



**ENGINEERS
AUSTRALIA**

Engineers Australia General Regulations

As amended with approval of the Board on 5 December 2019

The Board of the Institution of Engineers Australia (Engineers Australia) has, by resolution, made the following regulations under By-Law 32 of the 2015 By-Laws.

The Institution of Engineers Australia
Engineering House
11 National Circuit
Barton ACT 2600
Phone: +61 2 6270 6555
Toll Free: 1300 653 113
Fax: (02) 6273 1488
<http://www.engineersaustralia.org.au/>

Contents

Part 1	Preliminary	8
1.01	Name of Regulations	8
1.02	Commencement	8
1.03	Repeal	8
1.04	Interpretation	8
Part 2	Membership Generally	15
Division 1 – Membership		15
2.01	Qualifications for membership	15
2.02	Admission to membership	15
2.03	Affiliation of individuals and bodies corporate	15
Division 2 – Competency Assessments		16
2.04	Chartered members – competency assessments	16
2.05	Chartered members – cancellation of chartered status	16
2.06	Chartered members – reinstatement of chartered status	16
Division 3 – Continuing Professional Development		17
2.07	CPD – definition	17
2.08	CPD – aims	17
2.09	CPD – requirements	17
Division 4 – Professional Conduct		18
2.10	Code of ethics	18
2.11	Making complaints against members	18
2.12	How complaints are to be handled	18
2.13	Professional Conduct Committee	19
2.14	Investigation of complaints by Professional Conduct Committee	21
2.15	Findings	22
2.16	Sanctions	22
2.17	Notification of Professional Conduct Committee’s decision	24
2.18	Review of Professional Conduct Committee’s decision	24
2.19	Annual Reporting	25
2.20	Suspension and cancellation of membership not based on practice of engineering considerations	26
Division 5 – Office Bearer Conduct		27
2.21	Office bearer conduct	27
2.22	Office bearer conflicts of interest	27
Part 3	Organisational Leadership	28
Division 1 – The National Congress		28
3.01	Procedure for National Congress meetings	28
3.02	Filling of casual vacancy	28
Division 2 – The Board		30
3.03	Procedure for Board meetings	30
3.04	Committees of the Board	30

3.05	Board resolutions which amend these Regulations	31
Part 4	Constituent Bodies	32
Division 1 – The Divisions		32
4.01	Divisions	32
4.02	Divisions – Resourcing	32
4.03	Divisions – Membership	32
4.04	Division Committees	33
4.05	Division Committees – Functions	34
4.06	Division Committee and Division President – Roles	35
4.07	Division Committees – Terms of Office of Members	35
4.08	Division Committees – Meetings	36
4.09	Division Committees – Subcommittees	37
4.10	Division Committees – Validity of Acts	37
4.11	Dissolving Divisions	37
Division 2 – Presidents Forum		38
4.12	Presidents Forum	38
4.13	Functions of Presidents Forum	38
Division 3 – Special Interest Groups		39
4.14	Special Interest Groups and Centres	39
Division 4 – National Committees		42
4.15	National Committees	42
Division 5 – Overseas Chapters		44
4.16	Overseas Chapters	44
Division 6 – Subsidiaries		46
4.17	Subsidiaries	46
Part 5	Learned Society Functions	47
Division 1 – Engineering Practice Advisory Committee		47
5.01	Engineering Practice Advisory Committee	47
5.02	Functions of EPAC	47
5.03	Collaboration between Colleges and Technical Societies and Division Committees	48
Division 2 – College Chairs Forum		49
5.04	College Chairs Forum	49
5.05	Functions of the College Chairs Forum	49
Division 3 – The Colleges		51
5.06	Colleges	51
5.07	Colleges – role	51
5.08	Colleges – resourcing	51
5.09	Colleges – membership	51
5.10	College Boards	52
5.11	College Boards – composition	53
5.12	College Boards – term of office of members	54
5.13	College Boards – meetings	55

5.14	College Boards – committees	56
5.15	College Boards – validity of acts etc.	56
5.16	Dissolving Colleges	57
Division 4 – The Technical Societies		58
5.17	Recognition and establishment of technical societies	58
5.18	Technical Society – governing committee	58
5.19	Technical Society – functions	59
5.20	Standard provisions for terms of reference of technical societies that are unincorporated	59
5.21	Technical Society – resourcing	60
5.22	Requirements for membership of technical societies	60
5.23	Requirements for constitutions of technical societies that are bodies corporate	60
5.24	Technical Society – Branches	61
5.25	Dissolving technical societies	61
Part 6 Elections and Membership Ballots		62
Division 1 – Election of Directors and National President		62
6.01	Purpose and application	62
6.02	Appointment, duties and powers of returning officers	62
6.03	Returning officer to determine nomination closing times and voter eligibility cut-off times for elections	62
6.04	Eligibility to nominate as a candidate for election – Board	62
6.05	Eligibility to nominate as a candidate for election – National Deputy President	62
6.06	Eligibility to vote in elections	63
6.07	Number of votes	63
6.08	Nominations	63
6.09	Where election necessary	64
6.10	Requirements for candidate statements	64
6.11	Voting papers	64
6.12	Validity of election not affected	65
6.13	Scrutineers	65
6.14	Invalid votes	65
6.15	The count	65
6.16	Notifications of results	66
Division 2 – Election for Division Committees, College Boards and Congress		67
6.17	Purpose and application	67
6.18	Appointment, duties and powers of returning officers	67
6.19	Returning officer to determine nomination closing times and voter eligibility cut-off times for elections	67
6.20	Eligibility to nominate as a candidate for election – Congress delegates elected by the voting members of the Divisions	67
6.21	Eligibility to nominate as a candidate for election—Division Committee	68
6.22	Eligibility to nominate as a candidate for election – College Boards	68
6.23	Eligibility – other provisions	68
6.24	Eligibility to vote in elections	68
6.25	Number of votes	69
6.26	Nominations	69
6.27	Where election necessary	69
6.28	Requirements for candidate statements	70

6.29	Election pack	70
6.30	Validity of election not affected	70
6.31	Voting papers and voting instructions	70
6.32	Scrutineers	70
6.33	Multiple voting papers	71
6.34	Opening the voting papers	71
6.35	Invalid votes	71
6.36	The count	72
6.37	Notifications of results	73
Division 3 – Elections and selections – other delegates of Congress		74
6.38	Purpose and application	74
6.39	Election process	74
6.40	Selection process	74
Division 4 – Membership ballots		75
6.41	Purpose and application	75
6.42	Appointment, duties and powers of returning officers	75
6.43	Returning officer to determine voter eligibility cut-off times	75
6.44	List of voting members to be prepared	75
6.45	Number of votes	75
6.46	Notice to voting members	76
6.47	Submissions	76
6.48	Ballot packs	77
6.49	Validity of election not affected	77
6.50	Voting papers	77
6.51	Explanatory statements	77
6.52	Voting instructions	77
6.53	Scrutineers	78
6.54	Multiple voting papers	78
6.55	Opening the voting papers	78
6.56	Invalid votes	79
6.57	The count	79
6.58	When resolutions passed	80
Part 7	The Professional Standards Schemes	81
7.01	Duty of the Board	81
7.02	Category of membership for professional standards schemes	81
7.03	Management Committee	81
Part 8	Administration	82
8.01	National Vice President (Finance) office	82
8.02	The seal	82
8.03	Record keeping	82
8.04	Financial reports	83
8.05	Audit	83
8.06	Annual report	84
8.07	Waiver of fees and charges	85
8.08	Delegation to Chief Executive Officer	85
8.09	Delegation by Chief Executive Officer	85
8.10	Security of records	85
8.11	Access to records	86

8.12	Public statements	86
8.13	Address for notices	86
8.14	Employees of Engineers Australia cannot hold office as office bearers	86
8.15	Release of certain personal information	86
8.16	Transitional provisions	87
	Schedule 1 Code of Ethics and Guidelines	89
	Part 1 – Code of Ethics (subregulation 2.20(1))	89
	Part 2 – Guidelines on Professional Conduct (subregulation 2.20(2))	90
	Schedule 2 Committees of Board and Constituent Bodies	93
	Part 1 (a) – Standing Committees of Board (subregulation 3.04(1))	93
	Part 1 (b) – Policy Committees of Board	93
	Part 2 – Special Interest Groups and Centres (regulation 4.14)	93
	Part 3 – National Committees (regulation 4.15)	94
	Part 4 – Overseas Chapters (regulation 4.16)	94
	Part 5 – Subsidiaries (regulation 4.17)	95
	Schedule 3 Affiliated Bodies	96
	Part 1 – Unincorporated Technical Societies (subregulation 5.18)	96
	Part 2 – Incorporated Technical Societies (subregulation 5.18)	97
	Schedule 4 Office Bearer Code of Conduct	98

Part 1 Preliminary

1.01 Name of Regulations

These Regulations are the General Regulations 2016.

1.02 Commencement

These Regulations commence on 1 January 2017.

1.03 Repeal

All regulations of Engineers Australia in force at the date of commencement of these Regulations are repealed with effect from that date.

1.04 Interpretation

(1) Subject to these Regulations, in these Regulations, words and expressions have the same meanings as in the By-Laws.

(2) In these Regulations:

business day means, in a particular place, a day that is not a Saturday, a Sunday or a public holiday in that place.

Board means the Board of Directors of Engineers Australia as referred to in Part 2.2 of the By-Laws.

By-Laws means the Institution of Engineers Australia (Engineers Australia) 2015 By-Laws.

candidate's statement means a statement referred to in regulations 6.10 and 6.28.

chartered member means a member who qualifies to use a chartered title.

code of ethics means the code of ethics in Schedule 1.

College means a College continued, or established, under regulation 5.06.

College Chairs Forum means the College Chairs Forum established by subregulation 5.04 (1).

College Board, for a College, means the Board for the College continued by, or appointed under, regulation 5.12.

College Board member means a member for the time being of a College Board.

commencement day means the day on which these Regulations come into force.

Note. See regulation 1.02.

conflict of interest: an office bearer has a conflict of interest if the office bearer has an interest that could, or could appear to, conflict with the proper and impartial performance of his or her duties as office bearer. For this purpose, **interest** is not restricted to a financial interest.

constitution, in relation to a technical society, means the governing rules of the society, but not the Royal Charter, the By-Laws or these Regulations.

CPD assessment, for a member, means an assessment of the member's compliance with the CPD requirements, made following a CPD audit.

CPD assessment review means a review of a CPD assessment.

Note. See the CPD Policy and Procedure.

CPD audit means an audit conducted under the CPD Policy and Procedure.

CPD auditor, for a CPD audit, means a person authorised by the Chief Executive Officer to conduct the audit.

CPD requirements, for a member, means the requirements of the CPD Policy and Procedure as they apply in relation to the member.

day means calendar day, but not a public holiday in any relevant place.

Division means a Division of Engineers Australia established or continued under Division 1 of Part 4.

Division Committee for a Division, means the Committee for the Division under regulation 4.04.

Division Committee member means a member for the time being of a Division Committee.

election means an election for members of:

- (a) the National Congress; or
- (b) the Board; or
- (c) a Division Committee; or
- (d) a College Board; or

as referred to in by-law 22

election pack, for an election, means the items to be provided as required by regulation 6.29 in relation to the election.

Engineers Australia means the Institution of Engineers Australia.

EPAC means the Engineering Practice Advisory Committee established by subregulation 5.01 (1).

financial member means a member other than a non-financial member.

financial year means a period of 12 months starting on 1 July.

graduate member means a member in that category.

Note. **Member** is defined in the By-Laws.

member, of the Professional Conduct Committee, includes a temporary member appointed in accordance with regulation 2.13.

membership ballot means a ballot referred to as a membership ballot in Division 2 of Part 6.

membership ballot pack, for a membership ballot, means the items to be provided as required by regulation 6.28 in relation to the membership ballot.

month means calendar month;

National Committee means a national committee established by the Board under regulation 4.15.

nomination closing time, for an election, means the time determined under regulation 6.03 to be the nomination closing time for the election.

non-financial member: a member is a non-financial member if:

- (a) a fee, subscription or other amount in respect of the member has not been paid in full at the end of 3 months after it fell due; and
- (b) either:
 - (i) the member has not entered into an arrangement satisfactory to the Chief Executive Officer for the payment of the amount; or
 - (ii) the member has entered into, but is not complying with, such an arrangement.

NER means the National Engineering Register.

occupational category means any of the following categories:

- (a) professional engineers;
- (b) engineering technologists;
- (c) engineering associates.

office means an office in Engineers Australia to which a person is appointed or elected, including one held on an honorary basis.

office bearer has the same meaning given to it under By-Law 59.1

Note. Under By-Law 59.1 "office bearer" means any person holding honorary office in Engineers Australia, and includes delegates, Directors and members of committees of Engineers Australia (whether members of Engineers Australia or not).

office bearer code of conduct means the office bearer code of conduct in Schedule 4.

Overseas Chapter means an overseas chapter of Engineers Australia established by the Board under regulation 4.16.

Professional Conduct Committee, for a complaint, means the committee consisting of:

- (a) the standing members; and
- (b) the temporary members appointed for the complaint;

and, for a review under regulation 2.28, means the appeals committee.

Note. Regulation 2.34 relates to review of membership decisions

professional standards scheme means each of the following:

- (a) the Engineers Australia Australian Capital Territory Scheme approved under the *Civil Law (Wrongs) Act 2002* (ACT);
- (b) the Engineers Australia New South Wales Scheme approved under the *Professional Standards Act 1994* (NSW);
- (c) the Engineers Australia Queensland Scheme approved under the *Professional Standards Act 2004* (Qld);
- (d) the Engineers Australia Northern Territory Scheme approved under the *Professional Standards Act 1994* (NT);

- (e) the Engineers Australia Western Australia Scheme approved under the *Professional Standards Act 1997 (WA)*;
- (f) the Engineers Australia South Australia Scheme approved under the *Professional Standards Act 2004 (SA)*;
- (g) the Engineers Australia Victoria Scheme approved under the *Professional Standards Act 2003 (Vic)*; and
- (h) the Engineers Australia Tasmania Scheme approved under the *Professional Standards Act 2005 (Tas)*.

professional standards scheme law means each of the following laws, so far as they relate to occupational limitation of liability schemes:

- (a) the *Civil Law (Wrongs) Act 2002 (ACT)*;
- (b) the *Professional Standards Act 1994 (NSW)*;
- (c) the *Professional Standards Act 2004 (Qld)*;
- (d) the *Professional Standards Act 1994 (NT)*;
- (e) the *Professional Standards Act 1997 (WA)*;
- (f) the *Professional Standards Act 2004 (SA)*;
- (g) the *Professional Standards Act 2003 (Vic)*; and
- (h) the *Professional Standards Act 2005 (Tas)*.

Register means the register that By-Law 17.1 requires be maintained.

respondent member, in relation to a complaint under these Regulations, means the member or person the subject of the complaint.

returning officer: see regulations 6.02, 6.18 and 6.42.

serious offence means an offence punishable on conviction by a period of imprisonment of 12 months or more.

Special Interest Group or Centre means a group or centre established by the Board under regulation 4.14.

student member means a member in that category.

Technical Society means:

- (a) a society listed in Schedule 3; or
- (b) a society with which arrangements contemplated by subregulation 5.18(2) (b) are in force.

temporary member, of the Professional Conduct Committee, means a member of the Committee appointed under subregulation 2.13(4).

unacceptable conduct:

- (a) for a member, means conduct of the member (either in connection with the practice of engineering or otherwise) that makes the member unfit to be a member of Engineers Australia; and

- (b) for a person registered on the NER – means conduct of the person in connection with the practice of engineering that makes the person unfit to be so registered.

Note. See also subregulation (3).

- (3) Without limiting subregulation (2), each of the following is **unacceptable conduct** by a person:
 - (a) the person fails to apply or maintain proper engineering standards in the conduct of professional engineering practice;
 - (b) the person fails to comply with a requirement of the By-Laws;
 - (c) the person breaches the code of ethics;
 - (d) the person is convicted, in Australia or overseas, of a serious offence;
 - (e) the person fails to comply with a condition imposed under subregulation 2.16(1)(a)(v);
 - (f) the person engages in workplace behaviour that is unlawful;
 - (g) the person’s conduct amounts to professional misconduct or unsatisfactory professional conduct for the purposes of an applicable written law regulating the practice of engineering.

Note. Regulation 2.16(1)(a)(v) provides that, as a sanction for unacceptable conduct, conditions may be imposed on the respondent member’s conduct of his or her professional engineering practice.

Note. Examples of workplace behaviour that is unlawful include bullying and sexual harassment.

- (4) To avoid doubt, and without limiting the application of paragraph (3)(g), a written law of a foreign jurisdiction regulating the practice of engineering is applicable in relation to a member if the member practices in that jurisdiction.
- (5) In these Regulations, unless the contrary appears:
 - (a) headings are for reference only;
 - (b) the singular includes the plural and vice-versa;
 - (c) a reference to one gender includes a reference to any other gender;
 - (d) a reference to a person includes a reference to a body politic, body corporate and a partnership;
 - (e) a reference to an Act is a reference to an Act of the Commonwealth, State or Territory, as in force for the time being, and includes a reference to any subordinate legislation made under the Act;
 - (f) a reference to an amount in “\$” is to the amount in Australian currency;
 - (h) the word **includes** in any form is not a word of limitation; and
 - (i) if an example is given of anything (for example, a right, obligation or concept), such as by saying it includes something else, the example does not limit the scope of that thing.
- (6) Unless the contrary appears, a provision of these Regulations that specifies matters that are to be considered in relation to a determination or other decision of the

Board or another constituent body of Engineers Australia does not imply that they are the only matters to be considered.

voter eligibility cut-off time means:

- (a) for an election – the time determined under regulations 6.03 and 6.19 to be the voter eligibility cut off time for the election; or
- (b) for a membership ballot – the time determined under regulation 6.43 to be the voter eligibility cut off time for the ballot.

Part 2 Membership Generally

Division 1 – Membership

2.01 Qualifications for membership

- (1) A person is qualified for membership as set out in the Membership Policy and Procedure if he or she meets the requirements:
 - (a) of an occupational category, if any for the grade;
 - (b) of honorary fellow, companion or affiliate, if any for the grade.
- (2) A member is entitled to use a chartered title, with the abbreviation set out in the Membership Policy and Procedures if he or she:
 - (a) is a financial member; and
 - (b) meets the requirements, under regulation 2.04.

Note. For chartered titles, see By-Law 6.

2.02 Admission to membership

- (1) The Board may admit a person to membership of Engineers Australia as an honorary fellow, subject to the requirements of the Membership Policy and Procedures.
- (2) The Chief Executive Officer may, on application, admit a person to membership of Engineers Australia subject to he or she meeting the requirements set out in the Membership Policy and Procedures.

2.03 Affiliation of individuals and bodies corporate

- (1) The Board may admit an individual to membership as an affiliate if the individual:
 - (a) is or proposes to be a member of a technical society; and
 - (b) is not otherwise qualified to be a member of Engineers Australia.

Note. For qualifications for membership of Engineers Australia, see Membership Policy and Procedures.

- (2) The Board may admit a body corporate to membership as an affiliate if the body corporate is a member of a technical society.

Note. A body corporate may be a company (generally, limited by guarantee), a body established by Royal Charter or an incorporated association (under State or Territory associations incorporations laws).

- (3) The Board may accept the bodies listed in Part 2 of Schedule 3 as technical societies, subject to the conditions set out in regulation 5.24.
- (4) The Board affiliates the bodies listed in Part 3 of Schedule 4, subject to the conditions set out in that Schedule.

Division 2 – Competency Assessments

2.04 Chartered members – competency assessments

- (1) A member in the grade of honorary fellow, fellow or member qualifies to use a chartered title if he or she:
- (a) is a financial member; and
 - (b) is assessed as meeting the competency requirements of The Australian Engineering Competency Standards Stage 2 for the occupational category in which they are registered; and
 - (c) meets the CPD requirements set out in Part 2 Division 3.

2.05 Chartered members – cancellation of chartered status

- (1) A chartered member will not be qualified, and must not use a chartered title, if:
- (a) his or her membership ceases under the CPD Policy or Procedure; or
 - (b) the member relinquishes his or her chartered title; or
 - (c) the member receives an unsatisfactory CPD audit assessment under the CPD Policy or Procedure.

2.06 Chartered members – reinstatement of chartered status

- (1) A member who is no longer qualified to use a chartered title under subregulation 2.05(1)(b) may be reinstated:
- (a) without undergoing a competency assessment under regulation 2.04 if the application for reinstatement is made within 6 months of that member becoming unqualified to use a chartered title; and
 - (b) in all other cases, following a competency assessment under regulation 2.04.

Division 3 – Continuing Professional Development

2.07 CPD – definition

CPD is defined as the undertaking of development activities that lead to the systematic maintenance, improvement and broadening of knowledge and skills, and the development of personal qualities necessary for the execution of professional and technical duties throughout a person’s engineering career.

2.08 CPD – aims

CPD must be of a kind that will assist in enabling the member to:

- (1) Maintain and enhance his or her technical competence; or
- (2) Maintain and enhance his or her management skills; or
- (3) Help, influence and lead others.

2.09 CPD – requirements

The CPD requirements for Chartered and other members shall be as outlined in the CPD Policy and Procedure and/or Membership Policy and Procedure.

Division 4 – Professional Conduct

2.10 Code of ethics

- (1) The code of ethics in Part 1 of Schedule 1 is prescribed.
Note. See By-Law 13.2.
- (2) The guidelines set out in Part 2 of Schedule 1 may be used as an aid to interpreting and applying the code of ethics.

2.11 Making complaints against members

- (1) Any person may make a complaint to the Chief Executive Officer that:
 - (a) a specified member; or
 - (b) a specified person registered on the NER;(the **respondent member**) has engaged in unacceptable conduct.
- (2) Any person may make a complaint to the Chief Executive Officer that an office bearer (also, a **respondent member**) has engaged in unacceptable conduct or has breached an applicable Code of Conduct.
Note. For a definition of ‘office bearer’ see subregulation 1.04(2).
- (3) A complaint must be in writing, and must set out enough detail to enable it to be properly investigated and determined in accordance with this Division.

2.12 How complaints are to be handled

- (1) The Chief Executive Officer must record the receipt of all complaints.
- (2) In the event that the complaint is against the Chief Executive Officer, the Chair of the Board shall determine the investigative actions required and subregulations 2.12(3) to 2.12(8) shall not apply.
- (3) The Chief Executive Officer must conduct an initial assessment of the complaint and allocate a complaint category.
 - (a) At this time the Chief Executive Officer can dismiss a complaint if deemed to be frivolous or vexatious.

- (4) Complaints are to be categorised as either:

Category 1: Of a substantial technical nature and not suitable for local resolution.

Category 2: Not of a substantial technical nature and suitable for local resolution.

Category 3: *Staff member or office bearer complaint against an office bearer, where such a complaint is deemed to fall under relevant Australian law (e.g. the Fair Work Act or Work Health and Safety legislation).*

Note. Category 3 complaints are not at any stage referred to the Professional Conduct Committee. In effect, all Category 3 complaints are removed from the operation of regulations 2.13 to 2.18, and are to be managed by the Chief Executive Officer under relevant complaint handling procedures applicable to staff.

- (5) The Chief Executive Officer must try to resolve a Category 2 complaint through a local complaint resolution process prior to any formal conciliation being initiated under subregulation (8).
 - (a) A local complaint resolution management procedure is to be developed and maintained by the Chief Executive Officer.
- (6) If the local complaint resolution process resolves the complaint to the satisfaction of both the complainant and respondent, the complaint is deemed withdrawn.
- (7) For Category 1 complaints and for Category 2 complaints that have not been resolved through the local complaint resolution process, the Chief Executive Officer must provide the respondent member with a copy of the complaint and seek a response from that member within at least 28 days.
- (8) The Chief Executive Officer may try to resolve a Category 1 or Category 2 complaint by formal conciliation, subject to agreement of both the complainant and respondent to participate in the process.
 - (a) A formal conciliation management procedure is to be developed and maintained by the Chief Executive Officer.
 - (b) If a Category 1 complaint is not resolved under the formal conciliation process within a reasonable period, the Chief Executive Officer must refer the complaint to the Professional Conduct Committee.
 - (c) If a Category 2 complaint is not resolved under the formal conciliation process within a reasonable period, the Chief Executive Officer may dismiss the complaint or refer the complaint to the Professional Conduct Committee.
- (9) The Chief Executive Officer may, if he or she considers it appropriate to do so because of the nature of the complaint, refer a Category 1 complaint to the Professional Conduct Committee, with or without attempting formal conciliation, with a recommendation that the complaint be dismissed.

2.13 Professional Conduct Committee

- (1) The Board must by resolution establish a Professional Conduct Committee as a standing committee of the Board.
- (2) The function of the Professional Conduct Committee is to consider, investigate and make findings in respect of complaints referred to it by the Chief Executive Officer, or by the Chair under the provisions of subregulation 2.12(2).

Note. The Professional Conduct Committee also has functions under the Membership Policy and Procedures that relates to membership applications.
- (3) The Professional Conduct Committee consists of:
 - (a) at least 3 persons appointed by the Board by resolution (**standing members**); and
 - (b) for a particular complaint – the temporary members (if any) appointed under subregulation (4).
- (4) The Chief Executive Officer may, after consulting with the college or colleges to which the respondent member belongs, appoint in writing no more than 2 persons to be temporary members of the Professional Conduct Committee for a particular

complaint (**temporary members**). An appointment is to be in respect of a specified complaint only.

- (5) The standing members need not all be members of Engineers Australia, but a majority of them must be chartered members that are also financial members. A temporary member need not be a member of Engineers Australia.
- (6) The Board must appoint 1 of the standing members to be Chair of the Committee, and 1 to be Deputy Chair. The Deputy Chair is to perform the functions of the Chair when the Chair is not available.
- (7) Subject to this regulation:
 - (a) a standing member holds office for 2 years or a longer period specified in the resolution of appointment; and
 - (b) a temporary member holds office until the Committee's functions in respect of the complaint for which he or she was appointed are completed.
- (8) A member of the Professional Conduct Committee may resign his or her office by notice to:
 - (a) in the case of a standing member, the Board; and
 - (b) in the case of a temporary member, the Chief Executive Officer.
- (9) At least 1 standing member must be a legal practitioner or former legal practitioner with experience or expertise in administrative law.
- (10) The temporary member appointed in respect of a complaint must have expertise in an area of professional engineering relevant to the complaint. This subregulation does not apply if a standing member has that expertise.
- (11) If:
 - (a) the respondent member for a complaint is registered on the NER, and
 - (b) no standing member is so registered;at least 1 temporary member appointed in respect of the complaint must be so registered.
- (12) A Professional Conduct Committee member who has a conflict of interest must:
 - (a) notify the Chief Executive Officer as soon as practicable after he or she becomes aware of the interest; and
 - (b) comply with any directions of the Chief Executive Officer to deal with the matter.

Note. "member" includes temporary member.

Note. "conflict of interest" includes perceived conflict of interest: see subregulation 1.04(1).

- (13) The Chief Executive Officer, after consulting the National President, may remove a Professional Conduct Committee member from his or her consideration of that complaint if satisfied that it is necessary to do so to deal urgently with a conflict of interest.
- (14) If it is no longer appropriate for a member of the Professional Conduct Committee to continue to act in relation to a particular complaint:

- (a) in the case of a permanent member, the Board may remove that member;
and
- (b) in the case of a temporary member, the Chief Executive Officer may remove that member.

2.14 Investigation of complaints by Professional Conduct Committee

- (1) The Professional Conduct Committee must investigate each complaint referred to it by the Chief Executive Officer, or by the Chair under the provision of subregulation 2.12(2), to determine whether:
 - (a) the respondent member engaged in the conduct complained of; and
 - (b) if it finds that he or she did so – the conduct is unacceptable conduct.
- (2) In carrying out an investigation, the Professional Conduct Committee:
 - (a) is not bound by the rules of evidence, but may inform itself as it sees fit;
 - (b) may seek specified relevant information from the complainant, the respondent member, Engineers Australia or another person;
 - (c) may defer its investigation to a later date if the conduct complained of is at that time the subject of a separate consideration by a lawfully constituted court, tribunal, regulator or statutory authority;
 - (d) may hold a hearing into the complaint but otherwise must carry out its work in private;
 - (e) must conduct its proceedings as promptly as proper consideration of the matter permits; and
 - (f) may meet by telephone, video link or any other telecommunications system.
- (3) For the purpose of investigating the complaint, the Professional Conduct Committee or a Committee member may do any of the following:
 - (a) review and assess information provided by the complainant, by the respondent member, by Engineers Australia (including in any report or recommendation provided under regulation 2.22) or otherwise;
 - (b) require the complainant, the respondent member or Engineers Australia to provide any relevant document in his, her or its possession;
 - (c) inspect and copy documents provided to the Committee in connection with the investigation.
- (4) The respondent member must comply with a requirement under subregulation (3)(b) as it applies to the member.
- (5) The Chief Executive Officer must comply with a requirement under subregulation (3)(b) as it applies to Engineers Australia.
- (6) The Professional Conduct Committee must give the complainant, the respondent member and, if it sees fit, Engineers Australia a reasonable opportunity to provide submissions and information to the Committee in relation to the investigation.

- (7) Without limiting what the Professional Conduct Committee must take into account for subregulation (1)(a), it must take into account:
 - (a) the information and other material in the complaint;
 - (b) all relevant information and other material provided by the respondent member in connection with the investigation; and
 - (c) any other relevant information provided to the Committee.
- (8) Without limiting what the Professional Conduct Committee must take into account for subregulation (1)(b), it must take into account the following:
 - (a) the public interest;
 - (b) without limiting subregulation (a) – the need to minimise risks to public safety in relation to the practice of engineering;
 - (c) the nature and significance of the conduct, including the respondent member’s circumstances;
 - (d) the need to preserve and enhance the professionalism of engineering practice; and
 - (e) any views on the matter submitted by the Chief Executive Officer.
- (9) The Professional Conduct Committee may, at any stage of its investigation of a complaint, if satisfied that the complaint is frivolous or vexatious:
 - (a) dismiss the complaint; and
 - (b) if the Professional Conduct Committee considers it appropriate, direct that the person who made the complaint must not make a later complaint of a similar nature based on substantially the same facts as the complaint.
- (10) A complainant and the respondent member the subject of the complaint are not entitled to be legally represented at any hearing conducted by the Professional Conduct Committee.

2.15 Findings

- (1) The Professional Conduct Committee must, after investigating a complaint, do one of the following:
 - (a) if it finds that:
 - (i) the respondent member engaged in the conduct complained of; and
 - (ii) the conduct is unacceptable conduct;uphold the complaint; or
 - (b) otherwise—dismiss the complaint.
- (2) A decision supported by the majority of the votes cast by the Professional Conduct Committee members is the decision of the Committee. In the case where there is no majority, the Committee must dismiss the complaint.

2.16 Sanctions

- (1) If the Professional Conduct Committee upholds a complaint, it may:

- (a) do any of the following as a sanction:
 - (i) administer a written warning to the respondent member;
 - (ii) administer a written reprimand to the respondent member;
 - (iii) expel the respondent member by cancelling his or her membership;
 - (iv) suspend the respondent member's membership for a specified period;
 - (v) require the respondent member to comply, for a specified period, with specified conditions in relation to the member's engaging in engineering practice;
 - (vi) if the respondent member is registered on the NER – recommend to the Professional Standards Committee that the member's registration be cancelled, suspended or be subject for a specified period to specified conditions;
 - (vii) if the respondent member is a chartered member:
 - (a) remove the member's chartered title; or
 - (b) require that the member's entitlement to use a chartered title be reassessed;
 - (viii) if the respondent member is a fellow – remove the member's entitlement to be registered as a fellow;
 - (ix) if the respondent member is an engineering executive:
 - (a) remove the member's engineering executive title; or
 - (b) require the member's entitlement to use an engineering executive title be reassessed;
 - (x) if the respondent member is an office bearer – remove the member from the office; or
 - (b) decline to impose a sanction.
- (2) Without limiting subregulation (1)(a)(v) or (vi), a condition may require the respondent member:
- (a) to undertake specified counselling or specified professional development activities; or
 - (b) not to engage in professional engineering practice except under the direct supervision of a specified chartered member.
- (3) The Professional Conduct Committee must not do any of the things mentioned in subregulation (1)(a) unless:
- (a) it has taken into account any sanctions previously imposed on the respondent member pursuant to subregulation 1(a) or under previous disciplinary regulations of Engineers Australia;
 - (b) it has notified the respondent member of the proposed action, including the reasons for it;
 - (c) the respondent member has been given a reasonable opportunity (at least 14 days) to comment on the proposed action; and

- (d) the Committee takes into account, in deciding whether to take the action, any comments made by the respondent member.

2.17 Notification of Professional Conduct Committee's decision

- (1) The Professional Conduct Committee must prepare a statement of reasons for its decision. The statement of reasons should set out the findings on material questions of fact, refer to the evidence or other material on which those findings were based and give the reasons for the decision.
- (2) The Chief Executive Officer must give the respondent member and the complainant a written statement of the decision of the Professional Conduct Committee, including the statement of reasons.

2.18 Review of Professional Conduct Committee's decision

- (1) A respondent member who is not satisfied with a decision of the Professional Conduct Committee under regulations 2.15 or 2.16 may apply to the Chief Executive Officer for a review of the decision on the grounds that the decision was not justified by the evidence and other material before the Professional Conduct Committee.
- (2) The Board must appoint an appeals committee of no more than 3 persons to consider the application.
- (3) A person who is:
 - (a) a member of the Professional Conduct Committee; or
 - (b) eligible to be appointed as a member or temporary member of that Committee;

may be appointed as a member of an appeals committee unless the person was a member of the Professional Conduct Committee that made the decision under review.

- (4) At least 1 member of the appeals committee must be a legal practitioner or former legal practitioner with experience or expertise in administrative law.
- (5) At least 1 member of the appeals committee must have expertise in an area of professional engineering relevant to the complaint.
- (6) The Board must appoint 1 of the members of the appeals committee to be Chair, and 1 to be Deputy Chair. The Deputy Chair is to perform the functions of the Chair when the Chair is not available.
- (7) Subject to subregulation (8), the appeals committee must reconsider the decision under review and must:
 - (a) confirm the decision; or
 - (b) substitute for the decision any decision that the Professional Conduct Committee could have made in the matter.
- (8) The appeals committee must not take into account any material that was not included in the original complaint or taken into account in the making of the decision under review.

- (9) The Chief Executive Officer must give the respondent member and the complainant a written statement of the decision of the appeals committee, including a statement of reasons.
- (10) A decision of the appeals committee is final and is not capable of being subject to any further review or appeal.

2.19 Annual Reporting

- (1) The Professional Conduct Committee must provide a report to the Chief Executive Officer, at least once every 12 months, on the activities of the Committee.
- (2) The report must include:
 - (a) the number of complaints considered by the Professional Conduct Committee;
 - (b) the general nature of those complaints;
 - (c) the Colleges of which each respondent member was a member;
 - (d) the Committee's findings in respect of those complaints (including whether the complaint was dismissed as frivolous or vexatious);
 - (e) the number and type of sanctions imposed by the Professional Conduct Committee;
 - (f) the number of decisions of the Professional Conduct Committee that were subject to review by the appeals committee;
 - (g) the outcomes of such reviews.
- (3) The Chief Executive Officer must forward the Professional Conduct Committee's Annual Report to the Board, together with a covering report which includes:
 - (a) the total number of complaints received under each of Categories 1, 2 and 3;
 - (b) the number of Category 1 and 2 complaints referred to the Professional Conduct Committee, including a summary of whether any local resolution process or formal conciliation process was undertaken prior to referral;
 - (c) for all Category 1 and 2 complaints not referred to the Professional Conduct Committee:
 - (i) the general nature of those complaints;
 - (ii) the Chief Executive Officer's findings in respect of those complaints (including whether the complaint was dismissed as frivolous or vexatious);
 - (iii) the actions arising from any agreement reached between complainant and responding member resulting from a local resolution process or formal conciliation process.
- (4) Neither the Professional Conduct Committee's report, nor the Chief Executive Officer's covering report, is to enable individual respondent members to be identified. For this purpose, an individual is not identifiable merely because the number of complaints reported may enable a person to identify the individual respondent member.

2.20 Suspension and cancellation of membership not based on practice of engineering considerations

- (1) The Chief Executive Officer may suspend or cancel a member's membership if the member's behaviour(s) outside of the practice of engineering is considered serious enough to justify an intervention.
- (2) In exercising any such intervention, the Chief Executive Officer must have regard to the nature and seriousness of the behaviour, and the risks associated with allowing the member to continue as a member in the circumstances. The Chief Executive Officer can:
 - (a) issue a written warning to the member;
 - (b) suspend the membership for a period considered reasonable and necessary;
 - (c) immediately cancel the membership.

Note. At any time, the Chief Executive Officer may, but is not obliged to, liaise with the Chair of the Professional Conduct Committee when considering the application of this sub-regulation.

Note. The Chief Executive Officer may consider previous warning and/or suspensions when making his or her decision.

- (3) The Chief Executive Officer must:
 - (a) reasonably determine that the alleged behaviour does not meet the intent or requirements of Part 2, Division 4 – Professional Conduct;
 - (b) ensure that the principles of procedural fairness are observed and applied;
 - (c) always consider suspension in the first instance whilst the other procedural steps are taken;
 - (d) afford an opportunity for the member to respond to the allegation;

Note. The Chief Executive Officer may act pursuant to this sub regulation prior to affording the member an opportunity to respond. Should the Chief Executive Officer consider the response sufficiently compelling, the Chief Executive Officer can vary the original decision, including reinstatement of membership, with any conditions as the Chief Executive Officer considers necessary.

- (e) maintain sufficient records of the application of this sub regulation; and
 - (f) report any instance of use of this regulation to the Board as soon as practicable through the Board Chair.
- (4) The exercise of the power to suspend or cancel membership under this sub regulation must be exercised by the Chief Executive Officer personally.
- (5) The exercise of issuing a written warning may be delegated to the staff member appointed to the position of National Manager Governance Services. That staff member cannot further delegate such a delegation.

Division 5 – Office Bearer Conduct

2.21 Office bearer conduct

An office bearer must comply with the Office Bearer Code of Conduct.

Note. The Office Bearer Code of Conduct can be found at Schedule 4.

Note. For a definition of ‘office bearer’ see subregulation 1.04(2).

2.22 Office bearer conflicts of interest

(1) An office bearer who has a conflict of interest in the carrying out of that office in general, or a particular function of that office, must:

- (a) notify the Chief Executive Officer as soon as practicable after he or she becomes aware of the interest; and
- (b) comply with any directions of the Chief Executive Officer to deal with the matter.

Note. “Conflict of interest” includes perceived conflict of interest: see subregulation 1.04(2).

Note. For a definition of ‘office bearer’ see subregulation 1.04(2).

Part 3 Organisations Leadership

Note. This part reflects the intent of the 2015 Royal Charter and By-laws. Clauses 7 and 8 of the Royal Charter specifically refer, including clause 8.1 which states that the Board is the governing body of Engineers Australia.

Division 1 – The National Congress

3.01 Procedure for National Congress meetings

- (1) The National Congress must establish policies and protocols covering the conduct of National Congress meetings which must include at least:
 - (a) the role of the National President as Chair; and
 - (b) rules of debate that are to apply to each meeting; and
 - (c) a code of conduct for delegates; and
 - (d) a charter to assist the National Congress achieve its purpose under the Royal Charter.

Note. The responsibilities and powers of the National Congress are set out in clause 7.1 of the Royal Charter.

- (2) Regulation 2.20 applies to a delegate.

Note. Regulation 2.20 requires compliance with the Office Bearer Code of Conduct. That Code can be found in Schedule 4.

Note. Breach of the Office Bearer Code of Conduct is grounds for a complaint under Part 2 Division 4 of these Regulations.

- (3) Regulation 2.21 applies to a delegate.

Note. Regulation 2.21 deals with conflicts of interest. For a definition of 'conflict of interest' see regulation 1.04.

3.02 Filling of casual vacancy

- (1) A casual vacancy must be filled for the remainder of the term of office:
 - (a) in the case of delegates (if any) elected by the voting members of the Divisions:
 - (i) by the candidate who gained the next highest number of votes in the same election as that delegate; or
 - (ii) if the casual vacancy cannot be filled under subregulation (i), it must remain vacant until the next scheduled election;
 - (b) in the case of delegates elected by a Division Committee or College Board, or by associated bodies (if any):
 - (i) by the candidate who gained the next highest number of votes in the same election as that delegate; or
 - (ii) if the casual vacancy cannot be filled under subregulation (i), it must remain vacant until the next scheduled election;
 - (c) in the case of delegates selected from the voting members resident outside Australia:

- (i) by selecting another delegate in accordance with the process for selection under regulation 6.40; or
 - (ii) if the casual vacancy cannot be filled under subregulation (i), it must remain vacant until the next scheduled election.
- (2) Where a delegate to National Congress is elected as a Director during his or her term on National Congress, he or she ceases to be a delegate to National Congress, thus creating a casual vacancy.

Note. Refer to By-Law 30.6.

Division 2 – The Board

3.03 Procedure for Board meetings

- (1) The Board must establish policies and protocols covering the conduct of Board meetings which must include at least:
 - (a) the role of the National President as Chair; and
 - (b) rules of debate that are to apply to each meeting; and
 - (c) a code of conduct for Directors; and
 - (d) a charter to assist the Board achieve its purpose under the Royal Charter.

Note. The responsibilities and powers of the Board are set out in clause 8 of the Royal Charter and By-Law 31.

- (2) Regulation 2.20 applies to a Director.

Note. Regulation 2.20 requires compliance with the Office Bearer Code of Conduct. That Code can be found in Schedule 4.

Note. Breach of the Office Bearer Code of Conduct is grounds for a complaint under Part 2 Division 4 of these Regulations.

- (3) Regulation 2.21 applies to a Director.

Note. Regulation 2.21 deals with conflicts of interest. For a definition of 'conflict of interest' see regulation 1.04.

3.04 Committees of the Board

- (1) The committees listed in Part 1 of Schedule 3 are continued in existence.
- (2) The Board may, by resolution, establish 1 or more committees to advise the Board on specified matters.
- (3) The resolution must set out terms of reference for the committee, which may include the function of making recommendations to the Board.
- (4) Subject to these Regulations, and any resolution of the Board, a committee of the Board is to have:
 - (a) at least 3 members, a majority of which must be members of Engineers Australia;
 - (b) a Chair, who must be a member of Engineers Australia; and
 - (c) a Deputy Chair, who is to perform the functions of the Chair when the Chair is not available.
- (5) The members of the committee hold office for the period specified in the Board resolution establishing the committee, but may be reappointed by resolution of the Board.

3.05 Board resolutions which amend these Regulations

- (1) The Board may, by resolution, approve any implementation process which gives immediate effect to that resolution prior to any amendments to these Regulations being made.
- (2) The Chief Executive Officer is responsible for ensuring that any amendments to these Regulations are drafted and presented to the Board for approval within a timeframe determined by the Board.

Part 4 Constituent Bodies

Division 1 – The Divisions

4.01 Divisions

- (1) The following Divisions of Engineering Australia continue in existence in respect of the following areas:

Division	Area covered
Canberra Division	the Australian Capital Territory and the greater Queanbeyan area covering the following Australia Post postcode areas: 0200 to 0299, 2600 to 2620 and 2900 to 2920
Newcastle Division	the north-east area of the State of New South Wales covering the following Australia Post postcode areas: 2250 to 2499, 2832 to 2833 and 2843
Northern Division	the Northern Territory
Queensland Division	the State of Queensland
South Australia Division	the State of South Australia
Sydney Division	the State of New South Wales, excluding the areas of the Newcastle Division and the Canberra Division
Tasmania Division	the State of Tasmania
Victoria Division	the State of Victoria
Western Australia Division	the State of Western Australia

- (2) The Board may, by resolution:
- (a) constitute a new Division; and
 - (b) adjust the areas covered by Divisions.

4.02 Divisions – Resourcing

The Chief Executive Officer must allocate Engineers Australia’s resources to support the activities of the Divisions, having regard to any consultations under subregulation 4.05(1)(g), but in accordance with directions and policies of the Board.

4.03 Divisions – Membership

- (1) Each member is a member of the Division in which is located either:
- (a) the member’s principal residence in Australia; or
 - (b) the member’s principal work place
- and the member must advise the Chief Executive Officer which of these options is to apply:
- (c) for new members, in the application for membership; and

- (d) for existing members, on commencement of this Regulation if the member wishes to change the Division to which she or he belongs; or
 - (e) for all members, within 30 days of a change of either address, the result of which the member wishes to change the Division to which the member belongs.
- (2) If the Division a member should be a member of cannot be readily determined under subregulation (1), the Chief Executive Officer may, on application by the member or on the Chief Executive Officer's own initiative, determine in writing what Division the member belongs to.
- (3) If a question arises whether a member is qualified to be a member of a particular Division, the Chief Executive Officer must determine the matter. The determination is final, and is not capable of being subject to any further review or appeal, unless it is established that it was not made in good faith.

4.04 Division Committees

- (1) There is to be a committee to lead each Division. A Division Committee consists of at least 8 but no more than 14 Division Committee members (including the President and Deputy Presidents appointed under subregulation (5), and the Immediate Past President appointed under subregulation (6), as determined from time to time by the Division Committee.
- (2) Subject to subregulation (3), the Division Committee may appoint a voting member to be a member of the Committee.
- (3) At any time, a majority of the members of the Division Committee must be members elected to the Committee.
- Note. For elections see Division 2 of Part 6.*
- (4) The Division Committee must not appoint a member to be a member of the Division Committee unless satisfied that, after the appointment, the Committee has an appropriate mix of age, gender, location and other aspects of diversity, representation and relevant skills, including skills in management and governance.
- (5) A Division Committee must appoint 1 of its members to be President of the Committee, and at least 1 to be Deputy President. A Deputy President is to perform the functions of the President when the President is not available.
- (6) Upon the appointment of a member of the Division Committee as President, the member replaced as President is, by force of this subregulation, immediately appointed as a member of the Division Committee, unless that member:
- (a) is not eligible to be elected as a member of the Division Committee; or
 - (b) cannot be a member of the Division Committee because of regulation 4.07.
- (7) Regulation 2.20 applies to a member of a Division Committee and any Division sub-committee established under regulation 4.09.

Note. Regulation 2.20 requires compliance with the Office Bearer Code of Conduct. That Code can be found in Schedule 4.

Note. Breach of the Office Bearer Code of Conduct is grounds for a complaint under Part 2 Division 4 of these Regulations.

- (8) Regulation 2.21 applies to a member of a Division Committee and any Division sub-committee established under regulation 4.09.

Note: Regulation 2.21 deals with conflicts of interest. For a definition of 'conflict of interest' see regulation 1.04.

- (9) In the event of a casual vacancy on a committee, the committee may
- (a) If the vacancy is an elected position and the vacancy causes the committee to fall below the membership threshold prescribed in 4.04(1), offer the position to a nominee who received the next most votes in the relevant election.

Note: Regulation 4.04(1) prescribes that a committee consists of at least 8 but no more than 14 members.

- (b) If the vacancy is an elected position and the vacancy does not cause the committee to fall below the membership threshold prescribed in 4.04(1), the committee may offer the position to a nominee who received the next most votes in the relevant election, appoint a voting member for the remainder of the position tenure, or leave the position vacant for the remainder of the position tenure.

Note: If the nominee who received the next most votes declines the position, other nominees with lesser votes can be considered until such time as the position is filled. If there were only two nominees and the nominee who received the next most votes declines the position, the Chief Executive Officer has the discretion, in consultation with the Division General Manager, to determine a process to be applied for the remainder of a position tenure.

- (c) If the elected position was filled elected unopposed, the committee may fill the vacancy through appointment for the remaining tenure and will be deemed not to be in breach of 4.04(3).

Note: Regulation 4.04(3) prescribes that at any time, a majority of the members of the Division Committee must be members elected to the Committee.

- (d) If the vacant position is caused through departure of an appointed member, the committee may, subject to 4.04(4), appoint another voting member.

Note: Regulation 4.04(4) prescribes the considerations applied to appointed members (diversity, representation and relevant skills, including skills in management and governance).

4.05 Division Committees – Functions

- (1) The functions of a Division Committee are, within the Division's geographical area:
- (a) to provide leadership and direction to members (including office bearers) in the Division;
- (b) to liaise with Colleges and technical societies in respect of Engineers Australia's learned society functions undertaken at the local level, including by encouraging collaboration and communication between Colleges, special interest groups and centres, national committees and panels, technical societies and their local branches;
- (c) to assist the Board with the delivery of national programs;
- (d) to initiate and support local programs to provide improved services to members in the Division and to appeal to new members;

- (e) to provide advice and recommendations to the Board on matters relating to its role within the Division;
 - (f) to facilitate communication between Division members and the Board, and between Division members and other local constituent bodies of Engineers Australia;
 - (g) to represent Engineers Australia in public forums and media opportunities consistently with Engineers Australia's policies and in consultation with the Chief Executive Officer;
 - (h) to engage in high level consultation with the Division General Manager on the resourcing of Division activities; and
 - (i) to provide or arrange programs to engage the local community and promote the profession of engineering practice.
- (2) A Division Committee also has the following functions:
- (a) to provide advice to the Board, when requested, on applications by persons for membership of Engineers Australia as a fellow;
 - (b) to elect a delegate to Congress in accordance with regulation 6.39;
- Note. See also By-Law 25.1(b).*
- (c) to provide advice to the Chief Executive Officer, when requested, on applications by persons for membership of Engineers Australia;
 - (d) any other function conferred on it by these Regulations or by resolution of the Board.
- Note. See also By-Law 38.*
- (3) Each Division Committee must provide reports to the Board, through the Chief Executive Officer, on the Division's activities, as directed by the Board.

4.06 Division Committee and Division President – Roles

- (1) Subject to any directions of the Board, a Division Committee is responsible for the performance of the Division Committee's functions.
- (2) The President appointed under subregulation 4.04 (5) is to provide leadership to the Division Committee in carrying out its functions.

4.07 Division Committees – Terms of Office of Members

- (1) Subject to these Regulations, a member of a Division Committee holds office for 2 years from 1 January in the year after they are elected or appointed but may be re-appointed or re-elected.

Note. See also regulation 2.16.

Note. Terms of office for the National President, Directors and delegates to National Congress are set out in By-Law 36.

- (2) Subject to subregulation (4), a member of a Division Committee may be re-appointed or re-elected a total of 2 times consecutively. Each re-appointment or re-election must be for no more than 2 years.

- (3) The President appointed under subregulation 4.04(5) holds office for 1 year and may hold office for a further 1 year with the approval of the relevant Division Committee.
- (4) The period of time a Division Committee member serves as President, Deputy President or immediate past president of that Committee, is to be excluded when calculating the maximum consecutive term referred to in subregulation (2).
- (5) A member of a Division Committee may resign the office at any time by giving a written resignation to the Chief Executive Officer and the President of the Committee.
- (6) The Board may at any time, by resolution, remove a Division Committee member from office, or suspend the member from office for a specified period.

4.08 Division Committees – Meetings

- (1) The members of a Division Committee must hold such meetings as are necessary for the efficient performance and exercise of the Committee's functions and powers.
- (2) At a meeting of a Division Committee, a majority of members of the Committee is a quorum.
- (3) Subject to these Regulations and any direction of the Board:
 - (a) the President of a Division Committee is to preside at all meetings of the Committee;
 - (b) a question arising at a meeting is to be determined by a majority of the votes of the members of the Committee present and voting;
 - (c) the person chairing a meeting has a deliberative vote and, if necessary, also a casting vote; and
 - (d) the members of a Division Committee may regulate proceedings at their meetings, as they consider appropriate.
- (4) If:
 - (a) a Division Committee has determined:
 - (i) that resolutions may be passed in accordance with this subregulation; and
 - (ii) the method by which members of the Committee are to indicate agreement with a resolution proposed to be passed in accordance with this section; and
 - (b) without meeting, a majority of the members of the Committee indicate agreement with the resolution in accordance with that method; and
 - (c) either:
 - (i) all members of the Committee were given reasonable notice of the resolution; or
 - (ii) reasonable efforts were made to inform them all of the resolution;

the resolution is taken to have been passed at a meeting of the Division Committee on the date on which the last Division Committee member indicated his or her agreement.

4.09 Division Committees – Subcommittees

- (1) A Division Committee may, by resolution, establish subcommittees, including regional groups, with functions specified in the resolution and with a prescribed end date.
- (2) Subregulation (1) does not enable a Division Committee to establish a subcommittee as a local branch of a college, special interest group or centre, national committee or technical society.

Note. For the establishment of local branches of Colleges see subregulation 5.15 (6) and of technical societies see subregulation 5.25(1).

- (3) Each Division Committee must review every two years the activities of its subcommittees and whether there is a continuing need for those subcommittees.
- (4) Each subcommittee must include at least 1 member of the Division Committee, unless otherwise agreed by the Division Committee.
- (5) A subcommittee may determine its own procedures, but must comply with any direction of the Division Committee, the terms of the establishing resolution (including any terms relating to the period of operation of the subcommittee and reporting requirements for the subcommittee) and the procedures must otherwise be consistent with these Regulations and the By-Laws.

4.10 Division Committees – Validity of Acts

Anything done by or in relation to a person purporting to act as a member of a Division Committee or subcommittee is not invalid merely because:

- (a) there was a defect or irregularity in connection with his or her appointment; or
- (b) his or her appointment had ceased to have effect.

4.11 Dissolving Divisions

- (1) Subject to sub-clause (2) the Board may, by resolution, dissolve a Division.
- (2) The Board must not make a resolution to dissolve a Division unless it has consulted the Division Committee of that Division and the Presidents Forum (including the President of the relevant Division Committee).
- (3) The resolution must make provision for the winding up of the affairs of the Division, including the disposition of any assets made available to the Division Committee by Engineers Australia.

Division 2 – Presidents Forum

4.12 Presidents Forum

- (1) A committee (the Presidents Forum) is established as a standing committee of the Board.
- (2) The Presidents Forum consists of:
 - (a) the National President; and
 - (b) the President of each Division Committee.
- (3) The Presidents Forum’s functions are:
 - (a) the functions conferred on it by these Regulations; and
 - (b) any other function conferred on it by resolution of the Board.
- (4) The National President is the Chair of the Presidents Forum.
- (5) The National President may either request that another Director attend and perform the functions of Chair when the Chair is not available, or may appoint another member of the Presidents Forum to perform those functions.
- (6) The Presidents Forum is to meet as often as is necessary for the proper performance of its functions.
- (7) The Presidents Forum is to make its decisions by consensus.
- (8) Regulation 2.20 applies to a member of the Presidents Forum.

Note. Regulation 2.20 requires compliance with the Office Bearer Code of Conduct. That Code can be found in Schedule 4.

Note. Breach of the Office Bearer Code of Conduct is grounds for a complaint under Part 2 Division 4 of these Regulations.

- (9) Regulation 2.21 applies to a member of the Presidents Forum.

Note. Regulation 2.21 deals with conflicts of interest. For a definition of ‘conflict of interest’ see regulation 1.04.

4.13 Functions of Presidents Forum

- (1) The Presidents Forum has the following functions:
 - (a) to consider matters relating to the role of Division Committees and advise the Board on those matters;
 - (b) to provide a forum for the exchange of information and ideas related to strategic matters; and
 - (c) to advise the Board on any matters referred to it by the Board.

Division 3 – Special Interest Groups

4.14 Special Interest Groups and Centres

- (1) The Special Interest Groups and Centres listed in Part 2 of Schedule 2 are continued in existence.
- (2) The Board may, by resolution, constitute a Special Interest Group where a national focus is required to ensure that the needs of a specific membership cohort can be addressed.
- (3) The Board may, by resolution, constitute a Centre where a national focus is required for a significant area of engineering practice that is not covered by a College and/or Technical Society.
- (4) The role of a Special Interest Group is to:
 - (a) identify strategies and recommend to the Board actions to address the needs of their identified cohort;
 - (b) work with the Colleges, Technical Societies and the Chief Executive Officer to implement Board approved strategies and policies in relation to their identified cohort into the normal operations of each College, Technical Society and Division, including undertaking joint activities;
 - (d) liaise with and provide support to College Boards, Divisions and Technical Societies regarding the undertaking of activities by these groups to support their cohort;
 - (e) communicate with their cohort to identify ongoing needs and to direct them to areas within Engineers Australia that can assist them; and
 - (f) arrange for an appropriate range of events or other activities in accordance with their approved plan to address needs that cannot normally be met through other Engineers Australia channels.
- (5) The role of a Centre is to:
 - (a) identify strategies and recommend to the Board actions to address the specific needs of their identified area of engineering practice;
 - (b) facilitate the provision of high level technical advice, undertake research and/or contribute to public policy and participate in expert panels, committees or forums;
 - (c) identify gaps or emerging needs in skills and knowledge for their identified area of engineering practice to facilitate the CPD provided by Engineers Australia for members; and
 - (d) represent Engineers Australia in the wider community in line with Engineers Australia's policies, and nominate members for appointment to external bodies as required.
- (6) Leadership of Special Interest Groups and Centres
 - (a) A Special Interest Group or Centre must at all times be led by a committee.

- (b) A Special Interest Group or Centre committee is to comprise at least 5, and up to a maximum of 10, elected or appointed members, as determined by each committee.
- (c) The Board may appoint a member to, or remove a member from, a Special Interest Group or Centre committee. The Board may appoint a member to the position of Chair or Deputy Chair of the committee.

Note. This excludes corresponding members, who may be co-opted by the committee in accordance with subregulation 4.14(6)(g).

- (d) The majority of the committee are to be elected members.
- (e) The remainder of the committee, not exceeding the number of elected members, may be appointed by the committee and must be respected members of the profession who are recognised as being able to make a contribution to the specific purpose of the Special Interest Group or Centre. It is highly desirable that some be Chartered and some be Fellows, where practicable. A student member may be a non-voting member of a committee, if desired.
- (f) Appointed members should be appointed against a prescribed skills matrix and secondly having regard to a mix of age, gender and other aspects of diversity and location.
- (g) A Special Interest Group or Centre committee may co-opt additional members or other persons, including student members, from time to time as corresponding members to address specific issues or assist with work on matters being pursued by the committee. These committee members do not have any formal role or voting rights.
- (h) Unless appointed by the Board under subregulation (6)(c), a Special Interest Group or Centre committee must elect 1 of its members to be Chair and 1 to be Deputy Chair. The Deputy Chair is to perform the function of the Chair when the Chair is unavailable.

(7) Subject to these Regulations:

- (a) A member of a Special Interest Group or Centre committee holds office for 2 years from 1 January in the year after they are elected or appointed, but may be re-elected or re-appointed.
- (b) Subject to subregulation (7)(d) a member of a Special Interest Group or Centre committee may be re-elected or re-appointed a total of 2 times consecutively. Each re- election or re-appointment must be for no more than 2 years.
- (c) The Chair appointed under subregulation (6)(c) or subregulation (6)(h) holds office for 2 years. If there is no other suitable candidate, the Chair may be re-appointed as Chair, but only once and with approval from the Board. The re-appointment must be for no more than 2 years.
- (d) The period of time a Special Interest Group or Centre committee member serves as Chair or Deputy Chair is to be excluded when calculating the maximum consecutive term referred to in subregulation (7)(b).

- (e) A member of a Special Interest Group or Centre national committee may resign the office at any time by giving a written letter of resignation to the Chief Executive Officer and the Chair of the national committee.
- (8) A Special Interest Group or Centre committee may, after consultation with a Division Committee, resolve to establish a branch within that Division with functions specified in the resolution.
- (a) The Special Interest Group or Centre branch must:
- (i) report to and take direction from its respective Special Interest Group or Centre national committee on its activities and technical content;
 - (ii) liaise with the Division Committee with regard to operational aspects of CPD delivery within that Division; and
 - (iii) liaise with the Chief Executive Officer regarding resourcing.
- (b) Unless procedures are provided by the national committee, a branch committee may determine its own procedures, but must comply with any direction of its national committee, as well as any direction of the Division Committee about matters contemplated by subregulation (8)(a)(ii) and of the Chief Executive Officer about resourcing under subregulation (8)(a)(iii), and the procedures must otherwise be consistent with these Regulations and the By-Laws.
- (9) Regulation 2.20 applies to a member of a Special Interest Group or Centre committee.
- Note. Regulation 2.20 requires compliance with the Office Bearer Code of Conduct. That Code can be found in Schedule 4.*
- Note. Breach of the Office Bearer Code of Conduct is grounds for a complaint under Part 2 Division 4.*
- (10) Regulation 2.21 applies to a member of a Special Interest Group or Centre committee.
- Note. Regulation 2.21 deals with conflicts of interest. For a definition of 'conflict of interest' see regulation 1.04.*
- (11) The Chief Executive Officer, in accordance with directions and policies of the Board, may allocate Engineers Australia's resources to support the activities of a Special Interest Group or Centre.
- (12) Without limiting subregulation (6), the Board may determine a review period at the end of which the operations of a Special Interest Group or Centre must be reviewed by or for the Board.
- (14) The Board may, by resolution, and after consultation with the Special Interest Group or Centre concerned, dissolve a Special Interest Group or Centre.

Division 4 – National Committees

4.15 National Committees

- (1) The National Committees listed in Part 3 of Schedule 2 are continued in existence.
- (2) The Board may, by resolution, constitute a National Committee whether or not it has been proposed by a College under subregulation 5.15(3).
- (3) The membership, role and other arrangements in respect of a National Committee must include:
 - (a) a national focus;
 - (b) a maximum membership of 6 members;
 - (c) an appropriate mix of age, gender, location and other aspects of diversity, representation and relevant skills including skills in management; and governance;
 - (d) that the National Committee may, after consultation with a Division Committee, resolve to establish a branch within that Division with functions specified in the resolution;
 - (e) without limiting subregulation (d), that the National Committee branch must:
 - (i) report to and take direction from the National Committee on its activities and technical content; and
 - (ii) liaise with the Division Committee with regard to operational aspects of CPD delivery within that Division; and
 - (iii) liaise with the Chief Executive Officer regarding resourcing;
 - (f) unless procedures are provided by the National Committee, a branch may determine its own procedures, but must comply with any direction of the National Committee, as well as any direction of the Division Committee about matters contemplated by subregulation (3)(e)(ii) and of the Chief Executive Officer about resourcing under subregulation (3)(e)(iii), and the procedures must otherwise be consistent with these Regulations and the By-Laws;
 - (g) that the term is no more than 3 years, but may be renewed for further terms. The Board must not renew a term unless satisfied that the National Committee is operating in accordance with its functions and that renewing the term is in the best interests of Engineers Australia; and
 - (h) in the case of a National Committee that is not proposed by a College under regulation 5.15(3), whether it is to be affiliated with a College, subject to consultation with that College; and

are otherwise determined by the Board.

Note. Subregulation 4.15(3) applies to National Committees established under subregulation (1)(existing) and (2)(new).

- (4) Without limiting subregulation (3), the Board may determine a review period at the end of which the operations of a National Committee must be reviewed by or for the Board.
- (5) Regulation 2.20 applies to a member of a National Committee.
- Note. Regulation 2.20 requires compliance with the Office Bearer Code of Conduct. That Code can be found in Schedule 4.*
- Note. Breach of the Office Bearer Code of Conduct is grounds for a complaint under Part 2 Division 4.*
- (6) Regulation 2.21 applies to a member of a National Committee.
- Note. Regulation 2.21 deals with conflicts of interest. For a definition of 'conflict of interest' see regulation 1.04.*
- (7) A member of a National Committee may resign the office at any time by giving a written resignation to the Chief Executive Officer.
- (8) The Chief Executive Officer, in accordance with directions and policies of the Board, may allocate Engineers Australia's resources to support the activities of a National Committee.
- (9) The Board may, by resolution, and after consultation with the National Committee concerned, dissolve a National Committee.

Division 5 – Overseas Chapters

4.16 Overseas Chapters

- (1) The Overseas Chapters listed in Part 4 of Schedule 2 are continued in existence.
- (2) The Board may, by resolution, establish an Overseas Chapter.
- (3) The membership of an Overseas Chapter is to consist of members of Engineers Australia whose principal place of residence is outside of Australia.
- (4) There is to be a committee to lead each Overseas Chapter. An Overseas Chapter Committee consists of:
 - (a) at least 6 but no more than 12 members as determined from time to time by the Overseas Chapter Committee;
 - (b) a Chair (or Chapter President), Deputy Chair and immediate past chair, and at least 3 members of that Overseas Chapter elected by the chapter members; and
 - (c) an appropriate mix of age, gender, location and other aspects of diversity, representation and relevant skills, including skills in management and governance.
- (5) Subject to these Regulations:
 - (a) a member of an Overseas Chapter Committee holds office for 2 years from 1 January in the year after they are elected or appointed but may be re-elected or re-appointed;
 - (b) subject to subregulation (5)(d) a member of an Overseas Chapter Committee may be re-appointed or re-elected a total of 2 times consecutively. Each re-appointment or re-election must be for no more than 2 years;
 - (c) the Chair (or Chapter President) appointed under subregulation (4) holds office for 1 year and may hold office for a further 1 year with the approval of the relevant Overseas Chapter Committee;
 - (d) the period of time an Overseas Chapter Committee member serves as Chair (or Chapter President), Deputy Chair or immediate past chair of that Committee, is to be excluded when calculating the maximum consecutive term referred to in subregulation (5)(b); and
 - (e) a member of an Overseas Chapter Committee may resign the office at any time by giving a written resignation to the Chief Executive Officer and the Chair (or Chapter President) of the Committee.

- (6) Regulation 2.20 applies to a member of an Overseas Chapter Committee.

Note. Regulation 2.20 requires compliance with the Office Bearer Code of Conduct. That Code can be found in Schedule 4.

Note. Breach of the Office Bearer Code of Conduct is grounds for a complaint under Part 2 Division 4.

- (7) Regulation 2.21 applies to a member of an Overseas Chapter Committee.

Note. Regulation 2.21 deals with conflicts of interest. For a definition of 'conflict of interest' see regulation 1.04.

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- (8) The role and other arrangements in respect of an Overseas Chapter Committee, including any requirements for how elections should be held, are to be as determined by the Chief Executive Officer in accordance with local laws, and subsequently advised to the Board.
- (9) Without limiting subregulation (8), the functions of an Overseas Chapter Committee are, within the Overseas Chapter's geographical area:
- (a) to provide leadership and direction to members (including office bearers) in the Overseas Chapter;
 - (b) to liaise with Colleges and Technical Societies in respect of Engineers Australia's learned society functions undertaken at the local level, including by encouraging collaboration and communication between Colleges, Technical Societies and local learned societies;
 - (c) to assist the Board with the delivery of relevant programs;
 - (d) to initiate and support local programs to provide improved services to members in the Overseas Chapter and to appeal to new members;
 - (e) to provide advice and recommendations to the Board on matters relating to its role within the Overseas Chapter;
 - (f) to facilitate communication between Overseas Chapter members and the Board, and between Overseas Chapter members and other local constituent bodies of Engineers Australia;
 - (g) to represent Engineers Australia in public forums and media opportunities consistent with Engineers Australia's policies and in consultation with the Chief Executive Officer;
 - (h) to engage in high level consultation with the Chief Executive Officer on the resourcing of Overseas Chapter activities;
 - (i) to provide or arrange programs to engage the local community and promote the profession of engineering practice;
 - (j) to provide advice to the Board, when requested, on applications by persons for membership of Engineers Australia as a fellow;
 - (k) to provide advice to the Chief Executive Officer, when requested, on applications by persons for membership of Engineers Australia; and
 - (l) any other function conferred on it by these Regulations or by resolution of the Board.
- (10) Without limiting subregulation (8), the Board may determine a review period at the end of which the operations of an Overseas Chapter must be reviewed by or for the Board.
- (11) The Chief Executive Officer, in accordance with directions and policies of the Board, must allocate Engineers Australia's resources to support the activities of an Overseas Chapter.
- (12) The Board may, by resolution, and after consultation with the Overseas Chapter Committee concerned, dissolve an Overseas Chapter.

Division 6 – Subsidiaries

4.17 Subsidiaries

- (1) The subsidiaries listed in Part 5 of Schedule 3 are continued in existence.
- (2) The Board may, by resolution, establish a subsidiary on such terms and conditions as the Board approves.

Part 5 Learned Society Functions

Note. Engineers Australia develops and implements its learned society functions primarily through the Colleges, technical societies and the Engineering Practice Advisory Committee

Division 1 – Engineering Practice Advisory Committee

5.01 Engineering Practice Advisory Committee

- (1) A committee (the Engineering Practice Advisory Committee or EPAC) is established as a standing committee of the Board.
- (2) The EPAC consists of:
 - (a) the National Deputy President;
 - (b) the Chairs of the College Board of each College; and
 - (c) the Presidents of each Technical Society.
- (3) The EPAC's functions are:
 - (a) the functions conferred on it by these Regulations; and
 - (b) any other function conferred it by resolution of the Board.
- (4) The National Deputy President is the Chair of the EPAC.
- (5) The Chair may nominate 1 of the other members of the EPAC as Deputy Chair. The Deputy Chair is to perform the functions of the Chair when the Chair is not available.
- (6) The EPAC is to meet as often as is necessary for the proper performance of its functions.
- (7) The EPAC is to make its decisions by consensus.
- (8) Regulation 2.20 applies to a member of EPAC.

Note. Regulation 2.20 requires compliance with the Office Bearer Code of Conduct. That Code can be found in Schedule 4.

Note. Breach of the Office Bearer Code of Conduct is grounds for a complaint under Part 2 Division 4 of these Regulations.

- (9) Regulation 2.21 applies to a member of EPAC.

Note. Regulation 2.21 deals with conflicts of interest. For a definition of 'conflict of interest' see regulation 1.04.

5.02 Functions of EPAC

The EPAC has the following functions:

- (a) to consider matters relating to the learned society function of Engineers Australia and advise the Board on those matters;
- (b) to provide a forum for the exchange of information related to Engineers Australia's learned society functions;
- (c) to identify potential opportunities for collaboration and cooperation (whether with constituent bodies of Engineers Australia, technical societies or other bodies) in relation to Engineers Australia's learned society functions;
- (d) to review the activities of the Colleges and technical societies in relation to Engineers Australia's learned society functions, and provide, as it sees appropriate, guidance to them in relation to those activities.

5.03 Collaboration between Colleges and Technical Societies and Division Committees

For each year, each College and Technical Society must liaise with each Division and formulate proposals for learned society activities that each branch of that body must undertake in the Division.

Division 2 – College Chairs Forum

5.04 College Chairs Forum

- (1) A committee (the College Chairs Forum) is established as a standing committee of the Board.
- (2) The College Chairs Forum consists of representatives of the Colleges appointed by the Board.
- (3) The College Chairs Forum’s functions are:
 - (a) the functions conferred on it by these Regulations; and
 - (b) any other function conferred on it by resolution of the Board.
- (4) The Board must appoint one of the members of the College Chairs Forum as Chair and one as Deputy Chair.
- (5) The Deputy Chair is to attend and perform the functions of the Chair when the Chair is not available.
- (6) The College Chairs Forum has an initial term of 3 years and may be extended by resolution of the Board.
- (7) The College Chairs Forum is to meet as often as is necessary for the proper performance of its functions.
- (8) The College Chairs Forum is to make its decisions by consensus.
- (9) Regulation 2.20 applies to a member of the College Chairs Forum.

Note. Regulation 2.20 requires compliance with the Office Bearer Code of Conduct. That Code can be found in Schedule 4.

Note. Breach of the Office Bearer Code of Conduct is grounds for a complaint under Part 2 Division 4.

- (10) Regulation 2.21 applies to a member of the College Chairs Forum.

Note. Regulation 2.21 deals with conflicts of interest. For a definition of ‘conflict of interest’ see regulation 1.04.

5.05 Functions of the College Chairs Forum

The College Chairs Forum has the following functions:

- (a) to consider matters relating to the role of Colleges and advise the Board on those matters;
- (b) to provide a forum for the exchange of information and ideas between College Boards;

- (c) to assist College Boards to develop strategies for the development of the body of knowledge, education and professional standards relating to their engineering disciplines;
- (d) to facilitate effective communication between the learned society bodies of Engineers Australia;
- (e) to provide guidance and direction for the Colleges to effectively discharge their learned society functions under regulation 5.07; and
- (f) to advise Board on any matters referred to it by Board.

Division 3 – The Colleges

5.06 Colleges

- (1) The following Colleges of Engineers Australia are continued in existence, with the following areas of expertise:

College of Expertise

the Biomedical College
the Chemical College
the Civil College
the Electrical College
the Environmental College
the Information, Telecommunications & Electronics Engineering College
the Leadership and Management College
the Mechanical College
the Structural College

- (2) The Board may, by resolution, and after consultation with the College Chairs Forum, constitute a new College. The resolution must specify the discipline in relation to professional engineering practice for the College.
- (3) If the Board constitutes a new College, it may, by resolution, vary the discipline of another College, after consulting with that other College.

5.07 Colleges – role

A College provides a discipline based home for members and provides a vehicle through which Engineers Australia advances the science and practice of engineering for the benefit of the Community through building the body of engineering knowledge and supporting the career development of engineering professionals.

5.08 Colleges – resourcing

The Chief Executive Officer, in accordance with directions and policies of the Board, may allocate Engineers Australia's resources to support the activities of the Colleges.

5.09 Colleges – membership

- (1) Each member must be a member of a College, and may be a member of more than 1 College at a time.

- (2) A member is qualified for membership of a College in the area or areas of expertise which align with the member's qualifications and experience. To avoid doubt, a member may be qualified for membership of more than 1 College.

Note. See 2015 By-Laws.

- (3) A member becomes a member of a College if he or she:
- (a) is qualified to be a member of the College; and
 - (b) nominated the College for the purposes of this regulation in his or her application for membership or most recent application for renewal of membership.
- (4) If a question arises whether a member is qualified to be a member of a particular College, the Chief Executive Officer must determine the matter after consultation with the relevant College. The determination is final, and is not capable of being subject to any further review or appeal, unless it is established that it was not made in good faith.

5.10 College Boards

- (1) The Board must ensure that there is at all times, for each College, a College Board.
- (2) The role of the College Board is to:
- (a) identify and facilitate the delivery of appropriate continuing professional development (CPD) for members of their discipline through their Branches, National Committees, affiliated Technical Societies and/or a program of conferences;
 - (b) identify emerging changes in technical standards and gaps for their discipline;
 - (c) consult with and provide advice to the Professional Standards Committee on the technical standards for their discipline;
 - (d) identify emerging new disciplines and/or significant cross-discipline areas that may require a new College or Technical Society or cross-College approach and provide advice to the Board via College Chairs Forum;
 - (e) contribute to the development of the body of knowledge relevant to their discipline;
 - (f) identify and facilitate the provision of high-level technical advice that contributes to public policy and represent Engineers Australia in the wider community in line with Engineers Australia's policies;
 - (g) participate in expert panels, committees or forums and nominate members of the College to external bodies as required;
 - (h) collaborate and cooperate with relevant Technical Societies and other Engineers Australia Colleges to meet the requirements of sub-regulation (2); and

- (i) provide leadership and guidance to College Branches and National Committees.
- (3) The College Board shall also:
- (a) produce a three-year plan which provides details on the initiatives that the College Board plans to undertake in meeting its roles and the outcomes to be achieved in terms of a contribution to the strategic priorities established by the Board, and working within the operational priorities as set by the Chief Executive Officer;
 - (b) provide an annual report to the Board, through the Chief Executive Officer, on outcomes achieved against the College Board's three-year plan;
 - (c) nominate a person to be a temporary member of the Professional Conduct Committee when requested to do so under sub-regulation 2.23(4);
 - (d) elect a delegate to Congress in accordance with regulation 6.39; and
Note: See 2015 By-Laws
 - (e) carry out any other function conferred on it by these Regulations or by resolution of the Board.
- (4) The Chair of a College Board elected under sub-regulation 5.11(10) is to provide leadership to the College Board in carrying out its responsibilities.

5.11 College Boards – composition

- (1) The College Board may determine the structure of the College Board within the minimum and maximum number of members to reflect the plans of the College Board, whilst meeting the requirements of regulation 5.10.
- (2) A College Board is to comprise at least 3 and up to a maximum of 10 elected or appointed members.
Note: This excludes corresponding members, co-opted by the College Board in accordance with sub-regulation 5.11(5).
- (3) The majority of the College Board are to be Chartered members of that College and are to be selected in an open manner that may include an expression of interest process.
Note: For the election of College Board members see Part 6 Division 1
Note: EngExec is deemed a Chartered Member of the College of Leadership and Management.
- (4) A person is not eligible to be elected or appointed as a member of a College Board unless he or she is a member of that College.
- (5) A student or graduate member is not eligible to be elected or appointed as a College Board member but may be co-opted under sub-regulation (7).
- (6) All College Board positions, whether elected or appointed, are to be made taking account of diversity, skills and technical proficiency in the College's discipline.

- (7) A College Board may co-opt additional members or other persons, including student members, from time to time as corresponding members to address specific issues or assist with work on matters being pursued by the College Board. Such members do not have any formal role or voting rights and may not be co-opted for more than 2 years. A member or person who has been co-opted for a 2-year term may serve a further term as a co-opted member after a 1-year cessation.
- (8) The Office Bearer Code of Conduct under regulation 2.20 applies to a member of a College Board.
- (9) The Conflict of Interest provision under regulation 2.21 applies to a member of a College Board.
- (10) The College Board must elect:
 - (a) 1 member of the College Board who is a Fellow and Chartered member to the Chair of the College Board; and
 - (b) 1 member to be Deputy Chair of the College Board;
 - (i) the Deputy Chair is to perform the functions of the Chair when the Chair is not available;
 - (c) the College Board may elect a Chair and Deputy Chair of the College Board to hold office for:
 - (i) a 1-year term from 1 January in the year after they are elected; or
 - (ii) a 2-year term from 1 January in the year after they are elected; or
 - (iii) a 3-year term from 1 January in the year after they are elected.
 - (d) The Chair and Deputy Chair of a College Board may be reappointed for a further term, but may only hold that office for a maximum tenure of 4 years from the date of their initial election.

5.12 College Boards – term of office of members

- (1) Subject to these Regulations, a member of a College Board holds office for 2 years from 1 January in the year after they are elected or appointed but may be re-elected or re-appointed, however a College Board may appoint a member for a shorter period specified in the resolution of appointment.

Note. See also regulation 2.16.

- (2) The maximum tenure of an appointed or elected member of a College Board is 6 years; or
 - (a) the maximum tenure if a member of a College Board serves as Chair, Deputy Chair or Immediate Past Chair of that College Board is 10 years.

Note: Subregulation 5.12(2) comes into effect from 1 January 2020. The following provisions apply until 31 December 2019:

- (i) *Subject to (ii) a member of a College Board may be re-appointed or re-elected no more than 2 times. Each re-appointment must be for no more than 2 years.*
 - (ii) *The period of time a member of a College Board serves as Chair, Deputy Chair or immediate past chair of that College Board, is to be excluded when calculating the maximum consecutive term referred to in (i).*
- (3) A member of a College Board may resign the office at any time by giving a written resignation to the Chair of the Board, with a copy to the Chief Executive Officer.
- (4) A College Board may fill a casual vacancy that arises through the resignation of a College Board member by appointment for the remainder of the vacated term.
- (5) The Board may at any time, by resolution, remove a College Board member from office, or suspend the member from office for a specified period.
- (6) The Board must, by resolution, remove a College Board member from office, or suspend the member from office for a specified period, if a majority of the College Board members so request in writing.

5.13 College Boards – meetings

- (1) The members of a College Board must hold such meetings as are necessary for the efficient performance and exercise of the College Board's responsibilities.
- (2) At a meeting of a College Board, a majority of members of the College Board is a quorum.
- (3) Subject to these Regulations and any direction of the Board:
 - (a) the Chair of a College Board is to preside at all College Board meetings;
 - (b) a question arising at a meeting is to be determined by a majority of the votes of the members of the College Board present and voting;
 - (c) the person chairing a meeting has a deliberative vote and, if necessary, also a casting vote; and
 - (d) the members of the College Board may regulate proceedings at meetings as they consider appropriate.
- (4) If:
 - (a) a College Board has determined:
 - (i) that resolutions may be passed in accordance with this sub-regulation; and
 - (ii) the method by which members of the College Board are to indicate agreement with a resolution proposed to be passed in accordance with this section; and
 - (b) without meeting, a majority of the members of the College Board indicate agreement with the resolution in accordance with that method; and

(c) either:

- (i) all members of the Board were given reasonable notice of the resolution; or
- (ii) reasonable efforts were made to inform them all of the resolution;

the resolution is taken to have been passed at a meeting of the College Board on the date on which the last College Board member indicated his or her agreement.

5.14 College Boards – committees

- (1) A College Board may, by resolution, establish short-term working groups to deliver a specific outcome to assist in the work of the College Board. The term of a short-term working group is no more than 1 year.
- (2) A College Board may, by resolution, establish a standing working group to assist the College Board. The College Board must review the viability of a standing working group every 3 years, and must not renew a term unless satisfied that renewing the term is in the best interests of Engineers Australia.
- (3) Members of such working groups may be drawn from the membership of Engineers Australia or other persons but must have the necessary skills and expertise to deliver the outcomes sought.
- (4) Without limiting sub-regulation (1), the College Board may propose that the Board establish a national committee under sub-regulation 4.15(2) that is affiliated with, and reports to, the College Board.
- (5) Without limiting sub-regulation (1), the College Board may establish a branch of the College in a Division with the functions specified in the resolution. A College Board must not establish a College Branch unless it has consulted with the Division Committee on the viability of establishing that Branch.
- (6) Without limiting sub-regulation (5), the resolution is to include that the College Branch must:
 - (i) report to and take direction from the College Board on its learned society activities and technical content; and
 - (ii) report to the Division Committee on operational aspects of its CPD delivery, and resourcing matters within that Division.
- (7) The College Board must provide terms of reference for committees established under sub-regulations (1), (2), (4) and (5).

5.15 College Boards – validity of acts etc.

Anything done by or in relation to a person purporting to act as a member of a College Board is not invalid merely because:

- (a) there was a defect or irregularity in connection with his or her appointment;
or
- (b) his or her appointment had ceased to have effect.

5.16 Dissolving Colleges

- (1) The Board may, by resolution, and after consultation with a College, dissolve that College.
- (2) The resolution must make provision for the winding up of the affairs of the College, including the disposition of any assets made available to the College by Engineers Australia.

Division 4 – The Technical Societies

5.17 Recognition and establishment of technical societies

- (1) The bodies listed in Schedule 4 are recognised as technical societies.
- (2) The Board may, by resolution, do either of the following:
 - (a) establish a technical society in accordance with this Part;
 - (b) recognise a specified body corporate as a technical society.

Note. For subregulation (2)(b): a body corporate may be a company (generally, limited by guarantee), a body established by Royal Charter or an incorporated association (under State or Territory associations incorporations laws).

5.18 Technical Society – governing committee

- (1) There is to be a committee to lead each technical society listed in Part 1 of Schedule 4. A Technical Society Committee consists of at least 6 but no more than 12 members as determined from time to time by the Committee, must include a chair, deputy chair and immediate past chair (if available), and at least 3 members of that technical society elected by the technical society members.
- (2) The role and functions of the committee, its name, and the way in which Committee members are to be elected, are to be determined by the members of the technical society and must comply with these Regulations and By-Laws.
- (3) Regulation 2.20 applies to a member of a Technical Society Committee.

Note. Regulation 2.20 requires compliance with the Office Bearer Code of Conduct. That Code can be found in Schedule 4.

Note. Breach of the Office Bearer Code of Conduct is grounds for a complaint under Part 2 Division 4.

- (4) Regulation 2.21 applies to a member of a Technical Society Committee.

Note. Regulation 2.21 deals with conflicts of interest. For a definition of ‘conflict of interest’ see regulation 1.04.

5.19 Technical Society – functions

- (1) The functions of a Technical Society include, within the Technical Society's area of expertise:
 - (a) to collaborate with relevant Colleges in implementing the learned society functions of Engineers Australia; and
 - (b) to establish and maintain the body of knowledge relevant to the Technical Society; and
 - (c) to participate in the establishment and maintenance of the requirements for attaining engineering qualifications in the disciplines relevant to the Technical Society; and
 - (d) to participate in periodic reviews of the Australian Engineering Competency Standards; and
 - (e) to participate in setting best practice standards for the ongoing professional development and competency assessment of members in the disciplines relevant to the Technical Society; and
 - (f) to represent Engineers Australia in the wider community consistently with Engineers Australia's policies and in consultation with the Chief Executive Officer;
 - (g) nominate a person to be a temporary member of the Professional Conduct Committee if requested to do so by a College to assist the College to fulfil its function under subregulation 5.07; and
 - (h) any other function conferred on it by these Regulations or by resolution of the Board.

5.20 Standard provisions for terms of reference of technical societies that are unincorporated

- (1) The Board may formulate standard provisions to be included in the terms of reference of a technical society listed in Part 1 of Schedule 3.
- (2) Without limiting what may be in standard provisions, they must include provisions:
 - (a) requiring members of the technical society to comply with relevant policies of Engineers Australia;

Engineers Australia General Regulations

- (b) establishing a process for managing conduct issues within the technical society membership;
- (c) requiring the society to cooperate and collaborate with the College with which it is most closely aligned; and
- (d) requiring the society to collaborate with the College with which it is most closely aligned, to produce an annual plan for the society's activities in the next year, showing how the society:
 - (i) proposes to carry out its functions consistently with Engineers Australia's strategic goals; and
 - (ii) intends to resource those activities; and
- (e) with respect to the dissolution of the society.

Note. For dissolution see regulation 5.25.

5.21 Technical Society – resourcing

The Chief Executive Officer, in accordance with directions and policies of the Board, may allocate Engineers Australia's resources to support the activities of the technical societies listed in Part 1 of Schedule 3.

5.22 Requirements for membership of technical societies

- (1) Each body corporate or firm that is a member of a technical society listed in Part 1 of Schedule 3 must be an affiliate of Engineers Australia.

Note. Bodies corporate and firms cannot be members of Engineers Australia except as affiliates. Note. For affiliates see regulation 2.03. For body corporates continuing as technical societies see Part 2 of Schedule 3.

- (2) Subregulation (1) applies with effect from 1 July 2014.

5.23 Requirements for constitutions of technical societies that are bodies corporate

- (1) The Board must not recognise a body corporate listed in Part 2 of Schedule 3 as a technical society unless Engineers Australia and the body have entered into a binding agreement as to the terms on which the body will be so recognised.

- (2) Without limiting what may be in such an agreement, the agreement must include provisions:
 - (a) requiring the body to cooperate and collaborate with the College with which it is most closely aligned and any other relevant College;
 - (b) dealing with the termination of the agreement in accordance with this Part.

5.24 Technical Society – Branches

- (1) Technical Societies listed in Part 1 of Schedule 3 may by resolution establish a branch in a Division with the functions specified in the resolution. A Technical Society must not establish a branch unless it has consulted with the relevant Division on the viability of establishing that Branch.
- (2) Without limiting subregulation (1), the resolution is to include that the Technical Society Branch must:
 - (a) report to and take direction from the Technical Society on its learned society activities and technical content; and
 - (b) liaise with the Division Committee on operational aspects of its meetings and CPD delivery.

5.25 Dissolving technical societies

- (1) The Board may, by resolution, and after consultation with the relevant technical society, dissolve a technical society listed in Part 1 of Schedule 3 that has been established under, or recognised by, this Part.
- (2) The resolution must make provision for the winding up of the affairs of the technical society, including the disposition of any assets of Engineers Australia allocated to, or used by, the technical society.
- (3) The Board may, by resolution, after consultation with the relevant technical society, revoke its recognition of a specified body corporate as a technical society.
- (4) If the Board makes a resolution under subregulation (3), the Board must, as soon as practicable, exercise any rights it may have, including rights to terminate, the agreement made with the specified body corporate under regulation 5.24.

Part 6 Elections and Membership Ballots

Division 1 – Election of Directors and National President

Note. For a definition of elections, see regulation 1.04(1)

Note. See generally by-law 22

Note. For the election of Directors see by-law 30

Note. For the election of the National Deputy President see by-law 36.

6.01 Purpose and application

- (1) This Division applies only to the election of Directors and the National Deputy President.
- (2) The purpose of this Division is to set out the process for those elections.
- (3) The Board may by resolution modify the application of this Part in a particular case. However, this Part as so modified must be consistent with the 2015 Royal Charter and the 2015 By-Laws.

6.02 Appointment, duties and powers of returning officers

- (1) For each election the Chief Executive Officer is the returning officer.
- (2) The returning officer has, for each election, the functions, powers and duties described in this Part.

Note. The function of the returning officer, and the returning officer's powers and duties, may be delegated: see regulation 8.09.

6.03 Returning officer to determine nomination closing times and voter eligibility cut-off times for elections

- (1) For each election, the returning officer must determine:
 - (a) the nomination closing time;
 - (b) the voter eligibility cut-off time; and
 - (c) the voting closing time.

6.04 Eligibility to nominate as a candidate for election – Board

A person is eligible to nominate as a candidate for an election for member of the Board if the person is a Voting Member at the nomination closing time for the election.

Note. For the eligibility of Directors see by-law 30.2

6.05 Eligibility to nominate as a candidate for election – National Deputy President

A person is eligible to nominate as a candidate for an election for National Deputy President if the person:

- (a) is a voting member; and
- (b) has been a delegate for at least 1 term

and who is either:

- (b) a Fellow (in the occupational category of Professional engineer); or
- (c) an Honorary Fellow

at the nomination closing time for the election.

Note. For the eligibility of the National Deputy President see by-law 36.2.

6.06 Eligibility to vote in elections

- (1) Subject to this regulation, a person is eligible to vote in an election if:
 - (a) the person is a Voting Member at the voter eligibility cut-off time for the election; and
 - (b) the person is a member of the National Congress at that time.

6.07 Number of votes

- (1) Each eligible member has 1 vote in an election.
- (2) An eligible member may appoint a proxy to vote on their behalf if:
 - (a) the proxy is appointed using a form approved by the returning officer before the election; and
 - (b) the proxy is a current member of the National Congress.

6.08 Nominations

- (1) For each election the returning officer must publish a notice:
 - (a) if the election is for a Director – advising members of the election; and
 - (b) if the election is for National Deputy President – advising members of the election; and
 - (c) setting out the determinations under regulation 6.03 for the election; and
 - (d) setting out the eligibility criteria for the election; and
 - (e) calling for nominations for candidates for the election in a form approved by the returning officer.
- (2) The period for which nominations must remain open is a minimum of 10 business days.
- (3) A nomination of a person as a candidate is valid only if:
 - (a) the candidate is eligible to nominate for the position concerned as at the nomination closing time;
 - (b) the candidate has consented in writing to the nomination, and to serving if elected, and the consent is not withdrawn before the nomination closing time; and
 - (c) the nomination is received in full at the address stated in the notice published under subregulation (1).

Note. For eligibility to nominate see regulations 6.04 and 6.05.

- (4) A nomination may include or be accompanied by a candidate statement and a photograph of the candidate.

6.09 Where election necessary

- (1) If:
- (a) the returning officer has published a notice under subregulation 6.08(1) for an election for an office;
 - (b) at the nomination closing time for the election, the number of candidates nominated equals or is less than the number of vacant positions for which each candidate has been nominated; and
 - (c) each candidate is eligible to be nominated; then, despite anything else in these Regulations, no election is necessary and each candidate is, by this regulation, appointed to the office.

Note. For eligibility to nominate see regulations 6.04 ad 6.05.

- (2) In all other cases, an election must be held for the office in accordance with this Division.

6.10 Requirements for candidate statements

- (1) A candidate statement must not exceed 500 words.
- (2) The returning officer may reject a candidate statement on the ground that the statement contains false, misleading, deceptive or defamatory matter.

6.11 Voting papers

- (1) The returning officer must approve and initial a voting paper for each election.
- (2) A voting paper must set out:
- (a) the number of vacant positions; and
 - (b) the names of candidates, arranged in random order, with a box next to each; and
 - (c) voting instructions.
- (3) Voting instructions must state:
- (a) the voting date; and
 - (d) that to vote an eligible voting member must:
 - (i) mark the voting paper by:
 - (A) putting "1" in the square next to the candidate that the member most favours from those listed on the voting paper; and
 - (B) then putting numbers in sequence in the squares next to the nominees that the member also favours from those listed on the voting paper, in the order of the member's preference, at least up to the number of offices to be filled at the election; and

- ii) then place the completed voting paper inside the voting box provided by the Returning Officer.

6.12 Validity of election not affected

None of the following affects the validity of an election:

- (a) the accidental or inadvertent mistake in a ballot paper;
- (b) a member not actually receiving a ballot paper.

6.13 Scrutineers

- (1) A candidate may, in writing in a form approved by the returning officer, appoint a person to be a scrutineer for the candidate.
- (2) A scrutineer is entitled to be present at and observe the opening and counting of the paper votes.
- (3) A decision of the returning officer on matters relating to the scrutiny is final.

6.14 Invalid votes

- (1) A vote is invalid, and is not to be counted, if any of the following apply:
 - (a) the voting paper is not one issued under this Division for the election; or
 - (b) the eligible voting member has not put a "1" next to any candidate; or
 - (c) the voting intention of the member cannot be determined from the voting paper.
- (2) However, despite subregulation (1)(c), if:
 - (a) the member has recorded more than 1 preference (that is, has filled in the squares beside more than 1 candidate); and
 - (b) the numbers recorded are not in an unbroken sequence;the voting paper is invalid, and is not to be counted.

6.15 The count

- (1) As soon as practicable after the closing time for an election, the returning officer must determine whether or not each vote is valid in accordance with these Regulations;
 - (b) for each candidate, add the number of votes cast as first preference votes;
 - (c) if a candidate has a majority of votes, based on the number of votes cast as first preference votes—declare that candidate elected; and
 - (d) if, after working out the total number of first preference votes for each candidate, no candidate has a majority of votes:
 - (i) exclude the candidate with the fewest first preference votes, and allocate each ballot paper with a first preference vote for that

candidate to the candidate (if any) with the next preference as shown on the ballot paper; and

- (ii) repeat the process of excluding the candidate with the fewest votes, and re-allocating ballot-papers, until 1 candidate has a majority of votes, and declare that candidate to be elected.
- (2) If, on a count:
- (a) 2 or more candidates (lowest ranking candidates) have an equal number of votes; and
 - (b) one of them has to be excluded; the candidate to be excluded is the candidate with fewer votes than any of the other lowest ranking candidates at the last count at which one of those candidates had fewer votes than any of the others, but, if there has been no such count, the returning officer must decide by lot which of them is to be excluded.
- (3) When the count is complete but before the Returning Officer declares the result, a scrutineer may request the Returning Officer to have the votes recounted on the basis of error in the counting. The returning officer must consider any such requests and must arrange for a recount if, in his or her opinion, the request is reasonable.
- (4) The returning officer is to repeat the steps at subregulation (1)(b) to (d) for each position or office to be filled at that election.
- (5) In this regulation:
- majority** means a majority of the votes represented by formal voting papers other than voting papers that do not indicate a preference for an unexcluded candidate.
- (6) A determination of a returning officer under this Division is final, and is not capable of being subject to any further review or appeal, unless it is established that it was not made in good faith.

6.16 Notifications of results

The returning officer must report the results of an election to the National Congress as soon as possible after the declaration of the result, and must publish the declaration to members generally.

Division 2 – Election for Division Committees, College Boards and Congress

Note. For elections generally see by-law 22.

6.17 Purpose and application

- (1) The purpose of this Division is to set out the process for election for Division Committees, College Boards and Congress delegates to be elected by the voting members of Divisions.

Note. For the membership of Congress, see generally by-law 25.1.

Note. Only the election of delegates by the voting members of Divisions is covered by this Division. See by-law 25.1(f). For the election of other delegates see Part 6 Division 3.

- (2) The Board may by resolution modify the application of this Part in a particular case. However, this Part as so modified must be consistent with the 2015 Royal Charter and the 2015 By-Laws.
- (3) The Chief Executive Officer must establish a system for periodic review of current practices and technology applicable to electronic voting to maintain the integrity of the system.

6.18 Appointment, duties and powers of returning officers

- (1) For each election to which this Division refers, the returning officer is appointed by resolution of Board for the term set out in that resolution.
- (2) For each other election, the Chief Executive Officer is the returning officer.
- (3) The returning officer has, for each election, the functions, powers and duties described in this Part.

Note. The function of the returning officer, and the returning officer's powers and duties, may be delegated: see regulation 8.09.

6.19 Returning officer to determine nomination closing times and voter eligibility cut-off times for elections

- (1) For each election, the returning officer must determine:
 - (a) the nomination closing time;
 - (b) the voter eligibility cut-off time;
 - (c) the voting closing time; and
 - (d) the internet address where the voting papers can be accessed.
- (2) The nomination closing time must be at least 7 days before the voter eligibility cut-off time.

6.20 Eligibility to nominate as a candidate for election – Congress delegates elected by the voting members of the Divisions

A person is eligible to nominate as a candidate for an election for delegate to Congress if the person is both:

- (a) a voting member; and
- (b) holds or has held office at national or divisional level; and
- (c) is a member of at the nomination closing time for the election.

6.21 Eligibility to nominate as a candidate for election—Division Committee

Subject to this regulation, a person is eligible to nominate as a candidate for a Division Committee if the person:

- (a) is a voting member at the nomination time for the election;
- (b) has not been nominated for any more than 1 other position or office in the same election; and
- (c) is a member of the Division at that time;

Note. Subregulation (1)(a) has the effect of restricting “office bearer” in subregulation (1)(c) to financial members of Engineers Australia. For a definition of ‘voting member’ see by-law 6.1(l).

6.22 Eligibility to nominate as a candidate for election – College Boards

Subject to this regulation, a person is eligible to nominate as a candidate for a College Board if the person:

- (a) is a voting member at the nomination time for the election;
- (b) is a chartered member of the College at that time; and
- (c) satisfies any other criteria for eligibility for the relevant office determined by resolution of the Board.

Note. Subregulation (1)(a) has the effect of restricting “office bearer” in subregulation (1)(c) to financial members of Engineers Australia. For a definition of ‘voting member’ see by-law 6.1(l).

6.23 Eligibility – other provisions

- (1) Board may, by resolution, approve a member who, at the nomination time for the election, is not otherwise eligible to nominate for or be elected as a Division Committee or College Board member where the member possesses exceptional skills or experience that is demonstrated to the satisfaction of Board.
- (2) A member who, at any time, has been removed from office (including before these Regulations came into force) is not eligible to nominate for or be elected as an office bearer unless the Board, by resolution, approves.

Note. For ‘voting member’ see by-law 6.1(l).

6.24 Eligibility to vote in elections

- (1) Subject to this regulation, a person is eligible to vote in an election if:
 - (a) the person is a voting member at the voter eligibility cut-off time for the election; and
 - (b) if the election is for a Division Committee member – the person is a member of the Division at that time; and

- (c) if the election is for a College Board member – the person is a member of the College at that time.
- (2) A member who, at the voter eligibility cut-off time for the election, is a student member is not eligible to vote in an election for a Division Committee member or a College Board member unless the Board, by resolution, approves.
- (3) A professional standards scheme member is not eligible to vote in that capacity in an election.
- (4) The returning officer must, as soon as practicable after the voter eligibility cut-off time for an election, prepare a list of members eligible to vote in the election.

6.25 Number of votes

Each eligible member has 1 vote in an election.

6.26 Nominations

- (1) For each election, the returning officer must publish a notice:
 - (a) advising members of the election;
 - (b) setting out the determinations under regulation 6.23 for the election; and
 - (c) calling for nominations for candidates for the election.
- (2) The period for which nominations must remain open is a minimum of 10 business days.
- (3) A nomination of a person as a candidate is valid only if:
 - (a) the candidate is eligible to nominate for the position concerned as at the nomination closing time;
 - (b) the candidate has consented in writing to the nomination, and to serving if elected, and the consent is not withdrawn before the nomination closing time;
 - (c) the nomination is in writing, signed by the candidate; and
 - (d) the nomination is received in full at the address stated in the notice published under subregulation (1).

Note. For eligibility to nominate see regulations 6.20-6.23.
- (4) Nominees are encouraged to provide a candidate statement and photograph at the time of submission.

6.27 Where election necessary

- (1) If:
 - (a) the returning officer has published a notice under subregulation 6.26(1) for an election for an office;
 - (b) at the nomination closing time for the election, only 1 candidate has been nominated; and

- (c) the candidate is eligible to be nominated; then, despite anything else in these Regulations, no election is necessary and the candidate is, by this regulation, appointed to the office.

Note. For eligibility to nominate see regulations 6.20-6.23.

- (2) In all other cases, an election must be held for the office in accordance with this Part.

6.28 Requirements for candidate statements

- (1) A candidate statement must not exceed 500 words.
- (2) The returning officer may reject a candidate statement on the ground that the statement contains false, misleading, deceptive or defamatory matter.

6.29 Election pack (Division Committee and College Board)

- (1) The returning officer must send to each member who is eligible to vote an election pack consisting of:
 - (a) an electronic voting pack, which will provide instructions for electronic voting.
- (2) The electronic pack is to be forwarded to eligible voting members a minimum of 10 business days prior to the return of date.

6.30 Validity of election not affected

None of the following affects the validity of an election:

- (a) the accidental or inadvertent failure to send a member an election pack;
- (b) a member not actually receiving an election pack.

6.31 Voting papers and voting instructions

- (1) A voting paper approved under subregulation 6.29(b)(i) must set out the names of candidates, arranged in random order, with a box next to each.
- (2) Voting instructions must state:
 - (a) the return date; and
 - (b) the internet address where the ballot-paper may be accessed; and
 - (c) that, to vote in electronic form using the internet—the voter must comply with the directions displayed online with the electronic form of the voting paper as to accessing and using the system used to conduct the vote, and save and send the completed voting paper in accordance with those instructions

6.32 Scrutineers

- (1) A candidate may, in writing in a form approved by the returning officer, appoint a person to be a scrutineer for the candidate.

- (2) A scrutineer is entitled to be present at and observe the opening and counting of the paper votes, and to view the total number of votes cast electronically.
- (3) A scrutineer may request a demonstration of the electronic voting system but only once.
- (4) The returning officer must not give a scrutineer access to the individual votes used to constitute the total number of votes cast electronically.
- (5) A decision of the returning officer on matters relating to the scrutiny is final.

6.33 Multiple voting papers

If the returning officer receives from a member 2 or more voting papers (in whatever form) on or before the return date, the first voting paper received must be included in the count and all other voting papers from the member must be disregarded.

6.34 Opening the voting papers

- (1) Electronic voting papers that have been lodged must not be accessed, and hardcopy ballot paper envelopes that have been returned must not be opened, before the voting closing time.
- (2) Subregulation (1) does not prevent a contractor to Engineers Australia (not a staff member or an officer of Engineers Australia) doing anything that is necessary to check that the system for receiving and storing votes lodged over the internet is working properly, and that there is no evidence of interference with the computerised system which would affect the outcome of the election, but the contractor must not disclose to Engineers Australia, or to an officer or staff member of Engineers Australia, the content of any vote lodged.

6.35 Invalid votes

- (1) A vote is invalid, and is not to be counted, if any of the following apply:
 - (a) if the vote was cast electronically:
 - (i) in casting the vote, the member did not comply with the directions displayed online with the electronic form of the voting paper as to accessing and using the system used to conduct the vote; or
 - (ii) the vote was sent after the voting closing time for the election; or
 - (c) in any case—the voting intention of the member cannot be determined from the voting paper.
- (2) However, despite subregulation (1)(c), if:
 - (a) the member has recorded more than 1 preference (that is, has filled in the squares beside more than 1 candidate); and
 - (b) the numbers recorded are not in an unbroken sequence; the voting paper is invalid, and is not to be counted.

6.36 The count

- (1) As soon as practicable after the closing time for an election, the returning officer must do the following:
 - (a) for votes cast using an electronic voting paper, through the electronic voting system:
 - (i) confirm the electronic vote is from a member eligible to vote;
 - (ii) discard any electronic vote that is not from such a member;
 - (iii) accept and secure the remaining electronic votes;
 - (c) for all votes cast,
 - (i) determine whether or not each vote is valid in accordance with these Regulations;
 - (ii) for each candidate, add the number of votes cast as first preference votes;
 - (iii) if a candidate has a majority of votes, based on the number of votes cast as first preference votes—declare that candidate elected; and
 - (iv) if, after working out the total number of first preference votes for each candidate, no candidate has a majority of votes:
 - (A) exclude the candidate with the fewest first preference votes, and allocate each ballot paper with a first preference vote for that candidate to the candidate (if any) with the next preference as shown on the ballot paper; and
 - (B) repeat the process of excluding the candidate with the fewest votes, and re-allocating ballot-papers, until 1 candidate has a majority of votes, and declare that candidate to be elected.
- (2) If, on a count:
 - (a) 2 or more candidates (lowest ranking candidates) have an equal number of votes; and
 - (b) one of them has to be excluded; the candidate to be excluded is the candidate with fewer votes than any of the other lowest ranking candidates at the last count at which one of those candidates had fewer votes than any of the others, but, if there has been no such count, the returning officer must decide by lot which of them is to be excluded.
- (3) When the count is complete but before the returning officer declares the result, a scrutineer may request the returning officer to have the votes recounted on the basis of error in the counting. The returning officer must consider any such requests and must arrange for a recount if, in his or her opinion, the request is reasonable.
- (4) The Returning Officer is to repeat the steps at subregulation (1)(c)(ii) to (iv) for each position or office to be filled at that election.
- (5) In this regulation:

majority means a majority of the votes represented by formal voting papers other than voting papers that do not indicate a preference for an unexcluded candidate.

- (6) A determination of a returning officer under subregulation (1)(a) or (e) is final, and is not capable of being subject to any further review or appeal, unless it is established that it was not made in good faith.

6.37 Notifications of results

The returning officer must report the results of an election to the Board as soon as possible after the declaration of the result, and must publish the declaration to members generally.

Division 3 – Elections and selections – other delegates of Congress

6.38 Purpose and application

- (1) The purpose of this Division is to set out the process for election for Congress delegates to be elected by:

- (a) each Division Committee; and

Note. See by-law 25.1(g).

- (b) each College Board; and

Note. See by-law 25.1(h).

- (c) the associated bodies

Note. See by-law 25.1(i).

and the selection of a delegate from the voting members resident outside Australia.

Note. See by-law 25.1(e).

Note. For the election of delegates by the voting members of Divisions see Part 6 Division 2.

- (2) The Board may by resolution modify the application of this Part in a particular case. However, this Part as so modified must be consistent with the 2015 Royal Charter and the 2015 By-Laws.

6.39 Election process

- (1) Board must, by resolution, establish the process for elections under this Division.
- (2) Without limiting subregulation (1), the resolution must be conducted by secret ballot using a preferential system and include:
- (i) the appointment duties and powers of returning officers; and
 - (ii) eligibility to nominate and vote; and
 - (iii) calling for nominations by notice to all members entitled to nominate; and
 - (iv) the period for which nominations must remain open; and
 - (v) notice of the election to all members entitled to vote; and
 - (vi) publication of candidate statements; and
 - (vii) the appointment of scrutineers to observe the counting of votes; and
 - (viii) notification of results to candidates and members.

6.40 Selection process

Board must, by resolution, establish the process for selections under this Division.

Division 4 – Membership ballots

Note. Membership ballots are to be held if requested by the National Congress, the Board, 2 or more Division Committees or College Boards or 2.5% or more of voting members: see by-law 21.1.

Note. See generally by-law s 21.1 to 21.9.

6.41 Purpose and application

- (1) The purpose of this Part is to set out the process for conducting membership ballots.
- (2) This Part does not apply to the conduct of polls or ballots at a meeting of the National Congress or the Board.
- (3) The Board may by resolution modify the application of this Part in a particular case. However, this Part as so modified must be consistent with the Charter and the by-laws.
- (4) The Chief Executive Officer must establish a system for periodic review of current practices and technology applicable to electronic voting to maintain the integrity of the system.

6.42 Appointment, duties and powers of returning officers

- (1) For each membership ballot, the Chief Executive Officer is the returning officer.
- (2) The returning officer has, for each membership ballot, the powers and duties described in this Part.

Note. The function of the returning officer, and the returning officer's powers and duties, may be delegated: see regulation 8.09.

6.43 Returning officer to determine voter eligibility cut-off times

For each membership ballot, the returning officer must determine:

- (a) the voter eligibility cut-off time; and
- (b) the internet address where the voting papers can be accessed.

Note. The Board decides when the membership ballot opens and closes: by-law 21.5.

6.44 List of voting members to be prepared

The returning officer must, by the cut-off time for a membership ballot, prepare a list of voting members for the ballot.

Note. Voting members are members in the grades of honorary fellow, fellow, member or graduate whose voting rights have not been suspended under by-law 11.3 or the discipline regulations: see by-law 19.

Note. For 'discipline regulations' see Part 2 Division 4 –Professional Conduct of this regulation

6.45 Number of votes

Each voting member has 1 vote in the ballot.

6.46 Notice to voting members

- (1) The returning officer must give each voting member written notice of each membership ballot.
- (2) The notice must:
 - (a) state that a membership ballot is to be held;
 - (b) state the resolutions to be voted on in the ballot;
 - (c) state that Divisions are encouraged to call meetings to discuss, and otherwise to discuss, the resolutions;
 - (d) state the voter eligibility cut-off time;
 - (e) state the times when the ballot is to open and close; and
 - (f) invite voting members to consider, and submit their views for or against the resolutions, and state how this can be done.

Note. The Board decides when a membership ballot opens and closes: see by-law 21.5.

- (3) The notice must be given to voting members within 30 days after the request for the membership ballot is made or received by Engineers Australia unless, within that period, the request is withdrawn.

Note. By-law 21.3 sets out requirements for a request for a membership ballot. For withdrawal, see by-law 21.4.

- (4) The returning officer must give a copy of the notice to each Division at the same time as giving it to voting members.
- (5) Without limiting how a notice under this regulation may be given to voting members, it may be given:
 - (a) by inclusion in an edition of the monthly Engineers Australia magazine sent to members; or
 - (b) by being posted at an appropriate address on Engineers Australia's website.

6.47 Submissions

- (1) Any of the following:
 - (a) a voting member;
 - (b) a Division;
 - (c) The Board;

may prepare and submit to the returning officer a submission arguing for or against a resolution to be put to a membership ballot.

- (2) A submission must not exceed 500 words.
- (3) The returning officer may reject a submission on the ground that the statement contains false, misleading, deceptive or defamatory matter.

6.48 Ballot packs

Not later than 6 weeks before the return date, but after the voter eligibility cut-off date, for an election, the returning officer must send to each member who is eligible to vote an election pack consisting of:

- (a) an electronic voting pack, which will provide instructions for electronic voting; or
- (b) a hard copy voting pack, which will consist of:
 - (i) a voting paper, in a form approved by the Chief Executive Officer;
 - (ii) a covering envelope for the voting paper;
 - (iii) a copy of the voting instructions for the election;
 - (iv) an explanatory statement; and
 - (v) a reply-paid envelope, addressed to Engineers Australia, for the return of the voting paper.

6.49 Validity of election not affected

None of the following affects the validity of an election:

- (a) the accidental or inadvertent failure to send a member a ballot pack;
- (b) a voting member not actually receiving a ballot pack.

6.50 Voting papers

A voting paper approved under subregulation 6.48(a) must set out the resolutions to be voted on, arranged in random order, with a “yes” and a “no” box next to each.

6.51 Explanatory statements

- (1) An explanatory statement for a membership ballot is a statement, prepared by or on behalf of the returning officer, setting out arguments for and against each resolution to be voted on in the ballot.
- (2) In preparing an explanatory statement, the returning officer:
 - (a) must give proper consideration to the submissions referred to in subregulation 6.47(1); and
 - (b) may appoint an independent compiler or reviewer to help prepare the explanatory statement.
- (3) A decision of the returning officer about the content of an explanatory statement is final, and is not capable of being subject to any further review or appeal, unless not made in good faith.

6.52 Voting instructions

Voting instructions must state:

- (a) the return date; and
- (b) the internet address where the ballot-paper may be accessed; and

- (c) that, to vote in electronic form using the internet—the voter must comply with the directions displayed online with the electronic form of the voting paper as to accessing and using the system used to conduct the vote, and save and send the completed voting paper in accordance with those instructions; and
- (d) that, to vote using the hard copy voting pack, a member must:
 - (i) mark the voting paper by:
 - (A) if the member agrees with a resolution—putting a tick [✓] or a cross [X] in the “yes” box next to the resolution; and
 - (B) if the member does not agree with a resolution—putting a tick [✓] or a cross [X] in the “no” box next to the resolution; and
 - (ii) then place the completed voting paper inside the reply-paid envelope; and
 - (iii) then seal the envelope; and
 - (iv) then return the envelope to Engineers Australia, so that it is received by Engineers Australia no later than the return date.

Note. The date when the ballot closes is decided by the Board: by-law 22.

6.53 Scrutineers

- (1) The persons on whose requisition the ballot is being held may, in writing in a form approved by the Returning Officer, appoint a person to be a scrutineer.
- (2) A scrutineer is entitled to be present at and observe the opening and counting of the paper votes, and to view the total number of votes cast electronically.
- (3) A scrutineer may request a demonstration of the electronic voting system but only once.
- (4) The Returning Officer must not give a scrutineer access to the individual votes used to constitute the total number of votes cast electronically.
- (5) A decision of the Returning Officer on matters relating to the scrutiny is final.

6.54 Multiple voting papers

If the returning officer receives from a voting member 2 or more voting papers (in whatever form) on or before the return date, the first voting paper received must be included in the count and all other voting papers from the member must be disregarded.

6.55 Opening the voting papers

- (1) Electronic voting papers that have been lodged must not be accessed, and hardcopy ballot paper envelopes that have been returned must not be opened, before the close of the vote.
- (2) Subregulation (1) does not prevent a contractor to Engineers Australia (not a staff member or an officer of Engineers Australia) doing anything that is necessary to check that the system for receiving and storing votes lodged over the internet is working properly, and that there is no evidence of interference with the

computerised system which would affect the outcome of the election, but the contractor must not disclose to Engineers Australia, or to an officer or staff member of Engineers Australia, the content of any vote lodged.

6.56 Invalid votes

- (1) A vote is invalid, and is not to be counted, if any of the following apply:
 - (a) if the vote was cast using hard copy voting paper:
 - (i) the voting paper is not one issued under this Part for the membership ballot; or
 - (ii) the voting paper is received after the close of the ballot;
 - (b) if the vote was cast using the internet:
 - (i) in casting the vote, the voting member did not comply with the directions displayed online with the electronic form of the voting paper as to accessing and using the system used to conduct the vote; or
 - (ii) the vote was sent after the close of the ballot; or
 - (c) in any case – the voting intention of the voting member cannot be determined from the voting paper.

6.57 The count

- (1) As soon as practicable after the closing time for an election, the returning officer must do the following:
 - (a) for votes cast using a hardcopy voting paper:
 - (i) confirm, from the envelopes containing the voting papers, that each envelope is from a voting member;
 - (ii) discard any envelope that is not from a voting member;
 - (iii) open the remaining envelopes and remove the voting papers;
 - (iv) remove and secure the envelopes;
 - (b) for votes cast using an electronic voting paper, through the electronic voting system:
 - (i) confirm the electronic vote is from a voting member;
 - (ii) discard any electronic vote that is not from a voting member;
 - (iii) accept and secure the remaining electronic votes;
 - (c) for all votes cast, by either means,
 - (i) determine whether or not each vote is valid in accordance with these Regulations;
 - (ii) for each resolution, add the number of votes cast in favour of the resolution, and the number votes cast against it.
- (2) When the count on a resolution is complete but before the returning officer declares the result, a scrutineer may request the returning officer to have the votes recounted

on the basis of error in the counting. The returning officer must consider any such requests and must arrange for a recount if, in his or her opinion, the request is reasonable.

- (3) A determination by a returning officer under subregulation (1)(a) or (e) is final, and is not capable of being subject to any further review or appeal, unless it is established that it was not made in good faith.

6.58 When resolutions passed

- (1) A resolution is passed only if:
- (a) more than 600 votes have been validly cast on the resolution; and
 - (b) more than 50% of the votes cast are in favour of it.
- (2) The returning officer must report the results of a membership ballot to the Board as soon as possible after the declaration of the result, and must publish the declaration to members generally.

Part 7 The Professional Standards Schemes

7.01 Duty of the Board

The Board must determine from time to time whether there are to be professional standards schemes approved under a professional standards scheme law.

7.02 Category of membership for professional standards schemes

A separate category of membership is established under By-Law 23, namely, professional standards scheme members.

7.03 Management Committee

- (1) There is to be a Management Committee appointed for the purposes of the professional standards schemes, in accordance with the constitution of the Engineering, Science and Technology Engineering Professionals Society.

Note. Under clause 24 of that constitution, the Management Committee is to consist of up to 3 members appointed by the institutional member, 1 member appointed by the National Engineering Registration Board and 1 member with insurance expertise appointed by the institutional member.

- (2) Subject to these Regulations, the persons who were members of the Management Committee at the commencement day continue to hold office as such members.

Part 8 Administration

8.01 National Vice President (Finance) office

- (1) The office of National Vice President (Finance) is continued.
- (2) The functions of the National Vice President (Finance) are:
 - (a) to report to the Board on Engineers Australia's finances; and
 - (b) such other functions as are conferred on the National Vice President (Finance) by resolution of the Board.
- (3) The Board may, by resolution appoint a staff member to act in the position while the National Vice President (Finance) is absent from the position.
- (4) The Board must appoint a member of the Board to fill any casual vacancy in the office of National Vice President (Finance) as soon as practicable after the vacancy occurs.
- (5) Subject to this regulation, the term of a National Vice President (Finance)'s appointment is:
 - (a) for 2 years from the date of his or her appointment; or
 - (b) if the instrument of appointment specifies a shorter period—for the shorter period.
- (6) A National Vice President (Finance) may be re-appointed for up to 3 further terms of 2 years each.
- (7) A National Vice President (Finance) ceases to hold that office on the commencement of his or her term as National Deputy President.
- (8) The Board may terminate the appointment of a National Vice President (Finance) at any time.

8.02 The seal

- (1) The Chief Executive Officer must make arrangements for the common seal to be kept securely.
- (2) The Chief Executive Officer has authority to affix the common seal on any document relating to the business of Engineers Australia that requires to be sealed by Engineers Australia, but may do so only in the presence of a witness who also signs the document as witness.
- (3) The Chief Executive Officer must maintain a register of the use of the common seal.

8.03 Record keeping

- (1) The Board must ensure that written financial records are kept that:
 - (a) correctly record and explain the transactions, and the financial position and performance, of Engineers Australia; and
 - (b) will enable true and fair financial reports about Engineers Australia to be prepared and audited;

and must keep them for at least 7 years after the date of the transactions to which they relate.

- (2) The records are to be kept in English. They may be kept electronically, but must be able to be converted into hard copy.

8.04 Financial reports

- (1) The Board must ensure that there is prepared, for each financial year, financial reports for Engineers Australia that consist of:
 - (a) balance sheets, profit and loss accounts and other financial statements for the year, as required by and consistent with, applicable accounting standards;
 - (b) notes to the financial statements, as required by applicable accounting standards; and
 - (c) a declaration under subregulation (4).
- (2) The financial reports may be in a single document.
- (3) The financial statements and the notes together must include all information necessary to ensure that the financial report gives a true and fair view of the financial position and performance of Engineers Australia.
- (4) The declaration by the Board members whether, in their opinion:
 - (a) there are reasonable grounds to believe that Engineers Australia will be able to pay its debts as and when they become due and payable; and
 - (b) the financial statement and notes are in accordance with these Regulations.
- (5) A declaration must:
 - (a) be made in accordance with a resolution of the Board;
 - (b) state the date on which it is made; and
 - (c) be signed by a Director.

8.05 Audit

- (1) The Board must ensure that each financial report is audited by an auditor, and that the auditor provides a report, in accordance with this regulation.
- (2) For the purposes of an audit, the auditor has a right of access at all reasonable times to the books and financial records of Engineers Australia and of any entity that is a subsidiary of Engineers Australia.
- (3) The Board must ensure that each Board member, and each staff member, complies with any reasonable request by an auditor conducting an audit to provide information, explanations or other assistance in connection with an audit.
- (4) An auditor's report under this regulation on financial reports must state whether, in the auditor's opinion:

- (a) the reports are in accordance with these Regulation, including, in particular, whether the reports give a true and fair view of the state of the affairs of Engineers Australia as at the end of the financial year to which they relate;
 - (b) the auditor has obtained all the information and explanations that, to the best of the auditor's knowledge and belief, were necessary for the purposes of the audit; and
 - (c) the Board, Board Members and staff members have given the auditor all the information, explanations and assistance that the auditor needed to conduct the audit and sought under this regulation.
- (5) If the auditor is not of that opinion, the report must state so with reasons.
- (6) An auditor's report under this regulation must specify the date on which it is made.

8.06 Annual report

- (1) The Board must prepare, for each financial year, an annual report.
- (2) An annual report for a financial year must include all information that members would reasonably require to make an informed assessment of the operations and financial position of Engineers Australia.
- (3) An annual report may omit material that would otherwise be included if its inclusion is likely to result in unreasonable prejudice to the commercial position of Engineers Australia but, if material is omitted, the report must say so.
- (4) Without limiting subregulation (2) or (3), an annual report must be prepared and distributed in accordance with the following principles:
 - (a) the report should inform members of measurable progress towards Engineers Australia's agreed annual and longer-term goals;
 - (b) the report should reflect transparency in reporting, informed by contemporary approaches to corporate responsibility reporting;
 - (c) the report should give due emphasis to the key organisations within Engineers Australia—the Board, the Divisions, the Colleges and the technical societies—so that members can relate directly to what is being reported;
 - (d) the report should be the one national annual report process that encompasses Engineers Australia's principal reporting obligations flowing from the Charter and the By-Laws; and
 - (e) in addition to the report being available online, brief highlights should be provided in printed form to all financial members.
- (5) The Board must, within 4 months after the end of a financial year, make a copy of the annual report for the financial year available to members. The Board may do this by publishing the report on Engineers Australia's website.

8.07 Waiver of fees and charges

The Chief Executive Officer may waive any fee or charge payable under these Regulations by a member, and may do so after the fee or charge has been paid (in which case he or she must arrange for the amount concerned to be refunded).

8.08 Delegation to Chief Executive Officer

In accordance with By-Law 31.3, the Board delegates the management of Engineers Australia to the Chief Executive Officer.

8.09 Delegation by Chief Executive Officer

- (1) The Chief Executive Officer may:
 - (a) delegate any of his or her powers or functions under or in connection with these Regulations (including those delegated to him or her under regulation 8.08) to; or
 - (b) authorise that any of his or her powers and functions under or in connection with these Regulations (including those delegated to him or her under regulation 8.08) are to be exercised or performed on his or her behalf by; a staff member or office bearer.
- (2) Unless the contrary intention expressly appears in these Regulations, each of the following applies where a power or function is delegated to a person (a **delegate**) or a person (also a **delegate**) is authorised to exercise the power or perform the function (each a **delegation**):
 - (a) the delegation must be in writing;
 - (b) the delegation may be to a specified person or to the person for the time being holding a specified office;
 - (c) the delegation may be either general or limited as specified in the instrument of delegation;
 - (d) the delegation does not authorise the delegate to subdelegate the power or function unless it expressly says so;
 - (e) a power or function that may be exercised in the discretion of the person delegating may be exercised or performed in the delegate's discretion;
 - (f) a power or function that may be exercised if the person delegating is satisfied of a particular matter, or has a particular opinion, may be exercised or performed if the delegate is so satisfied or has that opinion; and
 - (g) the power or function, when exercised or performed by the delegate, is taken, for the purposes of these Regulations, to have been exercised or performed by the person or body delegating.

8.10 Security of records

The Chief Executive Officer must ensure that the records of Engineers Australia:

- (a) are protected by such security safeguards as it is reasonable in the circumstances to take, against loss, unauthorised access, use, modification or disclosure, and against other misuse; and
- (b) that if it is necessary for a record to be given to a person in connection with the provision of a service to Engineers Australia, everything as it is reasonable in the circumstances to take is done to prevent unauthorised use or disclosure of information contained in that record.

8.11 Access to records

- (1) A member may access the following records of Engineers Australia:
 - (a) his or her personal membership file;
 - (b) his or her personal entry of the Register of Members
- (2) A request to access records under subregulation (1) must be in writing.

8.12 Public statements

- (1) The Chief Executive Officer must determine the procedures for, and conditions under which, public statements may be made on behalf of Engineers Australia.
- (2) A member or staff member must not make a public statement on behalf of Engineers Australia unless authorised to do so by the procedures and conditions determined under subregulation (1).

8.13 Address for notices

A member must give Engineers Australia a valid email address for the service of notices.

Note. 60.1 requires a member to provide an address for service and to notify a change of that address.

8.14 Employees of Engineers Australia cannot hold office as office bearers

In addition to clause 7.3 of the Royal Charter an employee of Engineers Australia is not eligible to hold office as an office bearer of a constituent body except with the approval of the Board.

Note. Clause 7.3 of the Royal Charter precludes employees of Engineers Australia from being members of Congress or the Board.

Note. By-Law 61.1 defines 'office bearer' to mean any person holding honorary office in Engineers Australia. and includes delegates, Directors and members of committees of Engineers Australia.

Note. By-Law 44 defines 'constituent body' to comprise the Divisions, Colleges, special interest groups, centres, national committees, panels and overseas chapters.

8.15 Release of certain personal information

- (1) In addition to the information about a member that may be disclosed under By-Law 18.1, by joining and remaining members of Engineers Australia, members consent to Engineers Australia disclosing:

- (a) the name of the college or colleges of which he or she is a member;
 - (b) whether the member is entitled to use a chartered title, and the year in which the member became entitled;
 - (c) if the member was previously entitled to use a chartered title, the years in which they were entitled; and
 - (d) any personal information held by Engineers Australia for a purpose related to or ancillary to the purpose for which the information was collected and which is deemed by the Chief Executive Officer to be reasonably in the interests of the member.
- (2) Engineers Australia may disclose information about a member under By-Law 18.1 and subregulation (1) in response to a written or verbal request from any person and may make the disclosure in writing or verbally.

Note. By-Law 18.1 permits the disclosure of the fact that a member is a member of Engineers Australia and the category, grade and title of her or his membership.

8.16 Transitional provisions

On commencement of these Regulations:

- (a) applications for membership and chartered title received before commencement continue as applications under these Regulations;
- (b) CPD Audits that are ongoing continue under these regulations;
- (c) complaints against members received under previous regulations continue as complaints under these regulations;
- (d) an office bearer whose current term of office extends beyond 31 December 2013 continues in office to the end of that term;
- (e) an office bearer elected to office in 2013 whose term commences on 1 January 2014 continues in office until the end of that term;
- (f) the office of an office bearer that has no specified term expires on 31 December 2013;
- (g) the term of office served by an office bearer under previous regulations is to be counted towards the maximum number of terms that office bearer may serve in that office under these regulations;
- (h) terms of reference, constitutions, and other governing documents, including the resolutions setting out the purpose of all committees, boards and other groups remain in force until replaced under these regulations, or on 31 December 2014, whichever occurs first;
- (i) local learned society groups established by a Division Committee under previous regulations continue under these regulations as sub-committees of that Division Committee until formally established by the College, special interest group or centre, national committee or panel, or technical society as a branch of that body;

- (j) if the size of Division Committees, College Boards, special interest groups and centres, national committees and panels, and the governing committees of overseas chapters and technical societies, is more than the maximum allowed under these regulations, that size must be reduced continuously and through attrition until the maximum size is reached, and not later than 31 December 2015;
- (k) a resolution of the National Congress, the Board, Division Committees, College Boards and any other body of Engineers Australia validly made under a provision of a previous regulation continues in force as a resolution for the purpose of implementing the equivalent provision of these regulations until a new resolution is passed.

Schedule 1 Code of Ethics and Guidelines

Part 1 – Code of Ethics (subregulation 2.10(1))

As engineering practitioners, we use our knowledge and skills for the benefit of the community to create engineering solutions for a sustainable future. In doing so, we strive to serve the community ahead of other personal or sectional interests.

Our Code of Ethics defines the values and principles that shape the decisions we make in engineering practice. The related Guidelines on Professional Conduct provide a framework for members of Engineers Australia to use when exercising their judgment in the practice of engineering and as members of Engineers Australia more broadly.

As members of Engineers Australia, we commit to practise in accordance with Engineers Australia's General Regulations regarding competency, continuing professional development and the Code of Ethics. We accept that we will be held accountable for our conduct under Engineers Australia's disciplinary regulations.

In the course of engineering practice we will:

1. Demonstrate integrity
 - 1.1 act on the basis of a well-informed conscience
 - 1.2 be honest and trustworthy
 - 1.3 respect the dignity of all persons
2. Practise competently
 - 2.1 maintain and develop knowledge and skills
 - 2.2 represent areas of competence objectively
 - 2.3 act on the basis of adequate knowledge
3. Exercise leadership
 - 3.1 uphold the reputation and trustworthiness of the practice of engineering
 - 3.2 support and encourage diversity
 - 3.3 make reasonable efforts to communicate honestly and effectively to all stakeholders, taking into account the reliance of others on engineering expertise
4. Promote sustainability
 - 4.1 engage responsibly with the community and other stakeholders
 - 4.2 practise engineering to foster the health, safety and wellbeing of the community and the environment
 - 4.3 balance the needs of the present with the needs of future generations.

Part 2 – Guidelines on Professional Conduct (subregulation 2.10(2))

These Guidelines on Professional Conduct provide a framework for members of Engineers Australia to use.

The Guidelines are not intended to be, nor should they be interpreted as, a full or exhaustive list of the situations and circumstances which may comprise compliance and non-compliance with the Code of Ethics. If called upon to do so, members are expected to justify any departure from either the provisions or spirit of the Code.

Ethical engineering practice requires judgment, interpretation and balanced decision-making in context.

Engineers Australia recognises that, while our ethical values and principles are enduring, standards of acceptable conduct are not permanently fixed. Community standards and the requirements and aspirations of engineering practice and members behavior more generally will develop and change over time. As a minimum, members are to practice in accordance with the Engineers Australia General Regulations regarding competency, continuing professional Development and the Code of Ethics. Within limits, what constitutes acceptable conduct may also depend on the nature of individual circumstances.

Allegations of non-compliance will be evaluated on a case-by-case basis and administered in accordance with the disciplinary regulations.

1. Demonstrate integrity

1.1 Act on the basis of a well-informed conscience

- (a) be discerning and do what you think is right
- (b) act impartially and objectively
- (c) act appropriately, and in a professional manner, when you perceive something to be wrong
- (d) give due weight to all legal, contractual and employment obligations
- (e) Act within your area of expertise

1.2 Be honest and trustworthy

- (a) accept, as well as give, honest and fair criticism
- (b) be prepared to explain your work and reasoning
- (c) give proper credit to those to whom proper credit is due
- (d) in managing perceived conflicts of interest, ensure that those conflicts are disclosed to relevant parties
- (e) respect confidentiality obligations, express or implied
- (f) do not engage in fraudulent, corrupt, or criminal conduct

1.3 Respect the dignity of all persons

- (a) treat others with courtesy and without discrimination or harassment

- (b) apply knowledge and skills without bias in respect of race, religion, gender, age, sexual orientation, marital or family status, national origin, or mental or physical abilities

2 Practise competently

2.1 Maintain and develop knowledge and skills

- (a) continue to develop relevant knowledge and expertise
- (b) act in a careful and diligent manner
- (c) seek peer review
- (d) support the ongoing development of others
- (e) maintain continuing professional development

2.2 Represent areas of competence objectively

- (a) practise within areas of competence
- (b) neither falsify nor misrepresent qualifications, grades of membership, experience or prior responsibilities

2.3 Act on the basis of adequate knowledge

- (a) practise in accordance with legal and statutory requirements, and with the standards of the day accepted within the Engineers Australia community
- (b) inform employers or clients if a task requires qualifications and experience outside your areas of competence

3 Exercise leadership

3.1 Uphold the reputation and trustworthiness of the practice of engineering

- (a) advocate and support the extension of ethical practice
- (b) engage responsibly in public debate and deliberation

3.2 Support and encourage diversity

- (a) select, and provide opportunities for, all engineering practitioners and other team members on the basis of merit
- (b) promote diversity in engineering

3.3 Make reasonable efforts to communicate honestly and effectively to all stakeholders, taking into account the reliance of others on engineering expertise

- (a) provide clear and timely communications on issues such as engineering services, costs, outcomes and risks

- 4 Promote sustainability
 - 4.1 Engage responsibly with the community and other stakeholders
 - (a) be sensitive to public concerns
 - (b) inform employers or clients of the likely consequences of proposed activities on the community and the environment
 - (c) promote the involvement of all stakeholders and the community in decisions and processes that may impact upon them and the environment
 - 4.2 Practise engineering to foster the health, safety and wellbeing of the community and the environment
 - (a) incorporate social, cultural, health, safety, environmental and economic considerations into the engineering task
 - 4.3 Balance the needs of the present with the needs of future generations
 - (a) in identifying sustainable outcomes consider all options in terms of their economic, environmental and social consequences
 - (b) aim to deliver outcomes that do not compromise the ability of future life to enjoy the same or better environment, health, wellbeing and safety as currently enjoyed.

Schedule 2 Committees of Board and Constituent Bodies

Part 1 (a) – Standing Committees of Board (subregulation 3.04(1))

Name

Audit and Risk Committee

Honours and Awards Committee

Professional Standards Committee

People and Culture Committee

Engineering Futures Committee

Part 1 (b) – Policy Committees of Board

Name

Professional Standards Committee

Part 2 – Special Interest Groups and Centres (regulation 4.14)

Name

Acronym

Engineering Heritage Australia

EHA

National Committee for Engineering Associates and Technologists

NCEAT

Part 3 – National Committees (regulation 4.15)

College	National Committee	Acronym
Biomedical	National Committee on Clinical Engineering	NCCE
	National Committee on Rehabilitation Engineering	NCRE
Civil	National Committee on Water Engineering	NCWE
	National Committee on Coastal Ocean Engineering	NCCOE
Electrical	National Committee on Automation Control & Instrumentation	NCACI
	National Committee on Space Engineering	NCSpE
Mechanical	National Committee on Engineering Design	NCED
	National Committee for Applied Mechanics	NCAM
	National Committee on Mechatronics	NCMech
-	Women in Engineering National Committee	WIENC
-	Young Engineers Australia National Committee	YEANC

Part 4 – Overseas Chapters (regulation 4.16)

Chapter Name	Legal Name under Local Law
Hong Kong	The Institution of Engineers, Australia, Hong Kong Chapter
Malaysia	Society of Institution of Engineers Australia Members, Malaysia
Singapore	The Institution of Engineers Australia Singapore Group
UK	The Institution of Engineers Australia (UK)
Middle East - UAE	
Middle East - Qatar	

Part 5 – Subsidiaries (regulation 4.17)

Company Name	Trading Name
Engineers Australia Pty Limited	Engineers Media
Australian Engineering Foundation Ltd	Australian Engineering Foundation (AEF)
Engineering Education Australia Pty Limited	Engineering Education Australia (EEA)
The Moreland Group Pty Ltd	The Moreland Group (TMG)
EngInsure Pty Limited	EngInsure

Schedule 3 Affiliated Bodies

Part 1 – Unincorporated Technical Societies (subregulation 5.18)

Technical Society Name	Acronym
Australian Composite Structures Society	
Australian Cost Engineering Society – Perth Chapter	
Australian Earthquake Engineering Society	
Australasian Fluid & Thermal Engineering Society	
Australian Geomechanics Society	
Australian Society for Bulk Solids Handling	
Australian Society for Defence Engineering	
Australasian Tunnelling Society	
Mine Subsidence Technological Society	
Mining Electrical & Mining Mechanical Engineering Society	
Railway Technical Society of Australasia	
Risk Engineering Society	
Society of Fire Safety	
Society for Sustainability and Environmental Engineering	
Systems Engineering Society of Australia	
Transport Australia Society	

Part 2 – Incorporated Technical Societies (subregulation 5.18)

Technical Society Name	Legal Name
Asset Management Council	Asset Management Council Limited
Australian Association for Engineering in Education (AAEE)	Australian Association for Engineering Education
Australian Particle Technology Society	The Institute of Engineers Australia – Australasian Particle Technology Society
Industrial Engineering Society	Institute Of Industrial Engineers
Institute of Public Works Engineering Australasia	Institute of Public Works Engineering Australasia Limited
Materials Australia	Institute of Materials Engineering Australasia Ltd Trading as Materials Australia
Royal Aeronautical Society Australian Division	Royal Aeronautical Society Australian Division Inc
Society for Building Services Engineering	Society for Building Services Engineering
Society for Engineering in Agriculture	The Institution of Engineers Aust Society for Engineering in Agriculture
The Electric Energy Society of Australia	The Electric Energy Society of Australia Incorporated
The Institution of Engineers Australia – EMC Society	The Institution of Engineers – EMC Society trading as EMC Society and The Electromagnetic Compatibility Society of Australia

Part 3a – Other Affiliated Bodies (subregulation 2.03(3))

Name of Body	Conditions of Affiliation
Red R	
Engineers without Borders	

Part 3b – National Committees

National Committee	Acronym
Young Engineers Australia	YEA
Women In Engineering	WIE

Schedule 4 Office Bearer Code of Conduct

(regulation 2.20)

The Board requires the holder of any office in Engineers Australia to:

Act in the interests of the organisation as a whole.

1. support and work with Board, other office bearers and staff to achieve Engineers Australia's objects and purposes, and support the strategic plan;
2. keep informed about the organisation, comply with the current policies and procedures of Engineers Australia and undertake training when provided; and
3. act with honesty, in good faith, with reasonable care and in the interests of the organisation, and so as to uphold the good reputation of Engineers Australia.

Work cooperatively with others.

4. contribute actively to their committee or group, using Engineers Australia resources properly, effectively and efficiently;
5. make decisions and set goals consultatively and collectively, based on relevant information, proper analysis and management of risk; and
6. listen to others and communicate in an impartial, helpful and positive way, and treat all members of the engineering team, members of Engineers Australia, other office bearers and staff equitably and with respect, trust and courtesy.

Act lawfully and within authority.

7. only make public statements or act on behalf of Engineers Australia with proper authority;
8. protect the privacy and confidentiality of Engineers Australia information;
9. not make improper use of Engineers Australia information or property for personal benefit or advantage, and disclose and take reasonable steps to manage any conflicts of interest in committee discussions, decision-making and appointments;
10. act in accordance with the Charter, By-laws and the Regulations of Engineers Australia;
11. not act in office with a conflict of interest in respect of that office; and
12. comply with any lawful and reasonable direction given by Engineers Australia office bearers or staff who have authority to give direction.