and ethical approach, the Institute aims to ensure that it engages fairly and equitably with all its members, staff and other stakeholders, regardless of gender, in a positive, respectful and constructive manner. Equally importantly, the Institute aims to assist the whole architectural profession to do the same.

Discrimination on the basis of gender is illegal. However, legal constraints on gender-based discrimination have, for most practical purposes, been limited to instances of overt and intentional discrimination. Many systemic, often unintended and largely invisible effects continue to impact on the participation and progression of women within the Australian workforce, and specifically within the architecture profession.

The research that led to the development of this policy demonstrated that women are under-represented in every measure of participation in Australian architecture. This is particularly apparent at senior levels, despite the fact that the proportion of women graduates has been close to parity for decades. It found that women in architecture tend to follow 'atypical' career paths, and many leave, step sideways, or don't return from a career break. There is also clear evidence of gender-based pay gaps, while architects working part-time are often sidelined. Low pay, long hours, and difficulty in reconciling professional and family life are also problems for men in architecture, but they impact in different, specific, and compounded ways for women in the profession.

The Gender Equity Policy aims to ensure that Australian architecture offers equitable opportunity for all, and the profession is able to meet the needs and expectations of the whole community.

Background

This policy was developed in 2013 by the Australian Institute of Architects in collaboration with the research team undertaking the Equity and Diversity in the Australian Architecture Profession: Women,

Work and Leadership study. The Institute was an industry partner on this research, which provided

extensive evidence of gender inequity in Australian architecture. This research built on earlier studies, including Paula Whitman's 2005 study *Going Places: The Career Progression of Women in the registration as architects*, however strong gendered patterns remain, as is demonstrated in the findings

This policy has influenced international policies on gender and architecture, most notably by International Union of Architects Policy on Gender Equity in Architecture, which was approved by the UIA Assembly in Seoul, South Korea in 2017.

Architectural Profession, along with earlier reports undertaken by the Institute.

There has been some improvement since 2013, particularly in the numbers of women attaining of the 2018 Parlour Census Report 2001-2016: Women in Architecture in Australia.

Gender Equity Policy Adopted: December 2013, Reviewed 2019 2

Scope

THE ROYAL AUSTRALIAN INSTITUTE OF ARCHITECTS ACN 000 023 012

Regulations

This policy sets out principles designed to maximise fair and equitable access to opportunities for women relating to:

- Ownership and leadership in the architecture profession (including recognition of a wide range of contributions and achievements, new succession strategies, and new models for progression to partner/owner roles);
- Participation as employees in the architecture profession (including matters such as equal pay, equal responsibility, meaningful part-time work, more flexible career pathways, flexible working conditions and retention of women in the profession);
- Representation and governance within the Institute (including committees, National and Chapter Councils, juries and selection panels);
- Institute programs, services and events (including membership options, professional development, conferences and events, awards and prizes, products and services); and
- Operational activities within the Institute (including employment and recruitment practices, pay equity, leadership, management and succession).

Principles

Best practice principles adopted as the foundation for fair and equitable participation within the architecture profession are:

1. **Acknowledge the profession's obligation to accommodate the diverse needs of the community:** Architects must have the capacity to understand and respond to the diverse needs of clients and the broader community. This is best achieved when all levels of the profession reflect the diversity of the community. The Institute will develop and promote strategies to ensure this outcome.
2. **Recognise and respond effectively to the diversity of members:** In all key decisions and activities, the Institute will account for the diverse interests and circumstances of all members, taking particular account of gender, career stage and access to services.
3. **Incorporate provisions to ensure gender equitable outcomes in all Institute initiatives:** In considering all programs, services and activities, the Institute will evaluate the program for its contribution to gender equity, as well as other parameters such as financial impact, risk, time and resource requirements.
4. **Communicate the value of gender diversity in leadership roles:** The Institute will address the gender imbalance in leadership and ownership of architectural practices. It will advocate for the benefits of a more gender-balanced approach to design direction, project management and business management.
5. **Promote equality of employment arrangements:** The Institute will adopt, and promote within the profession, equitable employment and recruitment practices. This includes addressing pay inequity and supporting equitable recruitment, advancement and promotion processes.
6. **Support alternative and flexible career pathways within the profession:** The Institute will identify, validate and offer guidance on supporting diverse and non-linear career paths, and ensuring that systems of recognition, reward and career progression are not predicated on traditional linear career paths. This includes the Institute's own activities.
7. **Develop mentorships and networks available to all genders:** The Institute will facilitate and encourage informal access by all genders to the influence and experience of leaders, networks and mentors in the profession, ensuring diversity in their pairings and associations.
8. **Educate the profession about the impact of gender stereotypes:** Recognising that many contemporary workplaces and professional systems retain vestiges of processes and cultures that structurally benefit men as a group, the Institute will inform and educate members about these impacts, the resulting barriers to equality, and strategies to address them.
9. **Actively seek input on the needs of all members:** The Institute will provide effective and readily accessible channels for members of all genders to provide feedback or unsolicited suggestions, ideas, concerns or complaints relating to gender equity and gender-based bias and discrimination.
10. **Develop and coordinate specific programs to give effect to this Gender Equity Policy:** The report on specific programs designed to implement the principles of this policy.
11. **Demonstrate leadership on gender balance in all Institute activities:** The Institute will make every effort to achieve a 40 / 40 / 20 gender balance in all organisational and public activities (40% women / 40% men / 20% any gender). This includes, but is not limited to membership or leadership of Institute committees, juries, representation at conferences, participation in event programs and panel discussions. Institute endorsement of, or participation in, external panels, conferences or competitions must also accord with this policy.

THE ROYAL AUSTRALIAN INSTITUTE OF ARCHITECTS ACN 000 023 012

Regulations

Implementation

Every effort should be made to achieve a 40 / 40 / 20 gender balance (40% female / 40% male / 20% any gender) for membership or leadership of Institute committees, juries, representation at conferences and on panel discussions, or Institute endorsement of external panels, conferences or competitions in line with this policy.

The Institute commits to supporting ongoing data collection and research, and to regularly report on findings both within the Institute and the greater profession.

Review

This policy and the ideas embodied in it will be reviewed as required, but generally at not more than 3-yearly intervals.

ⁱ The first iteration of the policy was developed by the Australian Institute of Architects' Gender Equity Working Group, and was guided by the Institute's Gender Equity Steering Committee, chaired by Shelley Penn. The research project "Equity and Diversity in the Australian Architecture Profession: women, work, leadership (2011– 2014)" was initiated and led by Dr Naomi Stead and was funded under the Australian Research Council Linkage Grants scheme, LP 100200107. Researchers were Professor Naomi Stead, Justine Clark, Dr Gill Matthewson, Dr Karen Burns, Dr Amanda Roan, Professor Gillian Whitehouse, Professor Julie Willis and Professor Sandra Kaji- O'Grady. Industry partners were Bates Smart, BVN and PTW, the Australian Institute of Architects and Architecture Media. Another outcome of this research is the research-based advocacy Parlour: women, equity, architecture Inc.

ⁱⁱ Paula Whitman, *Going Places: The Career Progression of Women in the Architectural Profession*. Brisbane: Queensland University of Technology, 2005. Other reports include: *Women in the Architectural Profession: A Report by the Australian Institute of Architects to the Human Rights Commission (1986)*; *Towards a More Egalitarian Profession: The Findings of the Royal Australian Institute of Architects Committee on the State of Women in Architecture (1991)*; and *The Career Progression of Men in the Architectural Profession (Australian Institute of Architects, 2006)*.

ⁱⁱⁱ

Gender Equity Policy Adopted: December 2013, Reviewed 2019

THE ROYAL AUSTRALIAN INSTITUTE OF ARCHITECTS ACN 000 023 012

Regulations

CURRENT AS AT JULY 2020 (REGULATIONS ADOPTED DURING 2014-2017, WITH A PLANNED PROGRAM OF REVIEW IN 2020/21)

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

THE ROYAL AUSTRALIAN INSTITUTE OF ARCHITECTS ACN 000 023 012

Regulations

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.

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
- the names of the candidates in a ballot and their platform statements, including their personal platform statement
- 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

THE ROYAL AUSTRALIAN INSTITUTE OF ARCHITECTS ACN 000 023 012

Regulations

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:

THE ROYAL AUSTRALIAN INSTITUTE OF ARCHITECTS ACN 000 023 012

Regulations

- 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:

THE ROYAL AUSTRALIAN INSTITUTE OF ARCHITECTS ACN 000 023 012

Regulations

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

THE ROYAL AUSTRALIAN INSTITUTE OF ARCHITECTS ACN 000 023 012

Regulations

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

THE ROYAL AUSTRALIAN INSTITUTE OF ARCHITECTS ACN 000 023 012

Regulations

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;
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

THE ROYAL AUSTRALIAN INSTITUTE OF ARCHITECTS ACN 000 023 012

Regulations

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

THE ROYAL AUSTRALIAN INSTITUTE OF ARCHITECTS ACN 000 023 012

Regulations

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

THE ROYAL AUSTRALIAN INSTITUTE OF ARCHITECTS ACN 000 023 012

Regulations

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."*

(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 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 approved qualification.

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

THE ROYAL AUSTRALIAN INSTITUTE OF ARCHITECTS ACN 000 023 012

Regulations

Council may prescribe. No entrance fee is charged but upon transfer to Corporate Membership them 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, or 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 to 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.

THE ROYAL AUSTRALIAN INSTITUTE OF ARCHITECTS ACN 000 023 012

Regulations

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.

THE ROYAL AUSTRALIAN INSTITUTE OF ARCHITECTS ACN 000 023 012

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

THE ROYAL AUSTRALIAN INSTITUTE OF ARCHITECTS ACN 000 023 012

Regulations

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 ROYAL AUSTRALIAN INSTITUTE OF ARCHITECTS ACN 000 023 012

Regulations

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.

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 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.