By Laws

Commencement date: 23/10/2024
Updated: 5/10/2026

The Real Estate Institute of Victoria Limited

ACN 004 210 897

A Public Company Limited by Guarantee

Table of Contents

Section	Title	Page
1	Definitions and Interpretation	1
2	Membership Classes	6
2.1	Office Members – Real Estate Agencies	6
2.2	Office Members – Owners Corporation Managers	6
2.3	Office Members – Valuation Businesses	6
2.4	Sole Traders	7
2.5	Office Members – General Eligibility Requirements	7
2.6	Full Members	8
2.7	Representative Members	8
2.8	Honorary Life Members	9
2.9	Non-Practising Members	9
2.10	Student Members	10
3	General Eligibility for Membership and Member Obligations	11
4	Applications for Membership	13
5	Register of Members	14
6	Service Information	14
7	Minimum Education Training Requirements	15
8	Affiliates	15
9	Divisions	16
10	Advisory Boards	17
11	Past Presidents' Council	19
12	Industry Forum	20
13	Elections	24
14	Discipline and Member Disputes	28

Board Approved:

1. Definitions and Interpretation

1.1 Definitions

In these By Laws, unless there is something in the subject or context which is inconsistent:

Accreditation means the formal recognition of the achievement by a Member of higher standards as prescribed by the Institute.

Act means the *Estate Agents Act 1980* (Vic) and any regulations made thereunder.

Advisory Board comprises a group of Members appointed by the REIV Board pursuant to the By Laws.

Advisory Board Member means a member of an Advisory Board.

Affiliate means a Person permitted by the REIV Board to be an affiliate of the Institute pursuant to the By Laws.

Agent's Representative means an agent's representative as defined in the Act.

Annual General Meeting means the General Meeting to be held in accordance with clause 16 of the Constitution.

Applicant means a Person who wishes to apply for membership.

Application for Membership means the form, the contents of which may be determined by the REIV Board from time to time, which is to be used by an Applicant.

Appointed Director means a Director of the Institute appointed in accordance with the Constitution.

Business Leadership means the leadership of the business including Directors, Officers, Officers in Effective Control, chief executive officer and partners.

By Laws means by laws made by the Directors from time to time pursuant to clause 36 of the Constitution.

CEO means the person appointed by the REIV Board to be the chief administrative officer of the Institute, whether or not given the title of chief executive officer.

Code of Conduct means any code of conduct, rules and regulations made or adopted by the REIV Board from time to time.

Commencement Date means the date on which these By Laws are approved by the REIV Board.

Constitution means the constitution of the Institute as amended from time to time

Corporations Act means the Corporations Act 2001.

Delegate means a delegate to the Industry Forum appointed by the Advisory Board or elected pursuant to the By Laws.

Director means a director as defined in the Corporations Act.

Disciplinary Committee means the committee established by the REIV Board in accordance with clause 13.1(c) of the Constitution.

Disciplinary Procedure means the disciplinary procedure set out in paragraph 14.6.

Dispute means any difference, disagreement or dissension between Members relating to the Institute or membership of the Institute.

Division means a division established in accordance with the By Laws.

Elected Director means a Director of the Institute elected in accordance with the Constitution.

Estate Agent means an estate agent as defined in the Act.

Financial Member means a Member who has paid by the relevant due date the Membership Fees and all other sums owed by that Member to the Institute.

Full Member means a Person admitted to membership of the Institute as a Full Member under the By Laws and whose membership has not been terminated.

General Meeting means a general meeting of the Members conducted in accordance with the Corporations Act and clause 16 of the Constitution.

Honorary Life Member means an individual member granted honorary life membership of the Institute pursuant to the By Laws and whose membership has not been terminated.

Industry Forum means the forum of Advisory Board Members, CEO, Board Directors, Members and guests meeting in accordance with the Industry Forum Charter .

Institute means the entity whose name upon the adoption of the Constitution was THE REAL ESTATE INSTITUTE OF VICTORIA LIMITED ACN 004 210 897 and shall be taken to mean the same entity by whatever name from time to time it may be called.

Licensed Corporation means a corporation holding an Estate Agent's licence under the Act.

Member means a Person whose name is entered in the Register as a member of the Institute.

Member's Guarantee means the guarantee of an amount not exceeding $2.00 to defray such liabilities and expenses of the Institute upon its winding up or dissolution.

Membership Fees means the fees payable by Members on an annual basis as determined by the REIV Board from time to time.

Minimum Educational Training Requirements means the training requirements aimed at facilitating professional standards in the conduct of real estate practice, as determined from time to time by the REIV Board.

Non-Practising Member means a Person admitted as a non-practising member of the Institute pursuant to the By Laws and whose membership has not been terminated.

Office Member means a Person admitted to membership of the Institute as an Office Member under the By Laws and whose membership has not been terminated.

Officer means an officer as defined by the Corporations Act.

Owners Corporation Manager means an Owners Corporation Manager as defined in the Owners Corporation Act 2006.

Past President means a person who was previously a President of the Institute.

Past Presidents' Council means the council of Past Presidents established in accordance with the By Laws.

Person means a natural person or a registered company, corporation or incorporated association.

President means the president of the Institute for the time being elected by the REIV Board in accordance with clause 34.2 of the Constitution.

Professional Indemnity Insurance Policy means a contract of insurance that in whole or in part indemnifies a person against civil liability, including liability for costs, arising from the conduct of real estate agency and other associated real estate professional services.

Purpose means the purpose for which the Institute was established as described in clause 3 of the Constitution.

Register of Members means the register of Members as defined by the Corporations Act.

REIV Board means the Board of Directors of the Institute.

Representative Member means a Member admitted to membership of the Institute as a Representative Member under the By Laws and whose membership has not been terminated.

Returning Officer means the CEO unless otherwise determined by the REIV Board.

Secretary means the secretary of the Institute as appointed by the REIV Board, and if there are joint secretaries, any one or more of such joint secretaries.

Student Member means a person admitted as a Student Member of the Institute pursuant to the By Laws and whose membership has not been terminated.

Unfinancial Member means a Member who is in default of a financial obligation (including the payment by the due date of Membership Fees) to the Institute.

Valuer means a person with an appropriate professional qualification in valuation or appraisal.

Vice President means the vice president of the Institute for the time being elected by the Board in accordance with clause 34.2 of the Constitution.

Voting Member means a Member who has been granted membership of a class of membership which confers an entitlement to vote at a General Meeting and is not an Unfinancial Member.

Zone means the metropolitan, regional or other geographical zone to which Divisions are allocated by the REIV Board.

1.2 Interpretation

Unless there is something in the subject or context which is inconsistent:

i. the singular includes the plural and vice versa;

ii. each gender includes all other genders;

iii. the word **person** means a natural person and any partnership, association, body or entity whether incorporated or not;

iv. the words **writing** and **written** include any other mode of representing or reproducing words, figures, drawings or symbols in a visible form;

v. where any word or phrase is defined, any other part of speech or other grammatical form of that word or phrase has a cognate meaning;

vi. a reference to any **clause or schedule** is to a clause or schedule of the Constitution;

vii. a reference to a **paragraph** is to a paragraph in these By Laws;

viii. a reference to any statute, proclamation, rule, code, regulation or ordinance includes any amendment, consolidation, modification, re enactment or reprint of it or any statute, proclamation, rule, code, regulation or ordinance replacing it;

ix. an expression used in a particular Part or Division of the Corporations Act that is

x. given by that Part or Division a special meaning for the purposes of that Part or Division has, unless the contrary intention appears, in any clause that deals with

xi. a matter dealt with by that Part or Division the same meaning as in that Part or Division;

xii. headings do not form part of or affect the construction or interpretation of these By Laws;

xiii. a reference to an agreement or document, including these By Laws, is to the agreement or document that exists from time to time;

xiv. a reference to a day, unless a reference to a Business Day, is an ordinary day;

xv. a reference to the REIV in these By Laws is a reference to the Institute;

xvi. a power, authority, duty or discretion means the power, authority, duty or discretion exercised from time to time; and

xvii. a power in these By Laws to do any act or thing includes a power to amend or revoke that act or thing.

If any doubt arises as to the proper meaning of these By Laws, the interpretation of the REIV Board is, subject to law, conclusive.

2. MEMBERSHIP CLASSES

Clause 7 of the Constitution lists the classes of membership and provides that the requirements for membership of each class will be prescribed by the REIV Board and set out in the By Laws.

Clause 7.5 of the Constitution states that the REIV Board may provide for categories of Members within each class on such terms and conditions as the REIV Board determines.

The classes of membership are as follows:

i. Full Members;
ii. Representative Members; and
iii. Non-Voting Members which includes:

a. Office Members;
b. Honorary Life Members;
c. Non-Practising Members; and
d. Student Members.
e. Affiliates

The REIV Board may, on accepting an Applicant's Application for Membership, admit an Applicant to the class of membership which appears most appropriate to the REIV Board.

2.1 Office Members – Real Estate Agencies

a) A business registered with the Business Licensing Authority that holds an Estate Agent's licence will be admitted as an Office Member if:

i. every natural person who holds an Estate Agent's licence that forms part of the Business Leadership of the Office Member also applies for and is awarded membership as a Full Member;

ii. every natural person who is an Agent's Representative that forms part of the Business Leadership of the Office Member also applies for and is awarded membership as a Representative Member; and

iii. Notwithstanding paragraphs 2.1(a)(i) and 2.1(a)(ii) and for the avoidance of doubt, each Director, Officer, Officer in Effective Control, chief executive officer, partner as appropriate to the business, who holds an Estate Agent's licence or who is registered as an Agent's Representative must be a Member.

b) A business referred to in paragraph 2.1(a) that has:

(i) A Principal Office must apply for membership in respect of the Principal Office as an Office Member; and

(ii) One or more Branch Offices must apply for membership in respect of each Branch Office as an Office Member separately from the Principal Office.

c) A Branch Office that applies for membership as an Office Member, must have a Branch Manager who is:

(i) Full Member; or

(iii) eligible to be a Full Member and who applies successfully for membership as a Full Member or

d) A Licensed Corporation or natural person holding an Estate Agent's licence that is in partnership or any other business structure with another Person is eligible to be an Office Member if each Person in the partnership or other business structure applies for and is awarded membership of the Institute in the appropriate class.

2.2 Office Members – Owners Corporation Managers

A business registered with the Business Licensing Authority as an Owners Corporation Manager may be admitted as an Office Member if every natural person who forms part of the Business Leadership who is eligible to be a Full Member, is a Full Member.

2.3 Office Members – Valuation Businesses

A business providing property valuation services may be admitted as an Office Member if every natural person who forms part of the Business Leadership who is eligible to be a Full Member, is a Full Member.

2.4 Sole Traders

A natural person who is a Full Member and is operating as a sole trader shall be eligible for Office Membership, subject to satisfying the eligibility criteria for Office Membership in paragraphs 2.1, 2.2 or 2.3 and 2.5.

2.5 Office Members – General Eligibility Requirements

Office Members must:

a) have an active Australian Business Number;

b) maintain their registration and/or license with the Business Licensing Authority where it is a requirement to operate, and keep all registration and/or license information up to date;

c) maintain Professional Indemnity Insurance either:

i. at least at the level relevant to their business registration or licensing requirements; or

ii. where there are no such requirements, to maintain Professional Indemnity Insurance at no less than the level and scope of cover as determined by the Board from time to time. At the time of adoption of these By Laws:

a) A minimum of $2 million per claim and not less than $6 million in aggregate for all claims made during the period of insurance;

b) Provides cover for all employees/ partners/ Directors and relevant activities and services provided by the by the Office Member; and

c) Provides cover for claims under the Australian Consumer Law and *Fair Trading Act 2012* (Vic).

2.6 Full Members

a) A natural person may be admitted as a Full Member if they:

(i) Hold an Estate Agent's licence issued by the Business Licensing Authority and are actively practising as a real estate professional; or

(ii) Are employed as an Owners Corporation Manager by business registered by the Business Licensing Authority as an Owners Corporation Manager, or are an individual operating as a sole trader and registered by the Business Licensing Authority as an Owners Corporation Manager, or are part of the Business Leadership of a business registered by the Business Licensing Authority as an Owners Corporation Manager; and

(a) have no less than 3 years' experience in owners corporation management at the date of Application for Membership; and
(b) hold a Certificate IV or higher qualification in a real estate, property or legal discipline determined as relevant by the Board and where the qualification(s) held are not determined by the Board to be relevant, to have completed the Institute's Owners Corporation Manager training; and
(c)Supply a current, satisfactory National Police Check with their Application for Membership; or

(iii) Are a property valuer either employed as such or part of the Business Leadership of a valuation business, or a sole trader and hold a qualification in Property and Valuation at no less than undergraduate level as approved by the REIV Board.

2.7 Representative Members

a) A natural person may be admitted as a Representative Member if they are:

i. An Agent's Representative registered with the Business Licensing Authority and employed by a real estate agency licensed by the Business Licensing Authority.
ii. Employed as an Owners Corporation Manager by a business registered by the Business Licensing Authority as an Owners Corporation Manager, or operating as a sole trader and registered by the Business Licensing Authority as an Owners Corporation Manager and are not eligible to be a Full Member because they:

a) have insufficient experience as required by paragraph 2.6(a)(ii)(a), but satisfy all other criteria at paragraph 2.6(a)(ii); or

b) Do not hold a relevant qualification as required by paragraph 2.6(a)(ii)(b), but satisfy all other criteria at paragraph 2.6(a)(ii); or

c) Have neither sufficient experience nor a relevant qualification, but satisfy the requirement at paragraph 2.6(a)(ii)(c); and

d) Where B or C applies, they satisfactorily complete either the Institute's Owners Corporation Managers training within 3 months of admission into membership or the Institute's Owners Corporation Manager training within 6 months of admission into membership.

2.8 Honorary Life Members

a) The REIV Board may award Honorary Life Membership to a Full Member who has given long, outstanding and meritorious service to the Institute.

b) Nominations may be submitted in writing to the CEO by Members at any time and must include the reasons for the nomination.

c) Serving Directors are not eligible for the award.

d) The REIV Board shall vote on any nominations by secret ballot, with an award being made by special resolution; that is, at least 75% (rounded up) of those Directors present vote in favour of making an award.

e) No Membership Fees are payable by Honorary Life Members. For clarity, where the Honorary Life Member is part of the Business Leadership of an Office Member, the Office Member shall remain liable to pay the Office Member Membership Fee.

f) Honorary Life Members shall continue to be liable for the Members' Guarantee for so long as they remain a Member.

g) The REIV Board may remove Honorary Life Membership by a unanimous decision where they determine that the recipient is no longer a fit and proper person to hold the award.

2.9 Non-Practising Members

a) Full and Representative Members who cease to practise temporarily or permanently may, at the discretion of the REIV Board, be admitted as Non-Practising Members so as to remain connected with the Institute and benefit from the services of the Institute.

b) Non-Practising Members who resume practise and become re-eligible for

c) Full or Representative Membership, may apply to resume their Full or Representative Membership subject to satisfying the criteria applicable at the time of application.

d) Non-Practising Members are liable for the Members Guarantee and are required to comply with the Constitution and By Laws and, in so far as they apply, the Code of Conduct and any other rules determined by the REIV Board.

e) Non-Practising Members are not eligible to vote or be elected to the REIV Board or Division Committees. Participation in Chapter Committees and other Institute forums and other rights and privileges shall be at the discretion of the REIV Board.

2.10 Student Members

a) A natural person may be admitted as a Student Member if they:

(i) Are not otherwise eligible for membership of the Institute; and

(ii) Enrol in an Accredited Real Estate Course offered by another reputable provider; or

(iii) Are a student undertaking a course in property valuation approved by the REIV Board.

a) A Student Member admitted in accordance with paragraph 2.10(ii) or 2.10(a)(iii) shall cease to be a Student Member on completion of the prescribed course or an approved valuation course and will be encouraged to apply for Full or Representative Membership where they satisfy eligibility requirements.

b) A Student Member admitted in accordance with paragraph 2.10(ii) or 2.10 (iii) shall remain a Student Member until the end of the financial year in which the training was completed unless they are admitted as a Representative Member in the same financial year.

c) Student Members are liable for the Members' Guarantee, are not entitled to vote in any General Meeting or election of the Institute or hold office as Director and any other rights and privileges will be at the discretion of the REIV Board.

2.11 Participation of Non-Members

(a) The REIV Board may permit any Estate Agent, who is not otherwise eligible for membership of the Institute or in respect of whose Application for Membership has not been accepted by the REIV Board, to participate in the activities of the Institute in such limited manner and for such period and upon such conditions as may be prescribed from time to time by the REIV Board, provided that such Person, until granted membership of the Institute, shall not be:

(i) deemed to be a Member and any designation or title by which, at the discretion of the REIV Board, such Person may be known shall not be and shall not be deemed to be a classification of membership of the Institute;

(ii) entitled or permitted:

a. to vote at any General Meeting or Annual General Meeting or at any meeting of an Advisory Board;
b. to vote in any election held under the Constitution;
c. to hold any office in the Institute;
d. to serve on any Advisory Board, section, group or council of the Institute;
e. to have any interest in the assets of the Institute; or
f. exercise any rights of membership of the Institute, other than those expressly permitted by the REIV Board to be exercised by such Person.

(b) The REIV Board may from time to time determine:

(i) the criteria for permitting the participation of non-Members; and
(ii) the procedures for processing applications for such participation.

3. General Eligibility for Membership and Member Obligations

3.1 New and Returning Members

Any Person may apply to become a Member if they:

a) agree to assume the liability to pay the Member's Guarantee;

b) satisfy the criteria for the relevant class of membership in accordance with paragraph 2;

c) support the Purpose of the Institute and agree to comply with the terms of the Constitution, the By Laws and any Code of Conduct which the REIV Board may produce from time to time;

d) are, in the CEO's opinion, of good character;

e) lodge an application form in accordance with clause 9 of the Constitution and paragraph 4 of the By Laws;

f) pay the Membership Fee in accordance with clause 10 of the Constitution;

g) commit to the Minimum Educational Training Requirements

h) maintain their membership records through self-service and where self-service is not available, by informing the Institute within fourteen (14) days of any changes to their contact details and/or any circumstances affecting their membership;

i)if a natural person, have not within five (5) years prior to applying for membership been an undischarged bankrupt, suspended payment of debts or compromised with their creditors;

j)if a natural person, have not within the previous ten (10) years, whether within Australia or elsewhere, been convicted of a criminal offence or had proven against them a criminal offence punishable by imprisonment of three months or more;

k) if a natural person, have not been convicted of a prescribed offence or had proven against them a prescribed offence pursuant to the provisions of the Corporations Act;

l) if an Estate Agent, Agent's Representative or Estate Agency, have not, in relation to anything they have done or not done, had a claim allowed against the Victorian Property Fund under Part VII of the Act or any corresponding fund established under any previous enactment or equivalent enactment in the relevant State or Territory unless the REIV Board determines:

(i) the claim is not sufficiently serious; or
(ii) the Applicant is not personally responsible in relation to the claim;

m) if an Estate Agent, Agent's Representative or Estate Agency, have not within the previous ten (10) years had a complaint against them that has been proved in connection with any deficiency in a trust account operated by them unless the REIV Board determines:

i. the complaint is not sufficiently serious; or

ii. if the Applicant is not personally responsible in relation to the complaint;

n) if an Owners Corporation Manager or business, have not within the previous five (5) years:

i) been found by any Court, Tribunal, agency, authority or the Director of Consumer Affairs Victoria to have breached legislation (including delegated legislation); or

ii) failed to comply with an order or direction given by (or an undertaking given to) a Court, Tribunal, agency, authority or the Director of Consumer Affairs Victoria; in relation to applicable Owners Corporation Legislation, Regulations, and Rules or the Australian Consumer Law and *Fair Trading Act 2012 (Vic)* unless the REIV Board determines the issue was not sufficiently serious and/or relevant to the Application for Membership;

o) if a Valuer or valuation business, have not within the previous five (5) years,

i) been found by any Court, Tribunal, agency, authority or the Director of Consumer Affairs Victoria to have breached legislation (including delegated legislation); or

ii) failed to comply with an order or direction given by (or an undertaking given to) a Court, Tribunal, agency, authority or the Director of Consumer Affairs Victoria; in relation to Legislation, Regulations, and Rules governing the specific services provided or the Australian Consumer Law and *Fair Trading Act 2012 (Vic)* unless the REIV Board determines the issue was not sufficiently serious and/or relevant to the Application for Membership;

p) if a business, are not insolvent, in administration, in the process of winding up, dissolution or assignment for the benefit of creditors, or a branch office of a company that is in the process of winding up, dissolution or assignment for the benefit of creditors.

q) are not, in the opinion of the CEO, in a position of conflict with the Institute.

3.2 Returning Members

In addition to the requirements of paragraph 3.1, any Person who reapplies for membership following resignation or termination as a Member must have:

a) Paid in full any money owed by them to the Institute; and

b) Complied with any directions of the REIV Board relating to their prior resignation or termination from membership.

4. Applications for Membership

a) In accordance with clause 9 of the Constitution, an Application for Membership of the Institute must:

(i) Be made in writing in the form prescribed by the REIV Board from time to time;

(ii) Specify the membership class being applied for by the Applicant;

(iii) Include a signature, or equivalent acknowledgement by the Applicant confirming that they agree to be bound by the Constitution, By Laws and Code of Conduct**;**

(iv) Include declarations regarding all matters in paragraph 3 in so far as they apply to the Applicant's membership class;

(v) Be accompanied by any Membership Fee payable pursuant to clause 10 of the Constitution;

(vi) Provide any evidence requested by the Institute; and
be addressed to the Secretary

b) The Secretary shall make such arrangements as they deem appropriate to ensure that all applications are checked and where there are defects, Applicants are afforded the opportunity to remedy those defects that are capable of being remedied and actions are fulfilled promptly following determinations by the CEO.

c) As soon as practicable after receiving an Application for Membership, and that application has been checked to the satisfaction of the Secretary, the application shall be referred to the to the CEO to determine whether to approve or reject the application.

d) As soon as practicable after the CEO makes their determination, the Secretary must:

(i) notify the Applicant, in writing, whether their application has been accepted or rejected; and

(ii) if the CEO approved the application, enter the Applicant's name, address, membership class and approval date in the Register of Members and, subject to the Corporations Act, the Person becomes a Member on the name being so entered; or

(iii) if the CEO rejected the application, refund any Membership Fee to the Applicant and cease any services to which the Applicant may have had access while a Provisional Member.

5. Register of Members

(a) In accordance with the Corporations Act, the Institute maintains a Register of Members including each Member's Name, Address and the date on which they became a Member.

(b) A Member shall inform the CEO in writing within fourteen (14) days of any event causing any change in the information recorded or required to be recorded in the Register of Members.

6. Service Information

a) Each Member is assigned an Institute Member number and the REIV Board determines the information required to be held on the Institute membership system to enable active management of Members and support the delivery of services.

On the commencement of these By Laws, the principal information required to be held on the Institute membership system includes:

(i) Contact details for the serving of notices, issue of invoices and provision of information about services;

(ii) The business name(s) under which the Member trades (Office Members);

(iii) Australian Business Number (Office Members and individual sole traders);

(iv) Business Licensing Authority license or registration numbers where applicable;

(v) Business Leadership (Office Members);

(vi) Employer business name, location and whether they are an Office Member;

(vii) Membership class and any changes thereto;

(viii) Qualifications and/or Accreditations;

(ix) Professional Indemnity Insurance;

(x) Police Check;

(xi) Services provided by the Member;

(xii) Special interest group preferences;

(xiii) Offices held;

(xiv) Service usage;

(xv) The Minimum Educational Training Requirements record; and

(xvi) Disciplinary record.

b) A Member shall inform the CEO in writing within fourteen (14) days of any event causing any change in the information provided by the Member to the Institute.

c)The REIV Board may at any time require that a Member provide a declaration and evidence in writing and in such form as the REIV Board may prescribe regarding any matter relevant to the Member's membership of the Institute. The Member's declaration and evidence shall be required to be submitted within fourteen (14) days of the date of the written request, unless an extension of time is requested and granted.

d) Failure to comply with paragraph 6(c) may result in disciplinary action in accordance with the Disciplinary Procedure.

7. Minimum Educational Training Requirements

a) The REIV Board will from time to time determine the Minimum Educational Training Requirements.

b) The Minimum Educational Training Requirements will be encapsulated in a Minimum Educational Training Requirements scheme as determined by the REIV Board from time to time and communicated to all Members.

8. Affiliates

a) A Person not otherwise eligible to be a Member, may be admitted as an Affiliate of the Institute at the REIV Board's discretion.

b) An applicant admitted as an Affiliate, will be admitted:

(i) if a natural person, as an "Individual Affiliate"; or

(ii) if a corporation, as a "Corporate Affiliate".

c) Applications for Affiliate status shall:

(i) Be made in writing in the form prescribed by the REIV Board from time to time;

(ii) Specify whether Corporate or Individual status is being applied for by the applicant;

(iii) Include a signature, or equivalent acknowledgement by the applicant confirming that they agree to be bound by the Constitution, By Laws and in so far as it applies, the Code of Conduct**;**

(iv) Be accompanied by any Affiliate fee which will be determined by the REIV Board from time to time;

(v) include any evidence requested by the Institute; and

(vi) be addressed to the Secretary.

d) The Secretary shall make such arrangements as they deem appropriate to ensure that all applications are checked and where there are defects, applicants are afforded the opportunity to remedy those defects that are capable of being remedied and actions are fulfilled promptly following determinations by the CEO.

e) As soon as practicable after receiving an application, and that application has been checked to the satisfaction of the Secretary, the application shall be referred to the CEO to determine whether to approve or reject the application.

f) As soon as practicable after the CEO makes their determination, the Secretary must:

(i) notify the applicant, in writing, whether their application has been accepted or rejected and is not compelled to give reasons for the decision; and

(ii) if the CEO approved the application, enter the applicant's name, address, Affiliate status and approval date in a register of Affiliates; or

(iii) if the CEO rejected the application, refund any Affiliate Fee to the applicant and cease any services to which the applicant may have had access.

An Affiliate is not

a) Member and
b) Entitled or permitted

(i) to vote at any General Meeting or Annual General Meeting or at any meeting of a Division or Chapter;

(ii) to vote in any election conducted under the Constitution;

(iii) to hold any office in the Institute;

(iv) to serve on any committee, section, group or council of the Institute, subject to the discretion of the Board;

(v) to have any interest in the assets of the Institute; or

(vi) exercise any rights of membership of the Institute, other than those expressly permitted by the Board to be exercised by such Persons.

9. Divisions

9.1 General

The REIV Board is responsible for determining the Metropolitan Regional Zones.

9.2 Divisions and Zones

From the commencement of these By Laws, the numbers and names of Divisions and their respective Zones are:

(a) Metropolitan Zone

(i) Metropolitan Division.

(b) Regional Zone

(i) Barwon Division;

(ii) Bendigo Division;

(iii) Central Highlands Division;

(iv) Gippsland Division;

(v) Mallee Division;

(vi) Goulburn Murray Division;

(vii) Ovens Murray Division;

(viii) South West Division; and

(ix) Wimmera Division.

9.3 Division Function

Divisions provide a geographic focus for the achievement of the Institute's objects as set out in the Constitution and the mission and strategic objectives of the Institute determined by the REIV Board.

10 Advisory Boards

10.1 General

The REIV Board is responsible for determining:

a) the number and name of Advisory Boards based on areas of special interest, and

the functions, powers and duties of Advisory Boards.

b) At the request of an Affiliate, or member, the REIV Board may permit the Affiliate to be a member of an Advisory Board. The REIV Board may withdraw its permission by written notice to the Affiliate at any time.

10.2 Purpose

Advisory Boards provide industry expertise, member insight and specialist advice to assist Management and the REIV Board in understanding emerging trends, risks, opportunities and Member needs.

10.3 Authority

Advisory Boards do not have general powers to make decisions on the Institute's strategy, budget, policies or operations.

Advisory Boards do not exercise governance or operational authority.

Advisory Boards have authority to:

a) Appoint an Industry Forum Delegate from each Advisory Board
b) Make recommendations to the REIV Board via the REIV CEO; and
c) Request participation of Managers in discussions on Policy, Events, Forms and Training and Professional Development.
d) Advisory Boards and Advisory Board Members have no authority to:
e) Engage with third parties (including the Media and Public) on behalf of the Advisory Board or the Institute;
f) Enter into any negotiations, agreements or contracts;
g) Commit to expenditure or activities that could result in expenditure by the Institute;
h) Direct the Institute's staff;
i) Determine the Institute's policy or process on internal or external matters; and
j) Establish working groups, sub-committees or focus groups without the prior consent of

the Institute's CEO.

The Advisory Board's role is to:

a) Provide subject matter expertise (SME) across key areas including advocacy, professional development, industry best practice, and member resources and;

b) Identify emerging issues, risks, and opportunities relevant to their specialisation and;

c) Contribute to the development of the Institute's products, services, and events and;

d) Provide input into training, CPD, policy, and advocacy initiatives and;

e) Recommend improvements to the Institute's forms, tools, and Member services.

10.4 Advisory Boards

The five Advisory Boards are;

- Residential Property Sales and Services Advisory Board
- Residential Property Management Advisory Board
- Commercial and Industrial Advisory Board
- Owner's Corporation Advisory Board
- Ethics Advisory Board

10.5 Advisory Board Appointments

Advisory Boards are formed through biannual calls for expressions of interest from Members by the REIV Board.

The REIV Board shall call for expressions of interest from Members.

10.6 Eligibility

Advisory Board Members must:

a) Be a financial Member at the time of application

b) Ordinarily have at least three years' relevant industry experience, unless otherwise approved by the REIV Board

c) Be actively engaged in their field

d) Meet the Institute's Minimum Education Training requirements

e) Members are appointed by the REIV Board following an expression of interest process. Additional Members or Affiliates may be appointed on recommendation

The REIV Board may also appoint Directors to Advisory Board as guests.

11 Past Presidents' Council

11.1 General

a) The Past Presidents' Council shall consist of the current President and all Past Presidents of the Institute and its antecedent bodies, the Real Estate and Stock Institute of Victoria and the Real Estate Agents' Association.

b) The Past Presidents' Council shall have such functions, powers and duties as shall be determined from time to time by the REIV Board.

11.2 Functions, Powers and Duties

a) The function of the Past Presidents' Council is to provide counsel at the request of the President and to support the President and the REIV Board.

b)The Past Presidents' Council is not a committee of management and cannot determine the policy or manage the affairs of the Institute.

11.3 Meetings and Elections

a) Unless otherwise determined by the REIV Board, the Past Presidents' Council shall meet up to two (2) times per year.

b) Each meeting will include reports from the President and CEO.

c) Questions arising at meeting of the Past Presidents' Council shall be determined by a majority of votes. In the case of an equality of votes, the chair shall not have the casting vote.

d) The quorum necessary for the transaction of business at any meeting of the Past Presidents' Council shall be ten (10) members of the Past Presidents' Council, or otherwise as determined by the REIV Board from time to time.

e) At least fourteen (14) days' notice of every meeting shall be given to each member of the Past Presidents Council.

f) The President shall preside as chair at every meeting of the Past Presidents' Council. In the absence of the President, the Past Presidents present at such meeting shall elect one of their number to be the chair of the meeting.

g) Although not classed as a meeting, there will be an annual Past Presidents' dinner which will be hosted by the Past President who immediately preceded the immediate Past President. If that person is not available, the President shall select another Past President who will be in attendance to host the dinner.

12 Industry Forum

12.1 General

The Industry Forum will comprise of

a) One (1) delegate from each of the Advisory Boards

b) All Elected Directors

c) Any Members wishing to attend

d) The Institute's CEO

e) The Institute's Leadership team

The Forum is open to all Members, supporting inclusive participation and engagement.

12.2 Purpose

The Industry Forum provides a strategic forum for collaboration, insight-sharing, and alignment across the Institute's Newly established Advisory Boards, REIV Board, and membership.
The Forum supports the Institute's mission and strategic priorities by:

a) Strengthening connection between Advisory Boards, Management, Members and the REIV Board

b) Providing a platform for industry-wide insight and dialogue

c) Elevating key issues, trends, and opportunities across the property sector

12.3 Guiding Principles

The Industry Forum will operate in accordance with the following principles;

a) Member-focused engagement and collaboration.

b) Respectful and constructive dialogue.

c) Diversity of perspectives and industry representation.

d) Transparency and accountability.

e) Alignment with the Institute's strategic objectives.

f) Compliance with all relevant legal and regulatory obligations.

12.4 Function and Purpose

The Industry Forum is designed to:

a) Share insights and updates from each Advisory Board

b) Provide visibility of the Institute's strategic priorities, initiatives, and progress, via the CEO and President

c) Facilitate discussion on emerging trends, challenges, and opportunities across the real estate industry

d) Support alignment between member needs, industry developments, and the Institute's advocacy and service delivery

e) Enable broader Member engagement in strategic and industry discussions

f) Ensure the REIV Board is aware of insights and updates from the broader membership

12.5 Governance and Authority

The Industry Forum is advisory and consultative in nature and has no delegated decision-making authority. Recommendations, insights and issues identified through the Industry Forum may be referred to the CEO, Executive Team, Advisory Boards or REIV Board for consideration and action, as appropriate.

Neither the REIV Board nor Management is bound to adopt recommendations arising from the Industry Forum.

All discussions and contributions are subject to REIV's governance framework, including confidentiality and appropriate conduct expectations.

12.6 Delegates

Delegate Responsibilities
Each Advisory Board delegate appointed to speak at the Forum shall:

a) Present key priorities, challenges and recommendations arising from their Advisory Board.
b) Seek to reflect the views of their Advisory Board rather than personal opinions.
c) Participate constructively in Forum discussions.

Directors attend Industry Forum as Directors and members of the REIV Board. Their roles and responsibilities are to:

a) Listen to the questions and suggestions raised by Delegates and members;
b) Seek clarifications from Delegates and members; and
c) Input to discussions if invited to do so by the Chair.

The **President** attends Industry Forum both as a Director and as the Board Chair. The President's roles and responsibilities, in addition to those of Directors, are to:

a) Inform Delegates and members about progress with the achievement of the strategic plan and other matters on the REIV Board's agenda; and
b) Seek feedback from Delegates and members on matters:

(i) that their appointing bodies have raised;
(ii) that have been raised with the CEO by the appointing bodies in advance of the meeting;
(iii) on which the REIV Board requires input.

The **CEO**'s roles and responsibilities are to:

a) Input to Industry Forum agenda in conjunction with the Chair and Secretary;
b) Inform delegates about progress with relevant priority projects, policy developments and media activity ;
c) Listen to the questions and suggestions raised by Delegates;
d) Seek clarifications from Delegates;
e) Input to discussions if invited to do so by the Chair;
f) Take forward meeting outcomes where it is appropriate to do so;

12.7 Conduct

All Industry Forum members shall demonstrate exemplary conduct and shall:

a) Treat each other, Management and Staff, Members and external stakeholders with respect, dignity, courtesy and sensitivity;
b) Not engage in or condone discrimination, sex discrimination, harassment, bullying or occupational violence;
c) Respect the Confidentiality of Confidential information provided to them;
d) Not engage in activity that contravenes the Australian Consumer Law and *Fair Trading Act 2012* (Vic);
e) Declare any Conflicts of Interest as they arise and act to ensure that they do not pose a risk to the Institute;
f) Comply with the Industry Forum Charter and all applicable REIV policies and processes;
g) Prepare for meetings and participate fully: listen, contribute positively, keep an open mind, not engage in side conversations; and
h) Focus on the Institute's purpose, Mission, Strategy and Strategic Goals and keep the best interests of the Institute in its entirety in mind at all times.

Directors who are Office Bearers shall attend each meeting of Industry Forum where possible.

Additional Directors shall be permitted to attend meetings of Industry Forum at their discretion.

Delegates are expected to attend all meetings and to advise their apologies in advance of the meeting to the Secretary.

All Members are eligible to attend the Industry Forum as observers and participants in open discussions.

The REIV Board, President, Vice President or CEO may invite external guests, subject matter experts, regulators, government representatives or industry stakeholders to attend all or part of an Industry Forum meeting where their participation is considered beneficial to Forum objectives.

12.8 Meetings

The Industry Forum is held biannually, or as otherwise determined by the REIV Board or CEO.

Meetings will ordinarily be conducted in person, however the REIV Board or CEO may approve hybrid or virtual attendance arrangements where appropriate.

Networking is encouraged post meeting.

The frequency of meetings will be reviewed annually to ensure the Industry Forum remains effective and responsive to member needs.

The Industry Forum will be chaired by the Vice President. In the absence of the Vice President, the President or another Director nominated by the President shall act as Chair.

At the beginning of each meeting the Chair shall seek declarations of conflicts of interest relating to any matter on the agenda and remind attendees of their obligations regarding Confidentiality and the Competition and Consumer laws.

12.9 Agenda

The Industry Forum agenda will typically include:

a) Advisory Board updates – key insights, issues, and priorities

b) CEO and President updates – strategic progress, advocacy activity, and organisational priorities

c) Industry insights – market trends, regulatory developments, and emerging challenges

d) General discussion – open forum for member input, questions, and emerging issues

e) Guest speakers may be invited to provide an industry briefing on a significant market, regulatory, or policy issue.

12.10 Outcomes

The Industry Forum aims to:

a) Strengthen alignment between the Institute's strategy and industry needs

b) Identify cross-sector themes and opportunities for coordinated action

c) Inform the Institute's advocacy, policy development, and service delivery

d) Enhance transparency, engagement, and collaboration across the membership

e) Key themes and insights from the Forum may be captured and shared with the REIV Board and relevant Advisory Board to inform future decision-making.

f) Issues and themes identified through the Industry Forum may be referred to the Executive Team, relevant Advisory Board, or the REIV Board for consideration and action as appropriate.

g) A summary of key themes, insights and actions arising from the Forum will be communicated to Members following each meeting.

The effectiveness of the Industry Forum will be assessed annually against:

a) Attendance and participation levels.

b) Representation across industry sectors.

c) Quality and relevance of issues raised.

d) Contribution to advocacy and policy outcomes.

e) Member feedback and satisfaction.

f) Alignment with the Institute's strategic priorities.

12.11 Administration

The CEO shall appoint the Secretary to Industry Forum. The Secretary shall

- Schedule and manage meeting arrangements;
- Produce and circulate agenda, papers and minutes; and
- Maintain an action log.

No less than fourteen (14) days' notice shall be given of any Industry Forum meetings

12.12 Reporting

Following each Industry Forum, the Secretary will prepare a summary report of key themes, recommendations and actions.

The report will be provided to the REIV Board and relevant Advisory Boards and may be communicated to members in a form approved by the CEO.

13 Elections

13.1 General

a) The REIV Board has determined, unless they decide otherwise, that elections of Directors shall be conducted by electronic means.

b) Elections shall be overseen by the Returning Officer, and in their absence, by the Deputy Returning Officer and unless the REIV Board determines otherwise for a specific election, the Returning Officer shall be the CEO and the Deputy Returning Officer shall be the Chief Operating Officer or such other senior manager appointed by the REIV Board on the recommendation of the CEO.

c) The REIV Board has established the procedures set out in paragraphs 13.3 and 13.4 for the proper conduct of all elections conducted by electronic means.

13.2 Key Principles

a) Elections for Directors shall be held annually, unless no positions fall vacant in that year.

b) Voting Members eligible to nominate in accordance with clause 28 of the Constitution for Directors and this paragraph 13 for, shall be those on the Register of Members fifteen (15) days before the date on which nominations open.

c) The roll of Voting Members shall be updated to correct any errors until one (1) day prior to vote opening. Errors include changes to contact details, resignations, suspensions and terminations that have taken effect and new admissions within the relevant period.

d) If an error is found in the roll after the day on which the roll of voters closes, the error may be corrected after the day the roll of voters closes.

e) For Director elections, Voting Members in the Metropolitan Zone can nominate and vote only in elections for Directors from the Metropolitan Zone and Voting Members in the Regional Zone can nominate and vote only in elections for Directors from the Regional Zone.

f) The email address recorded for each Voting Member for the serving of notices shall be used for all aspects of the election process.

g) It is the responsibility of each Member to ensure that their email address is up to date.

h) The specific timetable for each election shall be determined by the REIV Board on the recommendation of the Returning Officer.

13.3 Nominations

a) The Returning Officer shall cause a notice of an election, nomination form, position description, eligibility requirements, and any other supporting information to be issued to Voting Members by email or through an online voting system and published on the Institute website at a time determined by the REIV Board or Returning Officer that ensures compliance with the relevant election timetable.

b) Nominations must be made using the nomination form provided by the Returning Officer or an equivalent form through an online voting system.

c) The nomination form or equivalent shall include:

i. The closing date and time for receipt of nominations, after which nomination forms will not be accepted;

ii. The position;

iii. The name and Institute Member number of the nominee;

iv. The name and Institute Member number of each of the proposer and seconder, which shall be Voting Members;

v. Declarations by the proposer and seconder that they are eligible to vote;

vi. A declaration by the nominee both that they are eligible to be elected and accept the nomination;

vii. A statement by the candidate that they are eligible to vote in the election and stand for the position; and

viii. Where nomination forms are to be emailed to the Returning Officer (rather than submitted through an online voting system):

a) the dated signatures of each of the proposer, seconder and nominee; and

b) the email address to which nomination forms must be returned.

d) The closing date for the receipt of nomination forms by the Returning Officer shall be no less than fourteen (14) days and no more than thirty (30) days after nominations opened.

e) A nomination may be withdrawn at any time before the position is declared elected.

f) All nominations shall be reviewed by the Returning Officer to ensure as far as is reasonable that they are valid. If any nomination is found to be defective, the Returning Officer shall notify the nominee of the defect and where it is practicable to do so, give the nominee the opportunity to remedy the defect within seven (7) days from the date and time on which the notice of a defect was served.

g) A nomination is not capable of remedy if the nominee does not satisfy the eligibility requirements for the respective position at the date specified in paragraph 13.2(c).

h) In the event that there are more than the required number of valid nominations for a position, an election will be held.

i) For the election of Directors, in the event that:

I. the required number of valid nominations only are received for a position; or

II. less than the required number of valid nominations are received for a position, the nominee(s) will be declared elected and any vacancies shall be treated as casual

vacancies and be rectified in accordance with clause 28 of the Constitution.

13.4 Elections

a) All elections will be conducted using an online voting system and supported by communications from the Returning Officer.

b)The online voting system will provide for a secret ballot and will:

i. Enable votes to be cast by smart phone, tablet, laptop or computer;

ii. Rotate the order in which the names of the nominees appear each time a vote is cast;

iii. Require voters to cast the prescribed number of votes;

iv. Prevent duplicate voting;

v. Issue reminders to those who have not yet cast their votes during the voting period;

vi. Identify to the Returning Officer the number of people who have voted and total votes cast at any time during the voting period, but will not identify to the Returning Officer who has voted or how they have voted or the numbers of votes cast for individual candidates during the voting period;

vii. Provide the Returning Officer with the total number of voters, total number of votes cast and the total number of votes for each candidate when voting has closed, but will not identify who voted or how they voted; and

Include:

A. the closing date and time for receipt of votes;

B. how votes are to be cast;

C. a description of the positions to be filled; and

D. the names, profiles and photographs for each nominee, with the profiles and photographs to be in a form prescribed by the REIV Board.

c)The nominees who receive the greatest number of votes must be progressively elected until all positions are filled.

d) If there is a tie, the Returning Officer shall draw by lot which of the tied candidates will fill the relevant position.

e)The Returning Officer shall advise individual candidates, the REIV Board and Members of the outcome of the election supported by the details generated by the online system on the total number of votes cast and the total votes for each candidate.

13.5 Direct Voting

a) The REIV Board will determine from time to time if Voting Members are entitled to vote by a direct vote on a matter or a resolution. If the REIV Board has determined that Voting Members are entitled to vote by a direct vote, then the Voting Members must do so in the manner prescribed by the REIV Board from time to time, which, subject to any requirements of the Corporations Act, may include electronic means.

b) If sent by post or facsimile, the direct vote must be signed by the Voting Member or attorney or representative.

c) If sent by electronic transmission, including through an online voting system, the direct vote is to be taken to have been signed if it has been signed or authorised by the Voting

Member in the manner approved by the REIV Board.

d) The direct vote shall not be treated as valid unless received by the Institute not less than 48 hours before the time for holding the relevant meeting or adjourned meeting.

e) A direct vote is valid if it contains the following information:

   i. the Voting Member's name and address and/or any other identifying particulars approved by the REIV Board or specified in the notice of the meeting.

   ii. the Voting Member's voting intention on any or all of the resolutions to be put before the meeting, for which the REIV Board has determined direct votes may be cast.

f) An objection may be raised to the validity of a direct vote only at the meeting or adjourned meeting at which the resolution the subject of the direct vote has been proposed. Any such objection shall be referred to the chair of the General Meeting, whose decision is final.

14 Discipline and Member Disputes

14.1 General

Pursuant to clauses 13.1 and 36 of the Constitution, the REIV Board has established procedures to provide for:

a) The consistent, transparent and equitable management of those matters specified in clause 13.1(a) and (b) of the Constitution and paragraph 14.5 that could result in disciplinary action against a Member;

b) Alternative sanctions to fines in addition to or instead of suspension or termination of membership, given that the Institute has no legal authority to impose a fine; and

c) The facilitation of Disputes between Members.

14.2 Disciplinary Action

a) Disciplinary action may be instigated where a Member:

i. May satisfy one or more of the grounds for suspension or termination in clause 13.1(a) and (b) of the Constitution or paragraph 14.5;

ii. Has not provided documents required by the REIV Board to be supplied to the CEO within fourteen (14) days of being notified of such a requirement as provided by clause 8.9 of the Constitution; or

iii. Has ceased to satisfy an eligibility requirement or other membership qualification pursuant to clause 7 of the Constitution.

14.3 Disciplinary Committee

The REIV Board shall establish a Disciplinary Committee to consider such matters that fall within the scope of paragraph 14.2 and are referred to it under the Disciplinary Procedure, to make recommendations to the REIV Board where the Disciplinary Committee is of the opinion that suspension or termination are appropriate, to make decisions on lesser sanctions than termination or suspension in accordance with paragraph 14.4 and to report to the REIV Board on all other matters where the Disciplinary Committee has determined that sanctions should not be applied.

a) Composition and Chair

i) The Disciplinary Committee shall have four (4) members all of whom shall be independent of the Member whose case is being considered and of which:

a) One shall be an Appointed Director who will chair the Committee;

b) One shall be a Director who is not an Office Bearer; and

c) Two shall be Members invited by the chair.

b) Voting

All recommendations and decisions shall require a 75% majority and the chair shall not have a casting vote.

c) Charter

Further details regarding the function, powers and administration of the Committee shall be set out in a Committee Charter approved by the REIV Board.

14.4 Sanctions

a) The sanctions available are:

i. reprimand the Member;

ii. require the Member to undertake such training and in such time period as the REIV Board determines;

iii. suspend the Member from membership of the Institute for a specified period; and

iv. expel the Member from the Institute.

14.5 Grounds for Suspension or Termination

Upon the REIV Board becoming aware of the happening of one the following events or circumstances, the REIV Board may, upon the recommendation of the Disciplinary Committee, by notice in writing suspend or terminate the membership of any Member who:

(a) is in partnership with an Estate Agent whose Estate Agent's licence has within the preceding six (6) months been surrendered or cancelled;

(b) is a director of a Licensed Corporation whose Estate Agent's licence has within the preceding six (6) months been surrendered or cancelled;

(c) is a director of a Licensed Corporation where the licence of any other director of such Licensed Corporation has been surrendered or cancelled;

(d) being a natural person, enters into any composition, compromise, arrangement, administration or assignment for the benefit of creditors or commits an act of bankruptcy;

(e) being a Licensed Corporation, becomes insolvent or makes any composition, compromise, arrangement, merger, amalgamation, reconstruction or assignment for the benefit of its creditors;

(f) in the opinion of the REIV Board, is no longer a fit and proper person to be a Member;

(g) has had a complaint in connection with any deficiency in the trust account of such Member proven by the relevant governmental authority, court or tribunal;

(h) engages in or supports or encourages another in conduct which may be detrimental or prejudicial to the reputation, image, interests, or welfare of the Institute or its Members, the real estate industry, or the public;

(i) fails otherwise to comply with the provisions of this Constitution or the By Laws;

(j) and such suspension or termination shall take immediate effect or from a date to be determined by the REIV Board, as the case may be.

14.6 Disciplinary Procedure

a) Concerns about the behaviour or circumstances of a Member as defined in clauses 13.1(a) and (b) of the Constitution or paragraph 14.5 may be notified in writing to the CEO by a Voting Member, in which case the notifying Member should, to the extent reasonably possible, provide detailed particulars of the alleged behaviour/circumstances to the CEO including:

i. A description of the alleged behaviour/circumstances;

ii. Details of the person or persons involved or who may be affected by the alleged behaviour, including any non-Members;

iii. Details of each time and date on which the alleged behaviour is said to have occurred;

iv. Details or copies of any relevant documents which evidence or otherwise support the occurrence of the alleged behaviour/circumstances; and

v. Such further information as is reasonably requested by the CEO.

b) If the CEO receives notification from a Voting Member of any alleged behaviour or circumstances of a Member that may constitute behaviour/circumstances in respect of which the provisions of clause 13.1(a) and (b) of the Constitution or paragraph 14.5 could apply, or if the CEO otherwise becomes aware of behaviour/circumstances in respect of clause 13.1(a) and (b) of the Constitution or paragraph 14.5, then the following paragraphs apply:

i. The CEO will take such steps to investigate the alleged behaviour/circumstances as are deemed reasonable in the circumstances by the CEO. The CEO will notify the REIV Board and the Disciplinary Committee of any investigations commenced.

ii. The CEO will engage with the Member about which concerns have been raised, or the CEO has otherwise become aware, to ascertain further information that the CEO considers relevant to the investigation.

iii. Where the alleged behaviour/circumstances relate to a matter that is known to be the subject of investigation by the Licensing Authority and/or legal action and/or investigation by police or other authorities (External Action), or such External Action becomes known to the CEO during their investigation, the CEO shall put the Member on notice that the Institute is aware of the External Action and may:

(a) Continue the Institute's investigation and Disciplinary Procedure hereunder, despite the External Action; or

(b) Cancel or suspend the Institute's investigation and Disciplinary Procedure hereunder, in which case the CEO must notify the Member that the Disciplinary Procedure may be recommenced at a later time, before or after the outcome of External Action is known; or

(c) Take such other action as is deemed reasonable in the circumstances.

iv. The CEO will prepare a report to the Disciplinary Committee setting out the CEO's opinion/findings of:

a) the nature and extent of the alleged behaviour/circumstances;

b) the steps taken to investigate the alleged behaviour/circumstances and any relevant findings;

c) the response, if any, provided by the Member about which concerns have been raised;

d) any documents or evidence substantiating or contradicting the alleged behaviour/circumstances;

e) whether the CEO believes the concerns about the Member's alleged behaviour/circumstances are founded and, if so, which of clause 13.1(a) and (b) of the Constitution or paragraph 14.5 applies or may apply;

f) the CEO's recommendation as to any appropriate action or sanction; and

g) any other matter the CEO considers relevant to the Committee's further consideration and determination.

v. If the CEO reports to the Disciplinary Committee that the concern about the alleged behaviour/circumstances is not founded then the Committee will determine whether or not to take any further action. If the Committee determines that no further action is to be taken, the CEO will notify the Member about which the concern had been raised.

vi. If the CEO reports to the Disciplinary Committee that the concern is founded, or the Committee determines that further consideration is required, the Committee through the CEO will notify the Member of the matters set out in the CEO's report and invite the Member to present to the Committee in response. The Member may choose whether they present to the Committee in person, by written submission in advance and in person, or by written submission only.

vii. Presentation by the Member to the Disciplinary Committee shall be no less than ten (10) days and no more than thirty (30) days following the notification to the Member referred to in paragraph 14.6(b)(vi).

viii. Immediately following presentation by the Member, the Disciplinary Committee shall, in the absence of the Member, consider the Member's submission and the CEO's report and determine whether:

a) the Committee is of the opinion that the behaviour/circumstances of the Member constitutes such behaviour/circumstances as described in clause 13.1(a) or (b) of the Constitution or paragraph 14.5; and if so

b) whether the Committee is of the reasonable opinion that such behaviour/circumstances has been persistent or is a single act which is of a serious nature; and if so

c) whether any sanction is to be applied in accordance with paragraph 14.4.

ix. Where the Disciplinary Committee is of the opinion that a reprimand and/or training, but not suspension or termination should be applied, the Committee shall determine the nature of the sanction and the Committee chair shall advise the Member within three (3) business days of the decision and shall advise the REIV Board and the CEO.

x. Where the Disciplinary Committee is of the opinion that suspension or termination should be applied, the Committee chair shall make a recommendation to the REIV Board supported by the minutes of the Committee meeting and the reports and submissions considered by the Committee. The REIV Board shall consider the matter at their next REIV Board meeting and determine by Special Resolution (rounded up) whether to support the Committee's recommendation and the President shall advise the Member of the REIV Board's decision in writing within three (3) business days.

xi. Decisions of the REIV Board and the Disciplinary Committee relating to any disciplinary matters shall not be published.

a) If a notification is made to the CEO by a Member, alleging that another Member has engaged in concerning behaviour, and it is reasonably determined that the notification was frivolous, malicious or vexatious, then the CEO will consider whether (and may decide that) the behaviour of the notifying Member in making the allegation is of itself behaviour that warrants that the Disciplinary Procedure be applied to the Member who raised the concern.

b) The CEO may delegate all or any part of the CEO's duties or obligations relating to any notification, investigation or reporting of concerns about Member behaviour under paragraph 14.6.

14.7 Member to Member Disputes

a) Pursuant to clause 36 of the Constitution, the REIV Board has established a procedure to facilitate the resolution of Disputes between members, except where the Disputes:

i. Have arisen through a clear breach of applicable regulations; or

ii. Relate to employment and/or other workplace related matters; or

iii. Relate to matters that are subject to the Disciplinary Procedure until the Disciplinary Procedure has been completed; or

iv. Any other matter that the CEO determines to be inappropriate for Institute intervention.

b) Disputes may only be raised with the Institute where the parties are both current Institute Members.

c) The Member raising the Dispute shall submit a request to the CEO in the required form including a detailed description of the Dispute.

d) Upon notification of a Dispute, the CEO may seek further information from the Member raising the Dispute.

e) Once the CEO is satisfied with the information provided by the Member raising the Dispute, the CEO will cause a representative of the Institute to engage with the other party(ies) to:

i. inform them that notice of a Dispute has been submitted to the Institute that relates to them; and

ii. assist the parties to attempt to resolve the Dispute to the mutual satisfaction of the parties.

f) As a part of the Member to Member Dispute process, the CEO may exercise discretion to invite the Members in Dispute to attend at the offices of the Institute or by videoconference to meet on a formal or informal basis, with or without a representative

of the Institute or for the parties to make submissions or to put forward proposals in writing for communicating to the other party(ies).

g) If a Dispute so referred is not resolved to the satisfaction of any party to the Dispute within thirty (30) days of its being referred, then that party may require the Dispute to be referred to mediation before a mediator appointed by mutual agreement of the parties, and in the absence of mutual agreement to a mediator nominated by the CEO in which case:

   i. the mediation will be conducted on a confidential and without prejudice basis and on such other terms as the mediator requires;

   ii. the costs of the mediation will be borne equally by the parties and must be paid in advance of the mediation taking place; and

   iii. any agreement reached by the parties at mediation to resolve the Dispute will be between the parties and unless approved in writing by the CEO shall not bind the Institute.

h) Where a Dispute is referred to mediation, the parties to the Dispute are obliged to participate and failure to do so will constitute a breach of the By Laws and may result in disciplinary action in accordance with paragraph 14.2.

i) If a Dispute referred to mediation remains unresolved, whether because one party neglected or refused to participate or in the reasonable opinion of the mediator the Dispute would not be settled through mediation and the mediator had advised the parties to this effect, one or both parties may apply to the Institute for the Dispute to be referred to arbitration.

j) The arbitrator shall be appointed by mutual agreement of the parties either independently or from a list of qualified arbitrators provided by the Institute and in the absence of mutual agreement within fourteen (14) days of the application being made to the Institute or within fourteen (14) days of being provided with a list by the CEO, whichever is later, in which case:

   i. the arbitration shall be conducted in accordance with the terms of the Commercial Arbitration Act;

   ii. the arbitration will be conducted on such other terms as the arbitrator requires;

   iii. the costs of the arbitration will be borne by the parties in accordance with the arbitrator's determination and orders; and

   iv. the arbitrator's determination will be binding.

k) The Institute will take reasonable steps to assist the parties to resolve their Dispute but the Institute shall not be liable in any way to any Member for the outcome, or lack of resolution, of any Member to Member Dispute.