



Policy

# Conduct of Elections Policy

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## Conduct of Elections Policy

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## Introduction

This Conduct of Elections Policy (“the Policy”) of the Australian Institute of Building Surveyors (“AIBS”) outlines the process and procedures for nomination and election of Directors to the AIBS National Board of Directors (“the Board”) and to the Chapter Committees constituted by the Board. This Policy is intended to provide guidance to AIBS members, staff, Directors, and Chapter Committee members in the conduct of an election, and to promote a fair and open nomination and election process.

This Policy does not override the AIBS Constitution or the AIBS By-Laws, and in the event of an inconsistency between this Policy and the AIBS Constitution or the AIBS By-Laws, the AIBS Constitution and then the AIBS By-Laws will prevail.

## 1. Policy Objectives

- 1.1. Consistent with the AIBS Constitution and By-Laws, this Policy outlines the framework for nominations and election of Board members and Chapter committee members.

## 2. Election Principles

- 2.1. The following principles will apply in the conduct of nominations and elections by AIBS, and in the application of this Policy:
  - 2.1.1 equal opportunity of AIBS full members to exercise the right to vote in an election, and to nominate for and receive votes in an election;
  - 2.1.2 participation by AIBS members in an accountable election process;
  - 2.1.3 independence and fairness of the election process and impartiality of the Returning Officer; and
  - 2.1.4 transparency of the election outcome.

## 3. Returning Officer

- 3.1 The Returning Officer of the Board and Chapter will be the person appointed by the Board.
- 3.2 If the appointed Returning Officer is unable to act for any reason, an alternate returning Officer will be appointed by the President of the Board.
- 3.3 The role of the Returning Officer is to conduct the election for Directors of the Board and members of the Chapter Committee consistent with the AIBS Constitution, the AIBS By-Laws and this Policy. The Returning Officer fulfils a critical function in ensuring a fair and transparent election process for all candidates in accordance with the AIBS Constitution and the AIBS By-Laws.



- 3.4 The Returning Officer must not, and cannot be seen to, have any affiliation with or show support to any candidate for election. The integrity of the election relies on the independence and impartiality of the Returning Officer.
- 3.5 The decisions of the Returning Officer must be accepted by AIBS, unless there is some clearly stated reason to the contrary.

## 4. Nominations

- 4.1 At least sixty (60) days prior to the Annual General Meeting (unless determined otherwise by the Returning Officer), a notice of call for nominations must be published on the AIBS website and in the AIBS Bulletin. Such notice must:
  - 4.1.1 state what election is to be held, and provide contact details for the relevant Returning Officer;
  - 4.1.2 invite nominations and specify the number of positions to be filled;
  - 4.1.3 set out the requirement for nominees in accordance with the AIBS Constitution and By-Laws;
  - 4.1.4 specify how nominations are to be made; and
  - 4.1.5 state the time and date for close of nominations.
- 4.2 Chapter full members are able to nominate themselves or other Chapter full members for election. In the case of self-nomination, the support of another full member is not required. In the case of nomination of another full member the nominee must accept such nomination in writing with the Returning Officer before such nomination will be accepted.
- 4.3 Nominations from full members who:
  - 4.3.1 have been subject to any disciplinary action in any jurisdiction by a State or Territory Government agency which has resulted in any form of adverse finding, reprimand, the imposition of conditions, suspension or cancellation of their registration or accreditation or any other consequences for the building surveyor, within the past six (6) years;
  - 4.3.2 their AIBS membership has been suspended or removed within the past six (6) years.
  - 4.3.3 are currently employed or contracted by State or Federal Governments; in the building policy and regulation areas of Government, or the likewill **not** be accepted.



- 4.4 A nominee for election to the Board as a Director is required to confirm in writing that:
- 4.4.1 they have understood this Policy, the AIBS Constitution and the AIBS By-Laws; and
  - 4.4.2 they are familiar with the responsibilities of a company director as provided in the Corporations Act 2001; and
  - 4.4.3 they have not been subject to any disciplinary action in any jurisdiction by a State or Territory Government agency which has resulted in any form of adverse finding, reprimand, the imposition of conditions, suspension or cancellation of their registration or accreditation or any other consequences for the building surveyor, within the past six (6) years;
  - 4.4.4 their AIBS membership has not been suspended or removed within the past six (6) years.
- 4.5 A nominee for election to the Chapter Committee is required to confirm in writing on the nomination form:
- 4.5.1 that they understand they are subject to the direction and control of the Board; and
  - 4.5.2 that they understand that their role on the Chapter Committee is to support the Board to implement their policies and programs in the chapter to which they are nominating; and
  - 4.5.3 they have not been subject to any disciplinary action in any jurisdiction by a State or Territory Government agency which has resulted in any form of adverse finding, reprimand, the imposition of conditions, suspension or cancellation of their registration or accreditation or any other consequences for the building surveyor, within the past six (6) years;
  - 4.5.4 their AIBS membership has not been suspended or removed within the past six (6) years.
- 4.6 If the Returning Officer is of the opinion that there is an anomaly in a nomination, such that it may require the Returning Officer to reject the nomination, the Returning Officer must, as soon as practicable after receiving the nomination, contact the nominee and advise that the anomaly must be rectified before the time and date for the close of nominations.
- 4.7 Unless there are exceptional circumstances, the Returning Officer cannot accept a nomination after the time and date for the close of nominations.
- 4.8 A nominee who has been nominated in an election may withdraw their nomination, by providing written notice to the Returning Officer, provided such notice is received by the Returning Officer before the time and date for the close of nominations.



- 4.9 Nominees cannot withdraw their nomination after the close of nominations. If a nominee is elected and cannot, for reasons of illness or incapacity or other significant reasons, take office, this will be treated as a vacancy of office pursuant to the AIBS Constitution and AIBS By-laws.
- 4.10 Nominations will close at least thirty (30) days prior to the AIBS Annual General Meeting, unless determined otherwise by the Returning Officer.

## 5. Opening of Voting

- 5.1 In the event that the number of valid nominations received by the Returning Officer for a position is greater than the number of positions available, the Returning officer will publish a notice of opening of voting on the AIBS website and in the AIBS Bulletin. Such notice will:
  - 5.1.1 be published as soon as reasonably practicable following the close of nominations and;
  - 5.1.2 state that an election is to be held and identify and provide contact details for the Returning Officer;
  - 5.1.3 confirm the name of the nominees for election; and
  - 5.1.4 state the time and date for close of voting.

## 6. Nominee Profiles

- 6.1 Nominees for election must provide information profiles about themselves, which will be made available to AIBS members, provided that:
  - 6.1.1 profiles are submitted to the Returning Officer, in an approved format (if any), at any time prior to the election, as determined by the Returning Officer;
  - 6.1.2 profiles are approximately 250 words in length (or such other word limit as may be specified from time to time by the Returning Officer); and
  - 6.1.3 profiles contain a current photograph in an approved format (if any).
- 6.2 Only one profile per nominee is permitted.
- 6.3 If the Returning Officer considers that any information provided by a nominee for their profile is not appropriate, is false or misleading or dramatically exceeds the approximate word limit, the Returning Officer will liaise with the nominee with a view to agreeing amendments to the information. If agreement cannot be reached, the Returning Officer may, in their absolute discretion, omit the information, or reduce the length of the information.



## 7. Ballots

- 7.1 As soon as practicable after the opening of voting, the Membership Service Administrator must provide to the Returning Officer a roll of AIBS members eligible to vote in the election (“the Voting Members”).
- 7.2 The roll must show, in alphabetical surname order, the full surname, given names, residential address, email address and member ID of each eligible Voting Member.
- 7.3 The Returning Officer will determine the order of nominees on a ballot paper by randomly drawing lots.
- 7.4 The Returning Officer must not conduct a draw for positions on the ballot paper without at least one independent witness present.
- 7.5 The draw of lots for positions on the ballot paper must be conducted in the following manner:
  - 7.5.1 each nominee’s name (as it will appear on the ballot paper) must be written on an identical slip of paper;
  - 7.5.2 the slips of paper must be placed into a sealed container;
  - 7.5.3 the container of slips of paper must be rotated or otherwise disturbed by the Returning Officer. The independent witness(es) must be allowed to do the same;
  - 7.5.4 one at a time, the slips of paper must be removed, and the number of the draw recorded on each slip, as verified by the independent witness(es).
- 7.6 Ballot papers must:
  - 7.6.1 show the names of the nominees contesting the election in the order of the draw of lots prescribed under this Policy;
  - 7.6.2 provide clear and concise direction as to the manner in which the vote is to be recorded; and
  - 7.6.3 specify the date for the close of voting.

## 8. Voting

- 8.1 Voting will be conducted by electronic voting.
  - 8.1.1 An electronic vote may be made by Voting Members through the AIBS website, or by such other electronic means as the Returning Officer may approve from time to time; and
  - 8.1.2 electronic votes will be made following reasonable identification of the Voting Member, which may include ‘logging in’ to the members area of the AIBS website,



or such other form of identification as the Returning Officer may approve from time to time; and

8.1.3 an electronic vote made by that Voting Member, for which they have been sent a vote confirmation, may not be recalled and re-submitted.

8.2 Voting will close at least two (2) days prior to the AIBS Annual General Meeting unless determined otherwise by the Returning Officer.

8.3 The period from the opening of voting to the close of voting must be at least 14 days. The Returning Officer cannot, in the exercise of his or her discretion pursuant to clauses 4.7 and 8.2 reduce this period.

8.4 At the close of voting the Returning Officer is to:

8.4.1 collate the electronic votes from the AIBS website or from the relevant provider of electronic voting services;

8.4.2 determine the successful nominee based on the nominee who receives the highest number of votes; and

8.4.3 advise the successful and unsuccessful nominees of the outcome of the election.

8.5 In the event of a tie for the election of members of Chapter Committees, the Returning Officer is to use a coin toss to determine the successful nominee. The coin toss must occur in the presence of a witness.

8.6 In the event of a tie for the election of Directors under clause 14.1(a) of the Constitution, the Returning Officer is to conduct a run-off election to determine the successful nominee.

8.6.1 In the event of a second tie for the election of Directors, the Returning Officer is to use a coin toss to determine the successful nominee. The coin toss must occur in the presence of a witness.

## 9. After Election

9.1 The election of Directors and Chapter Committee members:

9.1.1 will be officially announced at the AIBS Annual General Meeting; and

9.1.2 is unofficial until announced at the AIBS Annual General Meeting and the Director and the Chapter Committee member (as the case may be) will continue in their role until the election result is confirmed.

9.2 An unsuccessful nominee for election may challenge the result of their election and such challenge may only be made on the basis of non-compliance with the AIBS Constitution or the AIBS By-Laws.



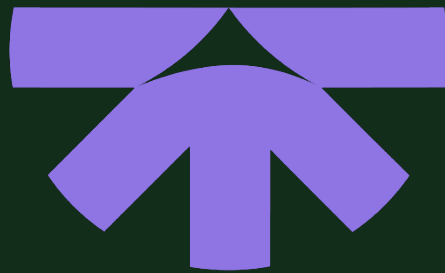
- 9.3 To make a challenge, the nominee must:
- 9.3.1 set out, in writing, the reasons why he or she considers that the election was not conducted in accordance with the AIBS Constitution or the AIBS By-Laws; and
  - 9.3.2 submit the challenge to the Returning Officer within two weeks of the date on which the election result is announced.
- 9.4 The Returning Officer will investigate the matter and make a decision as to whether the challenge is upheld or overturned. The Returning Officer's decision, which will be conveyed to the challenging nominee in writing, is final.
- 9.5 If the challenge is upheld and the Returning Officer decides, at his or her own discretion, that the relevant breach of the AIBS Constitution or the AIBS By-Laws was such as to have been:
- 9.5.1 unlikely to have materially affected the outcome of the election, no further action will be taken; or
  - 9.5.2 likely to have materially affected the outcome of the election, then the results of the election will be set aside and a further election held.
- 9.6 All election materials are to be kept by the Returning Officer for at least one month following the announcement of the election results, prior to being destroyed.



## Document Control

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Comments	Reference documents: AIBS Constitution and AIBS By-Laws

Version	Revision Date	Reviser	Revision Description
01	05 September 2016	Board of Directors	Implemented with changes to the Constitution and By-Laws.
02	08 August 2018	Board of Directors	Changes in conjunction with the AIBS By-Laws dated 8 August 2018; amendments to Chapter Committees Role and Nomination.
03	25 August 2020	CEO and Kelledy Jones Lawyers	Amendment and additions to Nominations at 4.3, 4.4 and 4.5. Includes numbering corrections to item 6.
04	02 August 2022	CEO and Legal Advisors	Update of disciplinary action clauses.
05	07 May 2024	CEO	Update and corrections
06	29 September 2025	CEO	Correction of numbering reference at clause 8.3



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