



CONSTITUTION

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CONSTITUTION OF THE INSTITUTE OF ESTATE AGENTS

1.0 NAME

1.1 This Society shall be known as the "Institute of Estate Agents, Singapore" herein referred to as "the Institute".

2.0 PLACE OF BUSINESS

2.1 The Institute's place of business shall be at 480 Lorong 6 Toa Payoh, #07-02, HDB Hub East Wing, Singapore 310480 or such other address as may subsequently be decided by the Council and approved by the Registrar of Societies. The Institute shall carry out its activities only in places and premises which have the prior written approval from the relevant authorities, where necessary.

3.0 OBJECTS

3.1 The objects of the Institute are inter alia:-

(a) to promote and advance the status and interest of Members including but not limited to accreditation, business, conduct, conference, discipline, education, examination, ethics, fairness, grant, research, exchange, standard of Members

and (b) to maintain and protect the interest of the public in the engagement of Members including but not limited to conduct, ethics, fairness, standard, professionalism, education, discipline of Members.

4.0 MEMBERSHIP

4.1 The categories of membership of the Institute shall consist of:-

- (a) Fellow
- (b) Accredited Ordinary Member
- (c) Ordinary Member
- (d) Associate Member
- (e) Affiliate Member
- (f) Student Member

4.2 Membership of the Institute shall not be restricted by reason of citizenship, nationality, race, sex, religion or creed.

5.0 FELLOW

5.1 The Council may admit into membership and elect as Fellow:-

- (a) the fifteen (15) founding members who are signatories to the Constitution and Bye-Laws

- and (b) Members of the Councils of the Amalgamating Bodies as at 12:00 noon the 9th day of March 1998 as decided by the respective Council.
- 5.2 The Council may also admit into membership and elect as Fellow any person who as at the 1st day of January of the year of application:-
- (a) is thirty-five (35) years of age or more
- and (b) has at least eight (8) continuous years local professional experience either as a principal or in a senior position of responsibility in licensed real estate agencies or in a position of equivalent standing
- and (c) has been a Voting Member of the Institute (or any of the Amalgamating Bodies) for a minimum period of three (3) years
- and (d) (i) EITHER has held office in the Council (or any of the Amalgamating Bodies) for a minimum of four (4) years with at least eighty per centum (80%) attendance and to the satisfaction of the Council
- or (ii) in the view of the Council be of eminence in the profession.
- 5.3 The Amalgamating Bodies shall with the written consent of a Member who meets the above admission criteria of a Fellow, apply on behalf of a Member for admission to the Institute by submitting his/her particulars to the Honorary Secretary on a prescribed form. The Council shall then decide on the application for membership.
- 5.4 Every Fellow shall be eligible for election or appointment to any office of the Institute and shall be entitled to all rights and privileges including voting rights at all General Meetings.

6.0 **ACCREDITED ORDINARY MEMBER**

- 6.1 The Council may admit into membership and elect as Accredited Ordinary Member any person who as at the 1st day of January of the year of application:-
- (a) is twenty-one (21) years of age or more
- and (b) has passed the Common Examination for House Agents (CEHA) or is in possession of an equivalent or relevant higher qualification
- and (c) has at least three (3) years of post qualification local professional experience in a senior position of responsibility in licensed real estate agencies or position of equivalent standing
- and (d) has satisfied the Council that he is worthy of election as an Accredited Ordinary Member.
- 6.2 The Amalgamating Bodies shall with the written consent of a Member who meets the above admission criteria of an Accredited Ordinary Member, apply on behalf of a Member for admission to the Institute by submitting his particulars to the Honorary Secretary on a prescribed form. The Council shall then decide 'on the application for membership.
- 6.3 The Council may admit into membership and elect as Accredited Ordinary Member any person who as at the 1st day of January of the year of application is in possession of a degree in B. Sc (Estate Management) or equivalent

relevant qualification from a recognised university with two (2) years of post qualification local professional experience in licensed real estate agencies or equivalent experience.

- 6.4 Every Accredited Ordinary Member shall be eligible for election or appointment to any office of the Institute and shall be entitled to all rights and privileges including voting rights at all General Meetings.

7.0 **ORDINARY MEMBER**

- 7.1 The Council may admit into membership and elect as Ordinary Member any person who as at the 1st day of January of the year of application:-

- (a) is twenty-one (21) years of age or more
- and (b) has passed the Common Examination for House Agents or is in possession of an equivalent or relevant higher qualification
- and (c) has at least two (2) years of local professional experience in licensed real estate agencies or equivalent experience
- and (d) has satisfied the Council that he is worthy of election as an Ordinary Member.

- 7.2 The Amalgamating Bodies shall with the written consent of a Member who meets the above admission criteria of an Ordinary Member apply on behalf of a Member for admission to the Institute by submitting his particulars to the Honorary Secretary on a prescribed form. The Council shall then decide on the application for membership.

- 7.3 The Council may in its absolute discretion also admit into membership and elect as Ordinary Member any person who as at 1st day of January of the year of application:-

- (a) is twenty-one (21) years of age or more
- and (b) has an educational qualification which is recognised/accepted by the licensing authority of Singapore as one of the pre-requisites for the issuance of a House Agent's Licence or possesses the National Skills Recognition System (NSRS) certification or other equivalent or relevant higher qualification as may be determined by the Council
- and (c) is practising as an estate agent
- and (d) has satisfied the Council that he is worthy of election as an Ordinary Member.

- 7.4 Every Ordinary Member shall be eligible for election or appointment to any office except the office of President, First Vice-President, Second Vice-President, Honorary Secretary, Asst Honorary Secretary, Honorary Treasurer, Asst Honorary Treasurer, Auditors, members of the Mediation Board and members of Disciplinary Board of the Institute and shall be entitled to all rights and privileges including voting rights at all General Meetings.

8.0 **ASSOCIATE MEMBER**

- 8.1 The Council may admit into membership and elect as Associate Member any person who as at the 1st day of January of the year of application:-
- (a) is twenty-one (21) years of age or more
- and (b) has an educational qualification acceptable for taking the Common Examination for House Agents
- and (c) has registered for a course conducted by the Institute or such other professional institute(s) as may be approved by the Council from time to time preparing candidates for the Common Examination for House Agents
- and (d) is practising as an estate agent under the supervision of either an Ordinary Member, Accredited Ordinary Member or Fellow of the Institute
- (e) has his application sponsored by his supervisor in his practice as an estate agent
- and (f) has satisfied the Council that he is worthy of election as an Associate Member
- 8.2 Every Associate Member shall have the privilege of being present and to participate in all General Meetings of the Institute but he shall not be entitled to vote at all General Meetings nor be eligible for election or appointment to any office of the Institute.
- 8.3 An Associate Member shall be required to upgrade and attain to the position of an Ordinary Member within a period of two (2) years from the date of admission as an Associate Member, subject to such further extension of time as may be determined by the Council in its sole discretion.
- 8.4 If an Associate Member fails to upgrade himself to at least the category of Ordinary Member within two (2) calendar years from the date of admission as an Associate Member he shall be deemed to have resigned himself as an Associate Member of the Institute and henceforth shall not be eligible for admission as an Associate Member of the Institute.
- 8.5 Provided that the Council may in its absolute discretion extend the period of two (2) calendar years to any further period as it deems fit upon the application by an Associate Member with written evidence on the reasons and circumstances beyond the applicant's control that have led to his inability to upgrade himself to at least the category of Ordinary Member.

9.0 **AFFILIATE MEMBER**

- 9.1 The Council may admit into membership and elect as Affiliate Member any person who as at the 1st day of January of the year of application:-
- (a) is twenty-one (21) years of age or more
- and (b) (i) is in possession of a real estate licence in any country other than Singapore
- or (ii) is a principal licensee of a real estate licence in any country other than Singapore
- or (iii) is in a profession or business that is related to estate agency

- or (iv) is a non-practising estate agent in possession of a House Agent's Licence in Singapore
- or (v) is a non-practising estate agent who is eligible to obtain a House Agent's Licence in Singapore
- and (c) has satisfied the Council that he is worthy of election as an Affiliate Member.

9.2 The Amalgamating Bodies shall with the written consent of a Member who meets the above admission criteria of an Affiliate Member, apply on behalf of a Member for admission to the Institute by submitting his particulars to the Honorary Secretary on a prescribed form. The Council shall then decide on the application for membership.

9.3 Every Affiliate Member shall have the privilege of being present and to participate in all General Meetings of the Institute but he shall not be entitled to vote at all General Meetings nor eligible for election or appointment to any office of the Institute.

10.0 **STUDENT MEMBER**

10.1 The Council may admit into membership and elect as Student Member any person who as at the 1st day of January of the year of application who:-

- (a) is seventeen (17) years of age or more
- and (b) has been accepted for, is engaged in or has completed such course of study as may subsequently be accepted to the category of Ordinary Member in the Institute
- and (c) is undergoing suitable practical training or instruction under the supervision of an Ordinary Member or Accredited Ordinary Member or Fellow of the Institute as may be approved by the Council
- and (d) has his application sponsored by his lecturer in the tertiary institution he is studying in or his supervisor in his practice as an estate agent
- and (e) has satisfied the Council that he is worthy of admission as a Student Member.

10.2 The Amalgamating Bodies shall with the written consent of a Member who meets the above admission criteria of a Student Member, apply on behalf of a Member for admission to the Institute by submitting his particulars to the Honorary Secretary on a prescribed form. The Council shall then decide on the application for membership.

10.3 The maximum period which a person may remain as a Student Member is limited to two (2) calendar years from the date of admission as a Student Member after which the Student Member must upgrade himself to at least the category of Ordinary Member by fulfilling the conditions for the election of Ordinary Member.

10.4 If a Student Member fails to upgrade himself to at least the category of Ordinary Member within two (2) calendar years from the date of admission as a Student Member he is deemed to have resigned himself as a Student Member of the

Institute and henceforth shall not be eligible for admission as a Student Member or Associate Member of the Institute.

10.5 Provided that the Council may in its absolute discretion extend the period of two (2) calendar years to any further period as it deems fit upon the application by a Student Member with written evidence on the reasons and circumstances beyond the applicant's control that have led to his inability to upgrade himself to at least the category of Ordinary Member.

10.6 Every Student Member shall have the privilege of being present at all General Meetings of the Institute but he shall not be entitled to participate nor vote at all General Meetings nor be eligible for election or appointment to any office of the Institute.

11.0 **ADVISORS**

11.1 The Institute shall appoint qualified persons to serve as Advisors to the Institute. Advisors shall have no rights to vote and hold office in the Institute.

12.0 **AWARD OF HONOUR**

12.1 The Institute may confer the following Awards of Honour:-

(a) Distinguished Fellow

(b) Honorary Fellow

13.0 **DISTINGUISHED FELLOW**

13.1 The Institute may confer upon any Fellow the Award of Distinguished Fellow who:-

(a) has rendered pre-eminent service to the Institute or the profession over a continuous period of not less than fifteen (15) years

and (b) is recommended by an unanimous vote of the Council

and (c) the General Meeting considers fit and suitable by a vote of at least seventy-five per centum (75%) of the Voting Members present in person (excluding proxy) at the General Meeting.

13.2 The Institute may revoke the Award of Distinguished Fellow conferred on any Fellow who:-

(a) after the award brings disrepute to the Institute or the profession

and (b) is recommended by an unanimous vote of the Council

and (c) the General Meeting considers fit and suitable by a vote of at least seventy-five per centum (75%) of the Voting Members present in person (excluding proxy) at the General Meeting.

13.3 Every Distinguished Fellow shall be eligible for election or appointment to any office of the Institute and shall be entitled to all rights and privileges including voting rights at all General Meetings without payment during his lifetime of any entrance fee, annual subscription fee, contributions or dues.

14.0 **HONORARY FELLOW**

- 14.1 The Council may confer the Award of Honorary Fellow on any person who:-
- (a) is distinguished, eminent and adds prestige to or advances the interest of the Institute or the profession
- and (b) is agreed by an unanimous vote of the Council.
- 14.2 The Award of Honorary Fellow can be conferred upon any person who may or may not be a Fellow, Accredited Ordinary Member, Ordinary Member, Associate Member or Affiliate Member of the Institute.
- 14.3 The Council may revoke the award of Honorary Fellow conferred on any person who:-
- (a) after the award brings disrepute to the Institute or the profession
- and (b) is agreed to by an unanimous vote of the Council.
- 14.4 Every Honorary Fellow shall have the privileges of being present and to participate in all General Meetings but not Extra-Ordinary General Meetings and shall not be eligible for election or appointment to any office of the Institute and shall not have voting rights and he does not have to make payment during his lifetime of any entrance fee, annual subscription fee, contributions or dues.

15.0 **ADMISSION OF MEMBERS OF THE AMALGAMATING BODIES**

- 15.1 For a period of thirty (30) days from the date of registration of the Institute, the Council shall consider applications made on behalf and with the written consent of a Member, who is not in arrears of his subscription to any of the Amalgamating Bodies as at the 28th day of March 1998.
- 15.2 The Council shall then decide on the application on individual merit and has the right to waive any of the requirements to be a Member in any category of membership and to impose such terms and conditions as the Council deems fit.

16.0 **DESIGNATION**

- 16.1 The designation of Member shall be as follows :-
- (a) Every Distinguished Fellow shall be entitled to use the initial: DFIEA;
 - (b) Every Honorary Fellow shall be entitled to use the initial: HFIEA;
 - (c) Every Fellow shall be entitled to use the initial: FIEA;
 - (d) Every Accredited Ordinary Member shall be entitled to use the initial: AMIEA;
 - (e) Every Ordinary Member shall be entitled to use the initial: MIEA;
 - (f) Every Associate Member shall be entitled to use the initial: AssociateIEA;
 - (g) Every Affiliate Member shall be entitled to use the initial: AffiliateIEA;
- and (h) Every Student Member shall be entitled to use the initial: StudentIEA.

17.0 **APPLICATION FOR MEMBERSHIP**

- 17.1 A person wishing to join the Institute should submit his particulars to the Honorary Secretary on a prescribed form.
- 17.2 The Amalgamating Bodies shall with the written consent of a Member who meets the membership criteria of the Institute, apply on behalf of a Member for admission to the Institute by submitting his particulars to the Honorary Secretary on a prescribed form.
- 17.3 The Council shall decide on all applications for membership.
- 17.4 The Council may from time to time establish Board(s) of Examiners or Panel(s) of Interviewers for the purpose of examining applicants to establish their levels of knowledge, skill, competency and experience in relation to inter-alia admission and/or upgrading to a higher category of membership in addition to the criteria for admission into the various categories of membership and/or for the purposes of accreditation.
- 17.5 A copy of the Constitution shall be furnished to every approved member upon payment of the entrance fee, if applicable.

18.0 **ENTRANCE FEE, ANNUAL SUBSCRIPTION FEE AND OTHER CONTRIBUTIONS AND DUES**

- 18.1 Every Fellow and Member in all categories of membership except Distinguished Fellow and Honorary Fellow shall pay :-
- (a) an entrance fee at the time of election appropriate to the particular category of membership within four (4) weeks from the date of election but shall not be required to pay another entrance fee upon upgrading to any higher category of membership
- and (b) an annual subscription fee on the 1st day of January of each calendar year
- and (c) contributions and dues as may be levied by the Council from time to time within four (4) weeks from the date of levy of such contributions and dues.

19.0 **ENTRANCE FEE**

- 19.1 Members of the Amalgamating Bodies who as at the 28th day of March 1998 were not in arrears of any entrance fee, annual subscription fee or other contributions and dues to any of the Amalgamating Bodies who shall apply to become Fellow, Accredited Ordinary Member, Ordinary Member, Associate Member, Affiliate Member or Student Member of the Institute do not have to pay the entrance fee.
- 19.2 All candidates elected into membership of the Institute must pay an entrance fee as follows:-

<u>Category of Membership</u>	<u>Amount of Entrance Fee</u>
Fellow Member	\$200/-
Accredited Ordinary Member	\$150/-
Ordinary Member	\$100/-
Associate Member	\$ 70/-
Affiliate Member	\$150/-
Student Member	\$ 50/-

- 19.3 All entrance fees paid shall not be refunded in any circumstances including where a Member ceased to be a Member.
- 19.4 The amount of entrance fee for each category of membership shall be subject to change as shall be determined by the Council from time to time and approved with or without amendment by a resolution of a General Meeting convened for that purpose.
- 19.5 Any person who is conferred an Award of Honour by the Institute shall not be required to pay an entrance fee.
- 19.6 Advisors shall not be required to pay any entrance fee.

20.0 **ANNUAL SUBSCRIPTION FEE**

- 20.1 All Members shall pay the annual subscription fee for the renewal of the membership.
- 20.2 The annual subscription fee is payable annually in advance on or before the 1st day of January in each calendar year.
- 20.3 If any Member fails to pay the annual subscription fee by the 8th day of January in each calendar year he is deemed to be in arrears with his annual subscription fee and shall be notified by the Honorary Treasurer immediately.
- 20.4 If any Member fails to pay the arrears by the 31st day of January in each calendar year he shall be automatically be suspended. The President may order that his name be posted in a List of Suspended Members on the Institute's notice board and he shall be denied the privileges of the Institute until he settles his arrears. He shall be notified by the Honorary Secretary of the suspension immediately.
- 20.5 If any Member fails to pay the arrears by the 31st day of March in each calendar year he shall be automatically terminated as a Member of the Institute and shall be notified by the Honorary Secretary of such termination immediately.
- 20.6 Upon such termination, the Honorary Secretary shall request the return of the Diploma of Membership issued to the member. The Council may also take legal action against him for any indebtedness provided that it is satisfied that he has received due notice of his debts.
- 20.7 Any Member who had been terminated under the above provisions in this Article may apply in writing for reinstatement to his former category of membership.
- 20.8 The Council shall have the power to reinstate such Member in his former category of membership subject to:-

- (a) payment of arrears and such annual subscription fee during the period of expulsion
- and (b) payment of an administrative fee for the reinstatement equivalent to not less than twenty per centum (20%) of the amount in (a) above
- and (c) such other terms and conditions that the Council may impose.

20.9 Any Member who had been terminated under this Article shall not be allowed to apply for any other category of membership.

20.10 Any Member who had been terminated under this Article who was an Associate Member or a Student Member and who fails to apply for reinstatement under the provisions of this Article within two (2) calendar years from the date of admission as an Associate Member or a Student Member, shall not be allowed to apply for reinstatement to his former category of membership. Provided that the Council may in its absolute discretion extend the period of two (2) calendar years to any further period as it deems fit upon the application by an Associate Member or Student Member with written evidence on the reasons and circumstances beyond the applicant's control that have led to his inability to apply for reinstatement.

20.11 The Council shall not have the power to reinstate terminated Associate Member and Student Member who failed to apply for reinstatement within two (2) calendar years from the date of admission as an Associate Member or Student Member subject to the proviso as stated in Article 20.10 above.

20.12 The annual subscription fee shall be as follows:-

<u>Category of Membership</u>	<u>Annual Subscription Fee</u>
Fellow Member	\$200/-
Accredited Ordinary Member	\$150/-
Ordinary Member	\$100/-
Associate Member	\$ 70/-
Affiliate Member	\$ 70/-
Student Member	\$ 50/-

20.13 Advisors shall not be required to pay any annual subscription.

20.14 The annual subscription fee payable by a Member in the calendar year of election shall be pro-rated on the basis of a quarter (1/4) of a calendar year and rounded up to the next higher quarter (1/4) of a calendar year.

20.15 All annual subscription fee paid shall not be refunded in any circumstances including when a Member ceased to be a Member.

20.16 The amount of annual subscription fee for each category of membership shall be subject to change as may be proposed by the Council from time to time and approved with or without amendment by a resolution of a General Meeting of the Institute convened for that purpose.

20.17 Any person who is conferred an Award of Honour by the Institute shall not be required to pay annual subscription fee.

20.18 A member who is upgraded to a higher category of membership shall pay the higher subscription fee commensurate therewith with effect from the next quarter of the calendar year following the date of his upgrading.

21.0 **OTHER CONTRIBUTIONS AND DUES**

- 21.1 Any additional fund required for special purposes may only be raised from Members with the consent of the General Meeting of Members.
- 21.2 The amount of entrance fee, annual subscription fee, other contributions and dues and any additional fund required for special purposes shall be such as proposed by the Council and approved with or without amendment by a simple majority at a General Meeting of Voting Members of the Institute present in persons or by proxy.

22.0 **CESSATION OF MEMBERSHIP**

- 22.1 The procedure for the cessation of membership including the revocation of any award conferred shall be in accordance with the Bye-Laws of the Institute.

23.0 **SUPREME AUTHORITY AND GENERAL MEETINGS**

- 23.1 The supreme authority of the Institute is vested in a General Meeting of the Members presided over by the President.
- 23.2 An Annual General Meeting shall be held in April.
- 23.3 At other times, an Extraordinary General Meeting must be called by the President on the request in writing of not less than thirty (30) Fellows and Accredited Ordinary Members of which not less than ten (10) must be Fellows and may be called at anytime by order of the Council. The notice in writing shall be given to the Honorary Secretary setting forth the business that is to be transacted. The Extraordinary General Meeting shall be convened within 2 months from receiving this request to convene the Extraordinary General Meeting.
- 23.4 If the Council does not within 2 months after the date of the receipt to the written request proceed to convene an Extraordinary General Meeting, the Members who requested for the Extraordinary General Meeting shall convene the Extraordinary General Meeting by giving 14 days' written notice to all voting members setting forth the business to be transacted and simultaneously posting the agenda of the Institute's notice board.
- 23.5 At least 2 weeks' (14 days) notice shall be given of an Annual General Meeting and at least 14 days' notice of an Extraordinary General Meeting. Notice of meeting stating the date, time and place of meeting shall be sent by the Honorary Secretary to all Voting Members. The particulars of the agenda shall be posted on the Institute's notice board 4 days in advance of the meeting.
- 23.6 Unless otherwise stated in this Constitution, voting by proxy shall be allowed at all General Meetings. A Voting Member shall only appoint another Voting Member as his proxy. The proxy shall be valid for use at one meeting or any adjournment thereof. The instrument appointing a proxy shall be in such a form as may be prescribed by the Council. The original instrument appointing a proxy must be deposited at the office of the Institute not less than forty-eight hours before the meeting at which it is intended to be used. On a show of hands, every Voting Member present in proxy shall have one vote. On a ballot every Voting Member present in person or by proxy shall have one vote. In the event of a tie, the Chairman of the General Meeting shall have a second or casting vote whether a resolution is to be decided by a simple or stipulated majority.

- 23.7 The following points will be considered at the Annual General Meeting:-
- (a) The previous financial year's accounts and annual report of the Council
 - (b) Where applicable, the election of office-bearers and appointment of external Auditors for the following term.
- 23.8 Any Member who wishes to place an item on the agenda of a General Meeting may do so provided he gives notice to the Honorary Secretary at least seven (7) days before the meeting is due to be held.
- 23.9 At least twenty-five per centum (25%) of the total voting membership or fifty (50) Voting Members, whichever is the lesser, present at a General Meeting shall form a quorum. Proxies shall not be constituted as part of the quorum.
- 23.10 In the event of there being no quorum at the commencement of a General Meeting, the meeting shall be adjourned for half (1/2) an hour and should the number then present be insufficient to form a quorum, those present shall be considered a quorum, but they shall have no power to amend any of the existing Articles.
- 23.11 The Council, when it considers expedient shall propose the enactment of any Bye-Law(s) or the alteration or repeal of existing Bye-Law(s) shall summon a Special General Meeting to decide thereon such Bye-Laws shall not be inconsistent with the Constitution of the Institute.
- 23.12 The Council shall also convene a Special General Meeting on a written requisition by not less than thirty (30) Fellows and Accredited Ordinary Members of which not less than ten (10) must be Fellows. The requisition shall specify the Bye-Law(s) or the alteration of any proposed Bye-Law(s) proposed by the requisitionists. The Special General Meeting shall be convened within 2 months from receiving the request to convene the Special General Meeting.
- 23.13 All Voting Members shall have not less than fourteen (14) days' written notice of the time appointed by the Council for a Special General Meeting summoned to decide on the enactment of any new Bye-Law(s) or the alteration or repeal of any existing Bye-Law(s). The notice shall state the general tenor and objects of the proposed new Bye-Law(s) or the proposed alteration of any existing Bye-Law(s) and the business of the meeting shall be limited thereto. All Voting Members shall have a right subject to the Constitution and Bye-Laws to attend and vote.
- 23.14 Fifty (50) Voting Members or twenty-five per centum (25%) of the total voting membership whichever is the lesser present in persons shall form a quorum for a Special General Meeting
- 23.15 The voting at such meeting shall be by ballot or by show of hands.
- 23.16 The motion at such meeting on any particular Bye-Law(s) shall be carried by a simple majority at a Special General Meeting of Voting Members of the Institute present in persons or by proxy.
- 23.17 No new Bye-Law(s) or the alteration of any existing Bye-Law(s) shall be proposed by Members at any such meeting of the Institute except in the manner described above.
- 23.18 No enactment, alteration or repeal of the Bye-Law(s) shall have effect except upon a resolution passed by the Institute in a Special General Meeting.

24.0 NOMINATION AND ELECTION OF MEMBERS OF THE COUNCIL, MEMBERS OF THE MEDIATION BOARD AND MEMBERS OF THE DISCIPLINARY BOARD

- 24.1 The administration shall be entrusted to a Council to be elected at each alternate Annual General Meeting
- 24.2 The Council shall comprise of the following:-
- (a) President
 - (b) Immediate Past President (Ex-Officio)
 - (c) First Vice-President
 - (d) Second Vice-President
 - (e) Honorary Secretary
 - (f) First Asst Honorary Secretary
 - (g) Second Asst Honorary Secretary
 - (h) Honorary Treasurer
 - (i) First Asst Honorary Treasurer
 - (j) Second Asst Honorary Treasurer
 - (k) Six (6) Ordinary Council Members
- 24.3 The Immediate Past President shall be an ex-officio of the Council but shall not have the right to vote nor constitute part of the quorum at Council Meetings.
- 24.4 All members of the Council, with the exception of the Honorary Treasurer, First Asst Honorary Treasurer and Second Asst Honorary Treasurer who shall not be eligible for re-election to the same or to a related post for a consecutive term of office shall be elected biennially at alternate Annual General Meeting in the manner hereinafter prescribed. The term of office of the Council is two (2) years except for the first Council elected after the registration of the Institute.
- 24.5 No Member shall be elected to the office of President for more than two (2) consecutive terms.
- 24.6 Only Voting Distinguished Fellow, Fellow and Accredited Ordinary Member are eligible for election as President, First Vice-President, Second Vice-President, Honorary Secretary, First Asst Honorary Secretary, Second Asst Honorary Secretary, Honorary Treasurer, First Asst Honorary Treasurer or Second Asst Honorary Treasurer and Ordinary Council Members of the Institute
- 24.7 Voting Ordinary Members are only eligible for election or appointment as Ordinary Council Members.
- 24.8 Any member of the Council duly elected at the Annual General Meeting who ceases to be a Voting Member of the Institute shall cease to be a member of the Council and a successor may be appointed by the Council to serve the remaining term until the next election.
- 24.9 Candidates for election to the Council shall be proposed and seconded at the Annual General Meeting.
- 24.10 The Council shall appoint one (1) Fellow and one (1) Accredited Ordinary Member to act as scrutineers. The persons appointed shall neither be members of the Council nor shall they be candidates for election at the General Meeting.
- 24.11 Each body corporate is only allowed to have two (2) nominations to stand for election as either:-

- (a) a member of the Council
 - or (b) a member of the Mediation Board
 - or (c) a member of the Disciplinary Board.
- 24.12 The scrutineers shall examine the nominations and when there is more than two (2) nomination from any body corporate the scrutineers shall issue ballot papers to all those Voting Members present excluding proxy holders and after the papers have been marked shall collect them and shall report the number of votes cast for each person to the Chairman who shall announce the result of the ballot.
- 24.13 The nomination with the highest number of votes cast in his favour is then allowed to stand for election as either:-
- (a) a member of the Council
 - or (b) a member of the Mediation Board
 - or (c) a member of the Disciplinary Board
- 24.14 Voting for members of the Council, members of the Mediation Board and members of the Disciplinary Board shall be en-bloc.
- 24.15 Where there are less than fifteen (15) nominations including a maximum of six (6) nominations from Ordinary Members for election as members of the Council the scrutineers shall advise the Chairman who shall forthwith declare the persons so nominated as elected. The Council shall then appoint suitably qualified Voting Member up to a maximum of five (5) Members to fill the vacancy.
- 24.16 Where there are only fifteen (15) nominations including a maximum of six (6) nominations from Ordinary Members for election as members of the Council the scrutineers shall advise the Chairman who shall forthwith declare the persons so nominated as elected.
- 24.17 Election shall be by a secret ballot of Voting Members.
- 24.18 Where there are more than fifteen (15) nominations including a minimum of nine (9) nominations from Fellow and Accredited Ordinary Member for election as members of the Council the scrutineers shall issue ballot papers to all those Voting Members present excluding proxy holders and after the papers have been marked shall collect them and shall report the number of votes cast for each person to the Chairman who shall announce the result of the ballot. In the event of tie, the Chairman of the meeting shall have a casting vote.
- 24.19 The fifteen (15) nominations with the highest number of votes cast in their favour are then declared duly elected by the Chairman as members of the Council provided that the number of nominations from Ordinary Members declared duly elected shall not exceed six (6).
- 24.20 The scrutineers shall issue ballot papers to the fifteen (15) duly elected Members of Council who shall amongst themselves elect:-
- (a) President
 - (b) First Vice-President
 - (c) Second Vice-President
 - (d) Honorary Secretary
 - (e) First Asst Honorary Secretary

- (f) Second Asst Honorary Secretary
- (g) Honorary Treasurer
- (h) First Asst Honorary Treasurer
- (i) Second Asst Honorary Treasurer
- (j) Six (6) Ordinary Council Members

- 24.21 There shall be a Mediation Board consisting of a Chairman and fourteen (14) other members all of whom shall be Voting Members and preferably have training in mediation and shall be elected at each alternate Annual General Meeting.
- 24.22 No member of the Mediation Board shall be a member of the Council.
- 24.23 All members of the Mediation Board shall be eligible for re-election for a consecutive term. The term of the Mediation Board shall be two (2) years except for the first Mediation Board duly elected after the registration of the Institute.
- 24.24 Where there are not more than fifteen (15) nominations for members of the Mediation Board, the scrutineers shall advise the Chairman at the meeting who shall forthwith declare the persons so nominated as elected. The Council shall then appoint suitably qualified Voting Member to fill the vacancy up to a maximum of seven (7) members.
- 24.25 Where there are fifteen (15) nominations for members of the Mediation Board, the scrutineers shall advise the Chairman who shall forthwith declare the persons so nominated as elected.
- 24.26 Where there are more than fifteen (15) nominations for members of the Mediation Board the scrutineers shall issue ballot papers to all those Voting Members present excluding proxy holders and after the papers have been marked shall collect them and shall report the number of votes cast for each person to the Chairman of the meeting who shall announce the result of the ballot.
- 24.27 The fifteen (15) nominations with the highest number of votes cast in their favour are then declared duly elected by the Chairman as Members of the Mediation Board.
- 24.28 The scrutineers shall issue ballot papers to the fifteen (15) elected members of the Mediation Board who shall amongst themselves, elect a Chairman.
- 24.29 There shall be a Disciplinary Board consisting of a Chairman and fourteen (14) other members elected at each alternate Annual General Meeting which shall investigate any complaint against any member of any category of membership and take the necessary and appropriate action arrived at. Any member aggrieved by the decision or actions of the Disciplinary Board shall reserve the right to appeal to the Appeals Board against such a decision or actions of the Disciplinary Board. The decision of the Appeals Board shall be final and binding against the parties concerned.
- 24.30 No member of the Disciplinary Board shall be a member of the Council.
- 24.31 The Advisors of the Institute may nominate up to one-third (1/3) of the members of the Disciplinary Board, who are Voting Members of the Institute, for election to the Disciplinary Board.
- 24.32 All members of the Disciplinary Board shall be eligible for re-election for a consecutive term. The term of the Disciplinary Board shall be two (2) years

except for the first Disciplinary Board duly elected after the registration of the Institute.

- 24.33 Where there are less than fifteen (15) nominations for members of the Disciplinary Board, the scrutineers shall advise the Chairman of the meeting who shall forthwith declare the persons so nominated as elected. The Council shall then appoint suitably qualified Voting Member to fill the vacancy up to a maximum of seven (7) members.
- 24.34 Where there are fifteen (15) nominations for members of the Disciplinary Board, the scrutineers shall advise the Chairman who shall forthwith declare the persons so nominated as elected.
- 24.35 Where there are more than fifteen (15) nominations for members of the Disciplinary Board, the scrutineers shall issue ballot papers to all those Voting Members present excluding proxy holders and after the papers have been marked collect them and shall report the number of votes cast for each person to the Chairman who shall announce the result of the ballot.
- 24.36 The fifteen (15) nominations with the highest number of votes cast in their favour are then declared duly elected by the Chairman as members of the Disciplinary Board.
- 24.37 The scrutineers shall issue ballot papers to the fifteen (15) elected members of the Disciplinary Board who shall amongst themselves elect a Chairman.
- 24.38 There shall be an ad-hoc Appeals Board appointed by the President which shall determine any appeal made to it by any member or party affected by the findings of the Disciplinary Board or the Disciplinary Committee constituted thereunder. The ad-hoc Appeals Board shall comprise of the following:-
- (a) (i) EITHER the President who then shall be the Chairman and three (3) other members of the Council
- or
- (ii) four (4) members of the Council, one (1) of whom shall be appointed by the President as the Chairman
- and
- (b) one (1) honorary legal advisor.
- 24.39 Every Voting Member is only entitled to give one (1) vote to one nomination; if more than one (1) vote is given by a Voting Member to one nomination it is deemed that the votes given by the Voting Member to the nomination are void and are to be disregarded.
- 24.40 In the event of any equality of votes amongst the nominations the election shall be determined as follows:-
- (a) between Fellow and Accredited Ordinary Member and/or Ordinary Member the Fellow is deemed elected
- and
- (b) between Accredited Ordinary Member and Ordinary Member the Accredited Ordinary Member is deemed elected
- and
- (c) between Fellow, Accredited Ordinary Member and Ordinary Member by the casting vote of the Chairman of the Meeting.

24.41 Casual vacancies of members of the Council, members of the Mediation Board and Disciplinary Board shall be appointed as follows:-

- (a) in case of the death, resignation, vacation or incapacity to act of any member of the Council, the Council may appoint suitably qualified Voting Member to fill the vacancy; and the member so appointed shall hold office until the next election of Council;
- (b) in case of the death, resignation or incapacity to act of any member of the Mediation Board and Disciplinary Board, the Council shall appoint suitably qualified Voting Member to fill the vacancy for the remainder of the term and report the same at the next Annual General Meeting.

24.42 Any act or proceedings of the Council shall not be invalidated by any vacancy in the Council provided the number of members of the Council is not reduced to less than nine (9) members.

25.0 **COUNCIL MEETING AND COMMITTEES**

25.1 **COUNCIL MEETING**

25.1.1 The Council shall meet as often as the business of the Institute may require but not less than once every three (3) months after giving seven (7) days' written notice to members of the Council.

25.1.2 The President may call a Council Meeting at any time by giving five (5) days' written notice.

25.1.3 At every Council Meeting not less than half (1/2) of the members of the Council must be present to constitute a quorum save as otherwise provided in the Constitution.

25.1.4 Any member of the Council absenting himself from three (3) meetings consecutively without satisfactory explanations shall be deemed to have withdrawn from the Council and a successor may be co-opted by the Council to serve until the next Annual General Meeting. Any change in the Council shall be notified to the Registrar of Societies within two weeks of the change.

25.1.5 The duty of the Council is to organise and supervise the daily activities of the Institute and to further the objects and advancement of the Institute and Members. The Council may not act contrary to the expressed wishes of the General Meeting without prior reference to it and shall always remain subordinate to the General Meeting.

25.1.6 The Council has the power to authorise the necessary expenditures of a sum not exceeding the approved budget from the Institute's funds for the Institute's purposes.

25.1.7 All matters shall be decided in the Council by a show of hands. When a ballot is demanded by any one (1) member present, the person presiding at the meeting shall direct how it shall be taken and may adjourn the meeting for the purpose.

- 25.1.8 To further the objects and advancement of the Institute and Members it may be necessary for the Council to communicate, liaise, have dialogue, meeting, attendance at conference, convention and the like with allied or related professionals and/or organisations in other countries. In this respect, the Council is empowered at its absolute discretion to subsidise up to one hundred per centum (100%) of the economy class air-fare and up to one hundred per centum (100%) of registration fee for up to ten (10) Voting Members per event to attend such overseas conference, meeting, convention and the like, such subsidies to be reimbursed after the event. Members attending such overseas conference, meeting, convention and the like shall pay their own hotel accommodation, meal, inland transportation and other incidental expenses. Preference for such subsidies shall be given to members of the Council, members of the Mediation Board and members of the Disciplinary Board.
- 25.1.9 Members who will attend such overseas conference, meeting, convention and the like on the Institute's subsidies shall submit a detailed satisfactory report and recommendation on the proceedings to the Council within fourteen (14) days upon his return from the overseas conference, meeting, convention and the like, failing which the Institute will not reimburse the Member the agreed subsidies.
- 25.1.10 Any application from Voting Members for such subsidies must be submitted to the Council at least ninety (90) days before the date of departure.
- 25.1.10 If approval is given by the Council to attend such overseas conference, meeting, convention and the like to further the objects and advancement of the Institute and Members, the Council shall disclose in detail, including Members' reports of such trips, the purpose and subsidies in the Annual Report at the following Annual General Meeting.

25.2 COMMITTEES

- 25.2.1 The Council may appoint Committees save for Disciplinary Committees and may delegate such authority to them, subject to the provisions of the Constitution and Bye-Laws and any decision of a General Meeting, it deems expedient.
- 25.2.2 Any Committee so appointed by the Council shall be chaired by a member of the Council and the members of the Committee who shall be co-opted from Voting Members shall not be members of the Council.
- 25.2.3 The Committees so appointed by the Council shall include inter alia:-
- (a) Dinner and Dance
 - (b) Conference
 - (c) Year Book
 - (d) Public Relations / Press Liaison
 - (e) International Affairs
 - (f) Career / Business Development
 - (g) Social Functions
 - (h) Public Education / Awareness
 - (i) Examination
 - (j) Newsletter
 - (k) Local Affairs

- (l) Common Examination for House Agents (CEHA) or other Course(s) for licensing of Estate Agent or House Agency
- (m) Continuing Professional Development
- (n) Library
- (o) Legislation

26.0 **DUTIES OF MEMBERS OF THE COUNCIL, MEMBERS OF THE MEDIATION BOARD, MEMBERS OF THE DISCIPLINARY BOARD AND SECRETARIAT STAFF**

- 26.1 The members of the Council shall be responsible for the organisation and supervision of daily activities and administrative matters and management and control of the affairs of the Institute. It shall not act contrary to any decision of a General Meeting and shall always remain subordinate to it.
- 26.2 The members of the Council shall also function as an Appeals Board subject to the provisions hereinafter provided.

27.0 **DUTIES OF MEMBERS OF THE COUNCIL**

27.1 The President shall inter alia:-

- (a) deliver an address at the Annual General Meeting of the Institute;
 - (b) take the chair by right at all General Meetings of the Institute and of the Council Meetings, and at the Appeals Board if the President is himself the Chairman of the Appeals Board at which he is present and shall regulate the proceedings;
 - (c) represent the Institute in its dealings with outside persons;
 - (d) have a casting vote on all matters as Chairman at General and Council Meetings;
 - (e) sign the minute books as and when they are duly approved;
- and (f) execute any document where the Institute's seal is required.

27.2 The Vice-Presidents shall assist the President and in the absence of the President, the First Vice-President shall preside in the President's place and in the absence of the First Vice-President, the Second Vice-President shall preside in the First Vice-President's place and in the absence of both Vice-Presidents, any other member who is a Fellow or Accredited Ordinary Member from amongst the remaining members of Council Members present shall be elected by the Council to preside except for the execution of any document where the Institute's seal is required.

27.3 The Honorary Secretary shall inter alia:-

- (a) keep all the Institute's records, except financial and shall be responsible for their correctness;
- (b) keep minutes of all Council and General Meetings;

- (c) maintain up-to-date Registers of Members at all times;
 - (d) be responsible for safe-keeping and proper care of all the Institute's documents, records and properties;
 - (e) serve the appropriate notices for Council Meetings and General Meetings;
- and (f) execute any document where the Institute's seal is required.
- 27.4 The Asst Honorary Secretaries shall assist the Honorary Secretary in the discharge of the latter's duties and only one shall be appointed by the Council to deputise him in his absence except for the execution of any document where the Institute's seal is required.
- 27.5 The Honorary Treasurer shall inter alia:-
- (a) keep the financial records of the Institute and be responsible for their correctness;
 - (b) demand and receive all monies due to the Institute and deposit those received in the name of the Institute in a bank(s)/financial institution(s) approved by the Council;
 - (c) have power to retain in his hand for current expenses of the Institute a sum of money not exceeding one thousand dollars (\$1,000/-);
 - (d) disburse monies on behalf of the Institute and all such payments exceeding the sum of two hundred dollars (\$200/-) shall be made by cheques drawn in the name of the payees;
 - (e) prepare and circulate to all members of the Council a financial statement of the Institute at the end of the preceding month before the Council Meeting;
- and (f) be responsible for the preparation of the Annual Accounts.
- 27.6 No receipt issued on behalf of the Institute shall bind the Institute unless it bears the signature of the Honorary Treasurer or the Asst Honorary Treasurer.
- 27.7 All cheques drawn on behalf of the Institute shall be signed by the Honorary Treasurer or one of the Asst Honorary Treasurers and the President or one of the Vice-Presidents.
- 27.8 The Asst Honorary Treasurers shall assist the Honorary Treasurer in the discharge of the latter's duties and deputise him in his absence.
- 27.9 All Ordinary Members of the Council shall assist the Council in the general administration of the Institute and perform any duty assigned by the Council which are pertinent to further the interests of Members and to achieve the Institute's objectives.

28.0 **DISPUTE RESOLUTION CENTRE**

- 28.1 The Institute's Dispute Resolution Centre shall comprise the Mediation Board, the Disciplinary Board and the Appeals Board and the due processes conducted under their respective purviews and jurisdictions.
- 28.2 All applications to mediate any disputes and all written complaints as provided hereinafter following, pertaining to any breach of the provisions of the Constitution, Bye-Laws and Code of Conduct and Ethics shall at the first instance be referred by the President to the Chairman of the Mediation Board for mediation.
- 28.3 Parties to mediation who have come to an agreement to resolve their disputes or complaints shall enter into a written agreement setting out in full the terms of their agreement which shall be binding upon them and enforceable at a Court of Law.
- 28.4 Where any dispute is not successfully mediated the parties are at liberty to bring the matter to a Court of Law for settlement. Where any complaint is not successfully mediated, the President may refer such complaint to the Chairman of the Disciplinary Board for adjudication, subject at all times to the power of the President to refer any complaint to the Chairman of the Disciplinary Board for adjudication without first referring the complaint to the Mediation Board, where it appears appropriate to do so.

29.0 **MEDIATION BOARD**

- 29.1 There shall be a Mediation Board elected at each alternative Annual General Meeting who shall mediate differences, dispute, disagreements and the like ("disputes") between and amongst member(s), and member(s) and the public or client(s) of member(s).
- 29.2 All applications to mediate any disputes, between member(s) or between member(s) and the public or client(s) of the member(s), and all written complaints against member(s) by member(s) or by the public or client(s) pertaining to any breach of the provisions of the Constitution, Bye-Laws and Code of Conduct and Ethics shall at the first instance be referred by the President to the Chairman of the Mediation Board within fourteen (14) days of receipt of the application or written complaints, as the case may be, subject to Article 30.1 below.
- 29.3 The Chairman of the Mediation Board shall study the matter and either himself in person or appoint a member of the Mediation Board to mediate the matter within fourteen (14) days upon receipt of the written complaint from the President.
- 29.4 The member(s) of the Mediation Board so appointed shall try to resolve the dispute or complaint.
- 29.5 No member of the Mediation Board shall mediate in a dispute or complaint if he has an interest, direct or indirect, in the dispute or complaint or outcome of the dispute or complaint.
- 29.6 If the member(s) of the Mediation Board so appointed shall be unable to resolve the dispute or complaint he/they shall submit a written report to the Chairman of

the Mediation Board within fourteen (14) days who shall try to resolve the dispute or complaint himself.

- 29.7 The Chairman of the Mediation Board shall submit a written report on any dispute or complaint handled whether resolved or otherwise within fourteen (14) days on the close of the dispute or complaint to the President who shall table the report for Council's attention.
- 29.8 In the event that members of the Mediation Board are unable to resolve the dispute or complaint, the parties to the matter may bring the matter to a Court of Law for settlement.
- 29.9 At the date of the following Annual General Meeting if the member(s) of the Mediation Board is/are in the process of mediation he/they is/are empowered to continue the mediation notwithstanding that a new Mediation Board is elected for the following term.
- 29.10 The President may refer any complaint which is not successfully mediated to the Disciplinary Board for adjudication.

30.0 **DISCIPLINARY BOARD**

- 30.1 Notwithstanding the provisions in Article 29.2, the President may, if it appears appropriate to do so, refer a written complaint directly to the Disciplinary Board, instead of the Mediation Board.
- 30.2 There shall be a Disciplinary Board elected at each alternate Annual General Meeting who shall investigate any complaint against any Member of any category of membership referred to it by the President, subject to the right of the President in Article 30.1, and it shall take the necessary and appropriate action. Any member aggrieved by the decision or actions of the Board shall have the right to appeal to the Appeals Board.
- 30.3 Subject to Article 30.1, any written complaint by Member(s) against Member(s) or by client(s) against Member(s) or by public against Member(s) on breach of any of the provisions of the Constitution, Bye-Laws and/or the Code of Conduct and Ethics which have not been resolved by the Mediation Board shall be referred by the President to the Chairman of the Disciplinary Board within fourteen (14) days of the conclusion of the unsuccessful mediation.
- 30.4 The Council shall refer to the Chairman of the Disciplinary Board any Member who:-
- (a) in the Council's opinion has been guilty of disgraceful conduct;
 - (b) in the Council's opinion has been guilty of bringing disrepute to the profession and/or the Institute;
 - (c) has violated any of the provisions of the Constitution, Bye-Law and/or Code of Conduct and Ethics;
 - (d) is adjudicated a bankrupt;
 - (e) uses any designation or initials to which he is not entitled to;
 - (f) uses or permits to be used in conjunction with the title of a body corporate, designations or initials or description indicating membership of the Institute;

- and (g) is convicted of embezzlement, larceny, fraud or other criminal offence involving moral turpitude.
- 30.5 The Chairman of the Disciplinary Board shall within fourteen (14) days upon receipt of the written complaint from the President form a Disciplinary Committee comprising of three (3) members of the Disciplinary Board to study and investigate into the complaint.
- 30.6 Any member of the Disciplinary Committee, who has an interest, direct or indirect, in the matter or outcome of the matter complained of shall declare in writing his interest and discharge himself from serving in the Disciplinary Committee.
- 30.7 Unless the members of the Disciplinary Committee include the Chairman of the Disciplinary Board who shall be the Chairman of the Disciplinary Committee, the members shall amongst themselves elect a Chairman and a Secretary for the Disciplinary Committee.
- 30.8 If the Chairman of the Disciplinary Board is a member of the Disciplinary Committee he shall appoint one of the other members as a Secretary for the Disciplinary Committee.
- 30.9 The proceedings of the Disciplinary Committee shall be:-
- (a) conducted in an informal manner;
 - (b) held in private; and
 - (c) without the presentation by an advocate or solicitor or any other person, paid or otherwise.
- 30.10 The Disciplinary Committee may of its own motion or at the request of any party, request the presence of any witness and/or require the production of any document, record, book of account or other materials which it deems relevant to the case.
- 30.11 The Disciplinary Committee shall in the first instance meet not later than fourteen (14) days after its formation to determine whether the member has prima facie breached any of the provisions of the Constitution, Bye-Laws and/or the Code of Conduct and Ethics.
- 30.12 If the Disciplinary Committee has in the first instance determined that the Member has not prima facie breached any of the provisions of the Constitution, Bye-Laws and/or the Code of Conduct and Ethics, the Disciplinary Committee shall treat the matter as closed and submit a detailed written report on its findings to the Council within fourteen (14) days from the date of the Meeting.
- 30.13 If the Disciplinary Committee has in the first instance determined that there is a prima facie case against the member, the Secretary of the Disciplinary Committee shall immediately serve a Notice of Complaint against the Member requesting him to reply in writing to the Disciplinary Committee within fourteen (14) days from the date of the Notice of Complaint and to appear before the Disciplinary Committee on the date and time stated in the Notice of Complaint.
- 30.14 The Notice of Complaint shall be sent by registered post to the last known address of the Member concerned.

- 30.15 The Notice of Complaint shall contain short particulars of the complaint and state the date, time and place of the hearing at which the complaint will be considered.
- 30.16 The Notice of Complaint shall also call upon the member to rebut and explain the matter complained of in writing and personally and notify him that his reply and notice of intention to appear must be received by the Secretary within fourteen (14) days from the date of the Notice of Complaint and inform him of the right of the Disciplinary Committee to proceed in his absence.
- 30.17 The Member concerned shall appear before a Disciplinary Committee to rebut and explain the matter of which complaint is made on the date and time stated in the Notice of Complaint.
- 30.18 If the Member concerned fails to comply with the Disciplinary Committee's instruction in the Notice of Complaint or give Notice of Appearance before the Disciplinary Committee within fourteen (14) days of the date of the Notice of Complaint, the Disciplinary Committee may consider and act upon the complaint without further reference to him.
- 30.19 The Disciplinary Committee shall have power to extend the time within which a reply or Notice of Appearance must be made and to alter the date, time and place of the hearing at its absolute discretion, adequate notice of such alteration to be given to the Member concerned.
- 30.20 At the hearing of the Disciplinary Committee to consider the complaint the Disciplinary Committee may resolve to:-
- (a) dismiss the charge against the Member
 - or (b) reprimand the Member and warn him not to repeat the conduct on which the complaint was founded
 - or (c) suspend the member from exercising any rights or privileges of membership of the Institute for such a period and/or on such conditions as the Disciplinary Committee deems fit
 - or (d) expel the Member from the Institute
 - or (e) revoke the member's practicing certificate or procure the revocation of the House Agent's License issued by the Inland Revenue Authority of Singapore and/or any other relevant government authorities.
- 30.21 The Disciplinary Committee shall inform the Member concerned in writing the action taken.
- 30.22 The Disciplinary Committee shall within fourteen (14) days from the date of the concluded hearing submit a detailed written report to the Council. The Report is to be signed by all three (3) members of the Disciplinary Committee.
- 30.23 The detailed written report shall state:-

- (a) the name of the Member complained of;
 - (b) the nature of the complaint;
 - (c) the result of the investigation in the first instance;
 - (d) the date of service of the Notice of Complaint to the Member concerned;
 - (e) the reply, if any, from the Member concerned after the service of the Notice of Complaint and the date of reply;
 - (f) the findings of the Disciplinary Committee, whether the Member complained of attended the hearing and whether any witness(es) was interviewed
- and (g) the action taken against the Member concerned.

30.24 The Council after receipt of the detailed written report from the Disciplinary Committee shall direct the Honorary Secretary to inform the complainant on the dismissal of the charge or the action taken against the member complained of.

30.25 If the Member concerned is reprimanded, the Honorary Secretary shall enter in the Register of Members against the member's name, the charge against the member concerned and that he has been reprimanded.

30.26 If the Member concerned is suspended the Honorary Secretary shall enter in the Register of Members against the member's name, the charge against the member concerned, the period of suspension and the conditions for the suspension, if any.

30.27 If the Member concerned is expelled the Honorary Secretary shall enter in the Register of Members against the member's name, the charge against the member concerned and the expulsion and his name shall be deleted and he shall thereupon cease to be a member of the Institute.

30.28 If the Member is suspended or expelled he shall immediately return his Diploma of Membership.

30.29 If the Member is suspended he shall not use any designations or initials or description implying membership or former membership of the Institute during the period of suspension.

30.30 If a suspended Member fails or refuses to comply with the restriction on the use of preceding designations or initials or description, the Council may publish publicly the name and address of the Member, the offence committed and the penalty imposed.

30.31 No Member shall be entitled to resign from the Institute after he has been notified of the commencement of any proceedings against him until such proceedings have been conducted.

30.32 The Disciplinary Committee shall be entitled to proceed with the expulsion of a Member notwithstanding the resignation or purported resignation of such Member.

- 30.33 A Member who has been suspended by a Disciplinary Committee and who desires to have his rights and privileges restored to him, shall be required to apply in writing for the restoration of his rights of membership. In the event, the suspension is with conditions, the application shall be referred to the Disciplinary Committee for consideration and resolution.
- 30.34 A suspended Member remains subject to the provisions of the Constitution, Bye-Laws and the Code of Conduct and Ethics.
- 30.35 At the date of the following Annual General Meeting, if the Disciplinary Committee is in the process of hearing a complaint it shall be empowered to continue the hearing notwithstanding that a new Disciplinary Board is elected for the following term.

31.0 **APPEALS BOARD**

- 31.1 There shall be an ad-hoc Appeals Board which shall be appointed by the President which shall determine any appeal made to it by any member or party affected by the findings of the Disciplinary Board or the Disciplinary Committee constituted thereunder.
- 31.2 The President shall appoint one of the other members as a secretary to the Appeals Board.
- 31.3 The quorum of the Appeals Board shall be five (5), which shall comprise:-
- (a) (i) EITHER the President who then shall be the Chairman and three (3) other members of the Council
 - or (ii) four (4) members of the Council, one (1) of whom shall be appointed by the President as the Chairman
 - and (b) one (1) honorary legal advisor.
- 31.4 No member of the Appeals Board shall take part in the hearing of an adjourned appeal who was not present at all previous hearings of the appeal.
- 31.5 The proceedings of the Appeals Board shall not be open to the public.
- 31.6 No act or proceedings of the Appeals Board shall be questioned on account of any vacancy on it.
- 31.7 Any member or party wishing to appeal against any decision of the Disciplinary Board or the Disciplinary Committee constituted thereunder shall within twenty-eight (28) days from the date of being notified by the Honorary Secretary of the action to be taken against the member complained of under Article 30.24 deliver to the President a Notice of Appeal stating concisely the grounds for his appeal and the relief sought. The President shall notify the Chairman of the Appeals Board accordingly as soon as practicable.
- 31.8 Within fourteen (14) days upon receiving such Notice of Appeal, the Chairman of the Appeals Board and three (3) members of the Council appointed by the President and one (1) Honorary Legal Advisor shall comprise the Appeals Board who shall hear or consider the appeal.

- 31.9 The Appeals Board may refuse to entertain any appeal it deems to be frivolous or without merit.
- 31.10 Any member of the Appeals Board, who has an interest, direct or indirect, in the matter or outcome of the matter complained of shall declare in writing his interest and discharge himself from serving in the Appeals Board.
- 31.11 As soon as may be after receiving such Notice of Appeal the Chairman or the Secretary of the Appeals Board, as the case may require, shall give to the appellant and the respondent notice of the date, time and place for hearing the appeal.
- 31.12 An appeal hearing shall not be a full review of the matter. The Appeals Board shall consider no new evidence unless such evidence was not reasonably available to the person concerned, the Disciplinary Board or the Disciplinary Committee (as the case may be) at any time prior to the decision appealed from.
- 31.13 The procedures of the Appeals Board shall be:-
- (a) conducted in an informal manner;
 - (b) held in private; and
 - (c) without the representation by an advocate or solicitor or any other person, paid or otherwise.
- 31.14 The Appeals Board shall consider the appeal as a paper hearing unless in the opinion of the Appeals Board it is inappropriate for the appeal to be considered by way of a paper hearing or unless the person concerned requests that the appeal be considered by way of an oral hearing by giving at least fourteen (14) days notices before the hearing date.
- 31.15 At any paper or oral hearing, legal counsel or Advisors of the Institute may attend for the purpose of giving legal advice to the Appeals Board.
- 31.16 At any oral hearing, the person concerned, or any member of the Disciplinary Board or the Disciplinary Committee shall have the right to attend, and subject to the restriction on the introduction of evidence referred to above, make submissions concerning the grounds upon which the appeal is based.
- 31.17 The Appeals Board may at any time request the attendance of such persons as the Appeals Board deems appropriate at any oral hearing.
- 31.18 If the person concerned or any other person(s) requested by the Appeals Board to attend an oral hearing fail(s) to appear at the oral hearing, the Appeals Board may, upon proof of service of the notice of the hearing proceed to consider the appeal in their absence.
- 31.19 Any party in the appeal proceedings shall, subject to any order made by the Appeals Board, be entitled to be present during the proceedings and may participate therein either in person or, with the consent of the Appeals Board, through some other person throughout the proceedings. Where a party in the proceedings is a company, the party shall be regarded as participating in the proceedings in person if it participates through any of its directors.
- 31.20 The onus of proving that the grounds stated by the Disciplinary Committee for its decision are not correct or do not justify such decision shall be upon the appellant.

- 31.21 Neither the Disciplinary Committee nor the appellant may at the hearing rely upon any grounds other than those stated by the Disciplinary Committee or by the appellant.
- 31.22 Rules of evidence do not apply to the conduct of any appeal hearing. The Appeals Board may attach such weight as it thinks appropriate to any material presented before it, notwithstanding that such material may not be admissible in civil or criminal proceedings.
- 31.23 At any paper or oral hearing, the Appeals Board shall, on the basis of any evidence presented to it and such submissions as may be given by any persons requested to attend an oral hearing by the Appeals Board, consider the appeal and exercise any of the disciplinary powers available to the Disciplinary Board or the Disciplinary Committee as it may consider appropriate under the circumstances.
- 31.24 The Appeals Board shall deliver its decision dismissing or allowing the appeal, confirming, varying or revoking any decision made or sanction(s) imposed on the person concerned by the Disciplinary Board or Disciplinary Committee on the person concerned as the Appeals Board shall consider appropriate.
- 31.25 Pending the outcome of any appeal to the Appeals Board, the decision being appealed against shall remain in force and be valid and binding upon the person concerned.
- 31.26 The decision of the Appeals Board shall be conclusive and binding on the person concerned.
- 31.27 The Appeals Board may, subject to the provisions of the Constitution:-
- (a) determine its own procedures;
 - (b) subject to the restriction on the introduction of evidence referred to above, receive and consider any materials, whether by way of oral evidence, written statements, documents or other things, even though such material would not be admissible in civil or criminal proceedings;
 - (c) administer oaths and affirmations;
 - (d) examine on oath, affirmation or otherwise any person attending before it and require such person to answer all questions put by or with the consent of the Appeals Board;
 - (e) award to a witness such expense as, in its opinion, he has reasonably incurred by reason of his attendance at the proceedings;
 - (f) determine the manner in which the material referred to in paragraph (b) above is to be received;
 - (g) adjourn any proceedings;
 - (h) make an order where the decision is in favour of the appellant, to reimburse the appellant his costs incurred in the appeal;
- and (i) do or cause to be done any other thing which is either necessary or expedient to enable it to perform its functions.

32.0 **SECRETARIAT STAFF**

- 30.1 The Council may appoint and remove secretariat staff whether permanent or temporary as may be necessary for carrying out the affairs of the Institute.

30.2 The duties, salaries and remuneration of the secretariat staff shall be determined by the Council.

33.0 **FINANCE AND AUDITOR**

33.1 A firm of Certified Public Accountants shall be appointed as Auditor at each Annual General Meeting for a term of one (1) year and shall be eligible for re-appointment

33.2 The Auditor shall present at each Annual General Meeting:-

(a) An audited Income and Expenditure Statement of the Institute for the preceding Financial Year

and (b) an audited Balance Sheet of the Institute as at the end of the preceding Financial Year

and (c) a report in respect of the Institute's financial affairs.

33.3 The Auditor appointed in accordance with the above provisions shall audit and certify the accounts examined by him in writing and state whether:-

(a) he has obtained all the information and explanation which, to the best of his knowledge and belief, were necessary for the purposes of his audit

and (b) in his opinion, proper Books of Account have been kept, so far as appears from the examination of these books

and (c) the Annual Accounts are in agreement with the Books of Accounts and returns

and (d) in his opinion and to the best of his knowledge and belief and according to the explanations given to him the Annual Accounts gives a true and fair view of the state of the Institute's financial affairs as at the end of its Financial Year and of the income and expenditure for its Financial Year.

33.4 The Auditor shall also carry out during the Financial Year such audit as the President or Council may direct for any period within their tenure of office at any date and make a report to the Council.

33.5 A copy of the audited annual accounts shall be circulated together with the notice convening the Annual General Meeting at which the accounts are to be laid before the Institute.

33.6 A person shall not be qualified for appointment as an auditor unless he is a Certified Public Accountant as defined under the Accountants Act (Cap. 2).

33.7 The appointed Auditor shall have the right of access at all times to the books, accounts and vouchers of the Institute and shall be entitled to enquire from any Member or person belonging to any category of membership or from any staff of the Institute such information and explanation as he thinks necessary for the performance of his duties.

- 33.8 The appointed Auditor shall be entitled to attend any Annual or Extraordinary General Meeting and to receive all notices of any communications regarding the same which any Member is entitled to receive and to be heard at any meeting which he attends on any part of the Business of the meeting which concerns him as Auditor of the Institute.
- 33.9 The financial year of the Institute shall be from 1st February to 31st January.
- 33.10 All Members, after a fourteen (14) days notice to the Council, shall have unrestricted access in inspecting any account book or document relating to all financial affairs of the Institute provided always that a letter of undertaking for non-disclosure and confidentiality shall have been duly signed by the said member and given to the Council prior to the inspection.

34.0 **CODE OF CONDUCT AND ETHICS**

- 34.1 All Members shall comply with the Institute's Code of Conduct and Ethics and all rules and regulations.
- 34.2 Such Code of Conduct and Ethics shall be amended by the Council from time to time to reflect prevailing market practices and conditions. The decision of the Council shall be final unless it is reversed at a General Meeting of Voting Members of the Institute present in persons or by proxy.
- 34.3 Every Fellow and Member including those with Award of Honour both with and without voting rights is bound by the Code of Conduct and Ethics.
- 34.4 Any Fellow or Member including those with Award of Honour both with and without voting rights who breaches any of the provisions of the Code of Conduct and Ethics renders the person concerned liable to disciplinary action.

35.0 **TRUSTEES**

- 35.1 If the Institute at any time acquires any immovable property such property shall be vested in trustees subject to a declaration of trust.
- 35.2 The trustees of the Institute shall:-
- (a) be either Fellow or Accredited Ordinary Members
- and (b) not be more than four (4) and not less than two (2) in number
- and (c) be elected at a General Meeting of Members
- and (d) not effect any sale or mortgage of the immovable property without the prior approval of a General Meeting of Members
- and (e) act in accordance with the resolution passed at a General Meeting.
- 35.3 The office of the trustee shall be vacated if:-
- (a) the trustee dies or becomes a lunatic of unsound mind

- or (b) he is absent from the Republic of Singapore for a period of more than one (1) year
- or € he is guilty of misconduct of such kind as to render it undesirable that he continues as a trustee
- or (d) he ceases to be a Member or his membership is suspended
- or (e) he submits a notice of resignation from his trusteeship.

35.4 A notice of any proposal to remove a trustee from his trusteeship or to appoint a new trustee to fill a vacancy must be given by posting it on the Institute's notice board at least fourteen (14) days before the General Meeting at which the proposal is to be discussed. The result of such General Meeting shall then be notified to the Registrar of Societies.

35.5 The Voting Members of the Institute in a General Meeting may remove a trustee(s) and appoint another in his or their place and on the passing of a resolution of Voting Members of the Institute removing the trustee(s) such trustee(s) shall cease to be a trustee and shall be deemed to be removed or discharged from the trusts of any property of the Institute held by him as trustee and he shall sign and execute all such acts and documents as are necessary to give effect to such removal or discharge.

35.6 The address of the immovable properties acquired, the names of the trustees and any subsequent change must be notified to the Registrar of Societies.

36.0 **VISITORS AND GUESTS**

36.1 Visitors and Guests may be admitted into the premises of the Institute but they shall not be admitted into the privileges of the Institute. All visitors and guests shall abide by the Institute's rules and regulations.

37.0 **PROHIBITION**

37.1 Gambling of any kind, whether for stakes or not, is forbidden on the Institute's premises. The introduction of materials for gambling or drug taking and of bad characters into the Institute's premises is prohibited.

37.2 The funds of the Institute shall not be used to pay the fine of Member who has been convicted in Court.

37.3 The Institute shall not engage in any trade union activities as defined in any written law relating to trade unions for the time being in force in Singapore.

37.4 The Institute shall not attempt to restrict or interfere with trade or make directly or indirectly any recommendation to any arrangement with its Members which had the purpose or is likely to have the effect of fixing or controlling the price of any discount allowance or rebate relating to any goods or services which adversely affects consumer's interest.

- 37.5 The Institute shall not indulge in any political activity or allow its fund and/or premises to be used for political purposes.
- 37.6 The Institute shall not hold any lottery whether confined to its Members or not, in the name of the Institute or members of the Council or Members unless with the prior approval of the relevant authorities.
- 37.7 The Institute shall not raise funds from the public for whatever purposes without the prior approval in writing of the Assistant Director Operations, Licensing Division, Singapore Police Force and other relevant authorities.

38.0 **AMENDMENT TO CONSTITUTION**

- 38.1 This Constitution shall continue until a resolution for its amendment shall be passed by not less than twenty-five per centum (25%) of the total Voting Members of the Institute for the time being resident in Singapore expressed either in person or by proxy or by a minimum of three hundred (300) of the total Voting Members of the Institute expressed either in person or by proxy who constitute a majority of the Voting Members present, whichever is the lesser, in favour of that resolution at a General Meeting duly convened for that purpose. Such amendment shall not be enforced or applied without the prior approval in writing of the Registrar of Societies.

39.0 **INTERPRETATION**

- 39.1 In the event of any question or matter arising of any which is not expressly provided for in the Constitution, Bye-Laws or Code of Conduct and Ethics the Council shall have the power to decide thereon by a majority of at least nine (9) members of the Council.
- 39.2 The decision of the Council shall be final unless it is reversed at a General Meeting.

40.0 **DISPUTES**

- 40.1 In the event of any dispute arising amongst members, or amongst member(s) and the public, or amongst member(s) and client(s) of member(s), they shall attempt to resolve the matter at a Mediation Board, a Disciplinary Board or an Appeals Board convened in accordance with the Constitution. If the matter is brought to the Mediations Board and the parties fail to resolve the matter, they may bring the matter at their own cost and expense to a Court of Law for settlement. If the matter is brought to the Disciplinary Board and the matter is not resolved, they may bring the matter at their own cost and expense to the Appeals Board. The decision of the Appeals Board shall be final and binding on the parties concerned. In the case of disciplinary action if the decision of the Appeals Board is in favour of the aggrieved member the Institute shall reimburse the aggrieved member cost subject to the provisions of the Constitution. In the case of failed mediation effort the parties involved shall bear the full cost and expense.

41.0 **DISSOLUTION OF THE INSTITUTE**

- 41.1 The Institute shall not be dissolved except with the consent of not less than three-fifth (3/5) of the total Voting Membership of the Institute for the time being resident in Singapore expressed, either in person or by proxy, at a General Meeting convened for the purpose.
- 41.2 In the event of the Institute being dissolved as provided herein all debts and liabilities legally incurred on behalf of the Institute shall be fully discharged and the remaining funds shall be donated to such approved charities as the General Meeting shall decide.
- 41.3 A Certificate of Dissolution shall be given by the Honorary Secretary within seven (7) days of the dissolution to the Registrar of Societies.

IEA April 2011