



Chapters By-Law

I certify this document to be the text of "By-Law 3 – Chapters" of The Real Estate Institute of New South Wales Limited ACN 000 012 457 tabled at the Annual General Meeting of the Institute held on 23 November 2023.

A handwritten signature in black ink, appearing to read 'Peter Matthews', with a long horizontal stroke extending to the right.

*Peter Matthews, Chair
23 November 2023*

By-Law 3

CHAPTERS

1. Interpretation

Where not inconsistent with the context, words which are defined in the Constitution of The Real Estate Institute of New South Wales Limited ACN 000 012 457 (**REINSW** or **Institute**) have the same meanings in these By-Laws as they have in the definitions of the Constitution.

2. Definitions

In this by-law, unless the context or subject matter otherwise requires:

- a. **Agency Services Chapter** means the chapter established to recognise the pivotal role of the practitioners working in operational leadership and agency support roles;
- b. **Auctioneers' Chapter** means the chapter established to promote the effectiveness of auctions as a successful mode of selling property and to increase awareness of auctioneers throughout New South Wales;
- c. **Business Agents' Chapter** means the chapter established to represent professionals who specialise and advise in the buying or selling of the whole or part of a business;
- d. **Buyer's Agents' Chapter** means the chapter established to represent agents practicing in the specialisation of buyer's agency;
- e. **Commercial Chapter** means the chapter established to represent commercial property professionals throughout New South Wales, ensuring that legislative requirements and commercially sound business practices are aligned for the good of members;
- f. **Residential Property Management Chapter** means the chapter established to foster the exchange of practice knowledge in the area of residential property management;

- g. **Residential Sales Chapter** means the chapter which represents industry professionals specialising in residential sales
- h. **Strata Management Chapter** means the chapter established to assist practitioners in the detailed and prescriptive area of strata schemes, company title schemes, tenancy-in-common schemes and such other schemes that provide for residential, commercial and industrial high density property ownership; and
- i. **Valuers' Chapter** means the chapter comprising professionals specialising in the area of residential, commercial & industrial and property & plant real estate valuation.

3. Various Chapters

The Board has resolved that the Institute has the following Chapters:

- a. Agency Services Chapter;
- b. Auctioneers' Chapter;
- c. Business Agents' Chapter;
- d. Buyer's Agents' Chapter;
- e. Commercial Chapter;
- f. Residential Property Management Chapter;
- g. Residential Sales Chapter;
- h. Strata Management Chapter; and
- i. Valuers' Chapter.

4. Voting and Nomination of Chapter Committee Members

A Member who has not paid their Membership Subscription and Levy, if applicable, cannot:

- a. vote on any matter at a Chapter committee meeting;
 - b. nominate another Member to sit on a Chapter committee; or
 - c. be nominated to sit on a Chapter committee,
- unless and until they have paid the outstanding amount.

5. Election of Chapter Chairperson and Deputy Chapter Chairperson

(a) Election for the President's Term

The Chapter Chairperson and Deputy Chapter Chairperson (each a **Chairperson**) for each Chapter committee will be elected pursuant to the following procedure:

- (i) Prior to the first Chapter committee meeting after the Annual General Meeting in which the Chapter committee members are elected (**First Meeting**), REINSW will invite nominations from members eligible for election as a Chairperson. REINSW may do this by post, email or in such other manner as it determines.
- (ii) A person is eligible for election as a Chairperson if:
 - A. they have served at least one (1) President's Term on the Chapter committee immediately prior to their nomination;
 - B. they have paid their Membership Subscription and Levy (if applicable); and
 - C. with respect to the position of Chapter Chairperson and subject to section 5(a)(xi) of this By-Law, they do not hold office as the current Chapter Chairperson.
- (iii) An eligible person may only nominate for election as either the Chapter Chairperson or Deputy Chapter Chairperson of the Chapter committee, but not both.
- (iv) A nomination for Chairperson must:
 - A. be in a form approved by REINSW;
 - B. be proposed by a Chapter committee member (including the candidate), provided that Chapter committee member has paid their Membership Subscription and Levy (if applicable);
 - C. have the consent of the candidate; and
 - D. be received by REINSW prior to the First Meeting or, if received at the First Meeting, at any time before the election is held.
- (v) A nomination received after the time specified in section 5(a)(iv)D of this By-Law is invalid.
- (vi) A nomination may be withdrawn at any time prior to, or during, the First Meeting.

- (vii) If REINSW finds a nomination is defective, the proposer or candidate must be given the opportunity of remedying the defect on conditions determined by REINSW, and if not remedied in accordance with those conditions, the nomination is invalid.
- (viii) Where there is only one (1) nomination received for the position of Chapter Chairperson, the person nominated must be declared elected at the First Meeting.
- (ix) A person cannot continue to act as a Chapter Chairperson for a further consecutive term except where there are no nominees for the position of Chapter Chairperson for that further consecutive term, and with approval by the Board.
- (x) Where there is only one (1) nomination received for the position of Deputy Chapter Chairperson, the person nominated must be declared elected at the First Meeting.
- (xi) Where no nominations are received for the position of Chairperson, the Board may appoint a person to that position, in its sole discretion and with the consent of that person, for the President's Term.
- (xii) Where there are more than the required number of nominations for a position, an election by secret ballot (whether paper or electronic) must be held at the First Meeting.
- (xiii) The Chapter committee members may vote for persons to be elected as Chairpersons.
- (xiv) If a secret ballot is required at the First Meeting, the Chapter committee members may, at the sole discretion of REINSW, vote either on paper or electronically (including, without limitation, by way of email or SMS) on their preferred candidate to fill the role of Chairperson. If the vote is electronic, REINSW will provide the Chapter committee members with details of where to send their vote.
- (xv) Non-receipt of a vote by a Chapter committee member, or the non-return of a ballot paper or return of a ballot paper improperly completed does not invalidate the ballot.
- (xvi) Any doubt as to the ballot process must be resolved in the absolute discretion of REINSW, whose determination is final and conclusive.
- (xvii) The ballot must be counted or, if electronic, the results first viewed by REINSW and the candidate who receives the greatest number of votes must be elected as Chairperson.
- (xviii) The successful candidate must be declared elected at the First Meeting.
- (xix) If there is a tie for a position, REINSW must, at the First Meeting, draw by lot which of the tied candidates must fill the relevant position.

- (xx) The identity of who each Chapter committee member voted for in the ballot must not be disclosed by REINSW.
- (xxi) Ballot papers or, if electronic, records of electronic voting may be retained by REINSW for thirty (30) days after the First Meeting and then destroyed and, if electronic, permanently deleted.

(b) Vacancy to be filled

Where there is a vacancy in the office of a Chairperson, a Chapter committee member must be elected (in accordance with the election process set out in section 5(a) of this By-Law) and, if there are no nominees to elect, then as appointed by the Board to fill that vacancy (pursuant to section 5(a)(xi) of this By-Law), except that:

- (i) all references to the "First Meeting" will be references to the Chapter Committee meeting held immediately after the date on which the relevant position became vacant; and
- (ii) the reference to "for the President's Term" in section 5(a)(xi) of this By-Law will be a reference to "for the remainder of the President's Term".