



**CONSTITUTION OF  
THE MALAYSIAN INSTITUTE OF ESTATE  
AGENTS  
PERLEMBAGAAN BAGI  
INSTITUT EJEN HARTANAH MALAYSIA**

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# **CONSTITUTION OF THE MALAYSIAN INSTITUTE OF ESTATE AGENTS PERLEMBAGAAN BAGI INSTITUT EJEN HARTANAH MALAYSIA**

## **ARTICLE 1 TITLE**

The Institute shall be known as “Institut Ejen Harta-Tanah Malaysia” or Malaysian Institute of Estate Agents.

## **ARTICLE 2 DEFINITIONS**

2.1 In this constitution, unless the context otherwise specifies:-

- (a) **ACT 242**
  - refers to the Valuers, Appraisers, Estate Agents and Property Managers Act 1981 and the Rules 1986.
- (b) **ANNUAL GENERAL MEETING (AGM)**
  - means the Annual General Meeting of the members.
- (c) **BOARD OF DIRECTORS (BOD)**
  - means the elected, including appointed officers of the Institute.
- (d) **BOVAEP**
  - means the Board of Valuers, Appraisers, Estate Agents & Property Managers Malaysia as defined in ACT 242.
- (e) **ESTATE AGENCY PRACTICE**
  - means a person who is authorized to undertake estate agency practice as defined in Sec 22B (1) of ACT 242 and is a practicing estate agent.
- (f) **EXECUTIVE BOARD**
  - means the principal office bearers comprising of the
    - (1) President
    - (2) President Elect
    - (3) Vice President
    - (4) Secretary General
    - (5) Treasurer, and
    - (6) Immediate Past President.
- (g) **EXTRAORDINARY GENERAL MEETING (EGM)**
  - means the Extraordinary General Meeting of the members.
- (h) **FINANCIAL YEAR**

- means the accounting year of the Institute from 1st of January to 31st of December.
- (i) **FIRM**
  - means a body corporate, a partnership or a sole proprietorship established in Malaysia in accordance with ACT 242.
- (j) **INSTITUTE**
  - means the Institut Ejen Harta-Tanah Malaysia or Malaysian Institute of Estate Agents.
- (k) **MEDIATION**
  - means the process of the appointment of a facilitator to get the parties to the dispute to communicate with each other and assisting them to reach a settlement.
- (l) **MEMBERS**
  - means members of the Institute.
- (m) **ORDINARY BOARD**
  - means members of the Board of Director who are not in the Executive Board.
- (n) **PRACTITIONERS**
  - means Registered Estate Agents, Probationary Estate Agents and Real Estate Negotiators.
- (o) **PROBATIONARY ESTATE AGENT**
  - means a person who is registered under ACT 242 as a Probationary Estate Agent and employed/engaged by an Estate Agency firm.
- (p) **REAL ESTATE NEGOTIATOR**
  - means a sales person who is certified and issued with a REN Tag by BOVAEP and employed/engaged by an Estate Agency firm.
- (q) **REAL ESTATE NEGOTIATORS NETWORK**
  - means the wing established for the grouping of Negotiators for networking and advancing the cause of the practice.
- (r) **REGISTERED ESTATE AGENT**
  - means a person to whom an authority to practice has been issued by BOVAEP in accordance with ACT 242.
- (s) **REGISTERED OFFICE**
  - means the official address of the Institute.
- (t) **RETURNING OFFICER**
  - means a Past President who shall be elected by the BOD to be the Returning Officer.

(u) **SCRUTINEER**

- means individual elected by members at the AGM to supervise and manage the elections.

(v) **TRUSTEE**

- means individual elected as Trustee to serve the Institute.

2.2 Words importing the masculine gender shall include the feminine gender.

2.3 Words importing the singular number shall include the plural number and vice-versa.

2.4 Words importing persons shall also include corporations.

### **ARTICLE 3 REGISTERED OFFICE**

The registered office of the Institute shall be at Unit C-27-05, Dataran 3 Dua, No 2, Jalan 19/1, 46300 Petaling Jaya, Selangor Darul Ehsan, Malaysia. The registered office of the Institute may be changed by the BOD from time to time and such changes must be notified to the Registrar of Societies.

### **ARTICLE 4 MISSION STATEMENT**

To unite all Estate Agency Practitioners, be relevant to the cause of membership, be progressive in our action and to enhance the standard of practice.

### **ARTICLE 5 OBJECTIVES**

5.1 To represent members on all issues of practice with BOVAEP, relevant government agencies, associations and to be the voice for Practitioners in the country.

5.2 To unite and protect the interests of all Practitioners in the profession.

5.3 To promote the code of conduct, ethics and maintain high ethical standards of practice.

5.4 To safeguard and protect the interest of the general public against fraud by practitioners or persons not authorized to act as practitioners.

5.5 To provide training, education, examination, technical and general knowledge for all Practitioners.

5.6 To mediate disputes / conflicts.



- 5.7 To provide a platform for networking and business development.
- 5.8 To encourage, elevate and maintain a high level of professionalism amongst practitioners.
- 5.9 To work towards the establishment of the Board of Estate Agents Malaysia.
- 5.10 To eradicate illegal brokers and malpractices.
- 5.11 To set up private limited companies to engage in business activities.
- 5.12 To set up an educational entity for the purpose of providing educational and specialized training in real estate and related field.

## ARTICLE 6 **MOTTO**

United, Relevant and Progressive

## ARTICLE 7 **MEMBERSHIP**

7.1 The Membership of the Institute shall comprise the following:-

### 7.1.1 Ordinary members

- (a) Any Registered Estate Agent in possession of a valid Authority To Practice certificate issued by BOVAEP shall, upon successful application, be a member of the Institute.
- (b) Any ordinary member as defined under Article 8.3.1 shall enjoy all privileges of membership and shall have the right to attend and vote at any AGM, EGM or at any other meetings and shall be eligible to offer themselves for election to the BOD, subject to Article 13.

### 7.1.2 Probationary Estate Agent (PEA) members

- (a) A Probationary Estate Agent who is registered with the BOVAEP and continues to be employed/engaged by an Estate Agency firm and practices estate agency, shall upon successful application be probationary member of the Institute.
- (b) A Probationary Estate Agent member shall enjoy all privileges of membership and shall have the right to attend any AGM, EGM or at any other meetings and shall have voting rights but serve only as Ordinary Board members and not in the Executive Board.
- (c) A Probationary Estate Agent upon ceasing to be registered as a

PEA with BOVAEP shall cease to be a member of the Institute.

- (d) Any Probationary Estate Agent upon becoming a Registered Estate Agent shall automatically be upgraded to become an ordinary member upon payment of the prescribed fee.

#### 7.1.3 Real Estate Negotiator (REN) members

- (a) A sales person who is certified and issued with a REN Tag and continues to be employed/engaged by an Estate Agency firm shall upon successful application, be admitted as a REN member.
- (b) REN members shall enjoy all privileges of membership and shall have the right to attend any AGM, EGM or any other meetings but shall not have any voting rights and shall not be eligible to offer themselves for election.
- (c) The BOD shall co-opt the Chair of the Real Estate Negotiators Network to serve in the BOD.
- (d) Any REN member under this category upon becoming a Probationary Estate Agent shall automatically be upgraded to Probationary Estate Agent member upon payment of the prescribed fee.

#### 7.1.4 Student members (SM)

- (a) Anyone who is a student in a college or university pursuing any Estate Agency related course or study may apply to become a student member in this category.
- (b) Student members shall enjoy all privileges of membership and shall have the right to attend any AGM, EGM or any other meetings but shall not have any voting rights and shall not be eligible to offer themselves for election.
- (c) No university or university-college student can be allowed to be a member without the prior written approval from the Vice-Chancellor of the University concerned.

#### 7.1.5 Associate members (AM)

- (a) Anyone who is employed as an administrative staff, management staff, who are actively working with a registered real estate firm or property related industry is eligible for Associate membership.
- (b) Associate members shall enjoy all privileges of membership and shall have the right to attend any AGM, EGM or any other meetings but shall not have any voting rights and shall not be eligible to offer themselves for election.

- (c) Any Associate Member upon becoming a Real Estate Negotiator or Probationary Estate Agent shall automatically be upgraded to become a REN member or Probationary Estate Agent member upon payment of the prescribed fee.

#### 7.1.6 Senior Ordinary Members (SOM)

- (a) Only an ordinary member who has attained the age of 55 and has been a continuous member for 15 years shall be entitled to become a Senior member and pay the prescribed fees. Such member shall enjoy the same privileges as an Ordinary Member.

## ARTICLE 8 **APPLICATION FOR MEMBERSHIP**

8.1 All application for membership shall be made on the official Membership Application Form. The form must be fully completed together with the supporting documents as required and proposed by one Member in Benefits member of the Institute.

8.2 All applications shall be reviewed and approved by the BOD whose decision shall be final. The effective date of membership shall be the date of approval by the BOD.

8.2.1 All RENM and Affiliate Member applications shall be reviewed and approved by the membership committee.

8.2.2 All other membership applications shall be reviewed and approved by the Board of Directors whose decision shall be final.

8.2.3 The membership of a REA, PEA and REN shall be assigned to the state branch where the practitioner is employed based on the official address of the firm or where his/her registration or certification is attached with.

8.2.4 The effective date of membership shall be from the date of approval by the respective parties as in 8.2.1 and 8.2.2.

### 8.3 Classification of Membership

#### 8.3.1 Members in Benefits

- (a) Any member who has paid the subscription for the current year shall be classified as Member in Benefits.

- (b) Only Members in Benefits have the right to hold office, attend meetings and vote at such meetings.

#### 8.3.2 Members not in Benefits

- (a) Any member who has not paid the subscription for the previous accounting year and the same subscription is due on January 1<sup>st</sup> of the current year shall be classified as 'members not in benefit' and shall not enjoy any benefits, privileges or have any right to hold any office or vote at any such meetings.

## ARTICLE 9 **APPLICATION, REGISTRATION AND ANNUAL SUBSCRIPTION**

- 9.1 The BOD shall have the right to decide from time to time the Application, Registration Fee and Annual Subscription. Such fees shall be stipulated in the Bye-Laws of the Institute.
- 9.2 Upon successful application, each member will be issued a certificate of membership, membership card, a badge, code of conduct, a copy of the constitution and relevant documents.
- 9.3 All Annual Subscription of all types of membership shall be due on the 1<sup>st</sup> of January of each year and payable on/or before the Branch AGMs and for non-branch members on/before the AGM of the Institute.

## ARTICLE 10 **CESSATION OF MEMBERSHIP**

- 10.1 A member shall cease his membership with the Institute when
- 10.1.1 Convicted of a criminal offence or passed away,
  - 10.1.2 Become a bankrupt;
  - 10.1.3 Deregistered by BOVAEP; or
  - 10.1.4 Terminated by the BOD for breach of the Constitution, MIEA code of conduct or working in detriment of the Institute.
- 10.2 In the instance of cessation of Membership pursuant to Article 10.1.5, the aggrieved party may make an appeal to the BOD within 14 days of such notice of cessation for reinstatement. The BOD shall discuss the appeal and its decision shall be final.

## ARTICLE 11 **THE BOARD OF DIRECTORS**

- 11.1 The BOD shall be elected at each alternate Annual General Meeting.
- 11.2 The composition of the BOD shall be as follows

Vacancy	Position
1	President
1	Vice President
1	Secretary General
1	Treasurer
5	Directors
1	REN Network Chairman
1	Immediate Past President
1	President Elect
	State Branch Chairmen
	BOVAEP Representatives

- 11.3 Any BOVAEP Representatives nominated by MIEA and elected state branch Chairman shall be automatically admitted as BOD.
- 11.4 The immediate Past President shall automatically be co-opted into the BOD and shall act in an advisory capacity.
- 11.5 The BOD shall co-opt the REN Network Chairman elected by the REN Network to be part of the Board of Directors.
- 11.6 All members of the BOD elected and/or appointed and/or co-opted shall have the right to vote and shall form the quorum at meetings.
- 11.7 The State Branch Chairman shall not hold the position of Chairman for more than one term.

## ARTICLE 12 **EXECUTIVE BOARD**

12.1 The Executive Board shall consist of the

- 12.1.1 President
- 12.1.2 Vice President
- 12.1.3 Secretary General
- 12.1.4 Treasurer
- 12.1.5 President Elect
- 12.1.6 Immediate Past President

12.2 A simple majority shall form the quorum for the meeting. The role of the Executive Board shall be to manage the day to day affairs of the Institute. Any financial or policy matters cannot be decided by the Executive board. All decisions of the Executive Board must be ratified at the next BOD's meeting following the Executive Board meeting.

## ARTICLE 13 **ELIGIBILITY TO BE MEMBERS OF BOARD OF DIRECTORS**

- 13.1 Any Ordinary Member who is an Member in Benefits Member for a period of not less than one (1) year shall be eligible to be nominated for election as a member of the BOD.
- 13.2 Any Ordinary Member who is an Member in Benefits Member and has served as a Board of Director for not less than one (1) full term and practicing Estate Agency shall be eligible to be nominated for the following positions:
- 13.2.1 Vice President
  - 13.2.2 Secretary General
  - 13.2.3 Treasurer
  - 13.2.4 President Elect

## ARTICLE 14 **TERM OF OFFICE**

- 14.1 The term of office of the BOD shall be for a two (2) year period from 1st July of the current year to 30th June two years hence.

## ARTICLE 15 **COMMITTEE(S)**

- 15.1 The President in consultation with the BOD shall appoint the standing committees and appoint such Directors to chair such committees as presented in the Bye-Laws.

## ARTICLE 16 **ROLE OF COMMITTEES**

- 16.1 There shall be the following standing committees to administer and pursue the various aims, objects and policies of the Institute

### 16.1.1 Membership Affairs

- (a) This Committee shall be responsible for increasing membership, reviewing all applications, plan and execute programs for membership development.
- (b) This Committee shall consist of at least three (3) members of the Institute and headed by the Secretary General.

### 16.1.2 Estate Agency Practice Committee

- (a) This Committee shall be responsible for the advancement of Estate Agency practice as a whole, manage complaints, mediate, and make suitable recommendations to the BOD for the furtherance of the practice.
- (b) This Committee shall be headed by a BOVAEP Representative and

shall appoint not less than three (3) members who shall make up of BOD, Past Board members and/or Past Presidents.

#### 16.1.3 Other Adhoc Committees

- (a) The President with the consent of the BOD may set up ad hoc committee(s) for the cause of the President term provided always that all such committees shall be headed by a past or present Board of Director or Past Presidents and shall only be for the term of the President.
- (b) The committees shall operate strictly on the terms of reference and procedures as outlined by the BOD or as embodied in the Bye-Laws.
- (c) The Chairman of each Committee shall have power to co-opt Members and any other persons as required.

### ARTICLE 17 **PAST PRESIDENTS COUNCIL**

- 17.1 A Past Presidents Council shall be established as an advisory body to help advice, support the BOD of the Institute and to carry out such duties as determined from time to time by the BOD.
- 17.2 The Past Presidents Council shall meet four (4) times per year.
- 17.3 The President of that time shall preside at all such meetings. In the absence of the President, the Immediate Past President shall act as Chairman.
- 17.4 The Past Presidents Council is not a committee of management and cannot therefore determine the policy nor manage the affairs of the Institute.

### ARTICLE 18 **ELECTION PROCEDURES**

- 18.1 Officers of the Institute shall be elected at the Annual General Meeting to be convened by the BOD once every two (2) years.
- 18.2 The BOD shall decide on the format of registration of vote from time to time including a poll system for online voting.
- 18.3 The post of President shall not be contested as the President Elect shall automatically assume the Presidency of the Institute.
- 18.4 If there is more than one candidate contesting for the respective post then there shall be an election. Otherwise the candidate will be deemed to be elected uncontested.

- 18.5 The voting shall be by secret ballot but notwithstanding the above, the floor may decide as it may deem fit to the manner of voting.
- 18.6 A simple majority shall determine the winner.
- 18.7 Where there is more than one position to be filled in one category of positions i.e. BOD than those with the most number of votes secured in descending order shall be determined the elected Directors.
- 18.8 In cases where there are no nominations or lesser number of candidates nominated at closing of nomination then, nominations shall be called from the floor at the AGM for the remaining vacant posts.
- 18.9 In the event of a tie, the Chairman of the AGM shall have the liberty to exercise the casting vote.
- 18.10 The BOD shall elect a Past President as the Returning Officer for the AGM prior to the AGM and not less than four (4) scrutinizers elected from the floor on the day of the AGM to supervise and manage the elections.
- 18.11 The Returning Officer shall follow procedures as laid out in the Constitution and Bye-Laws.
- 18.12 The house shall take leave before lunch for the conduct of the elections by the Returning Officer to facilitate full participation of members present in exercising their rights at the AGM.

## ARTICLE 19 **NOMINATION CRITERIA**

- 19.1 Any Ordinary Member or PEA Member standing for election either at the branch or at the National level must be an “Member in Benefits” and for the specific purpose of nomination and “Member in Benefits” is a member who have paid up their subscription for the current year before they offer themselves for nomination including those who are nominating and seconding them.
- 19.2 The candidate must have been a member of the Institute for a period of not less than one (1) year.
- 19.3 The candidate shall be a person of good character in accordance with the Code of Ethics and Standards of Practice.
- 19.4 The official nomination form must be fully completed and signed by a proposer and a seconder, both of whom must have been an active voting member for not less than a year.
- 19.5 Each nomination shall be accompanied with the “Declaration and Consent form” duly signed by the candidate giving his or her consent for election.



- 19.6 All completed forms must be enclosed in a sealed envelope marked "Nomination for Elections" with the "title of the position nominated for". Such documents to reach the secretariat at the time and manner as determined by the BOD.
- 19.7 The BOD shall scrutinize each nomination form and may reject any such nomination that does not meet the criteria set out. The decision of the BOD shall be final.

## ARTICLE 20 **INTERNAL AUDITORS**

- 20.1 The role of the Internal Auditors is to objectively assess the Institute operating processes :
- 20.1.1 Ensure that the organization is complying with relevant laws and statutes
  - 20.1.2 Evaluate internal control and make recommendations on how to improve
  - 20.1.3 Identifying shortfalls or gaps in processes
  - 20.1.4 Promote ethics and help identify improper conduct
  - 20.1.5 Assure safeguards
  - 20.1.6 Investigate fraud
  - 20.1.7 Communicate the findings and recommendations
- 20.2 Two (2) members of good standing of the institute shall be nominated and elected from the floor to serve as Internal Auditors. Their term of office shall run concurrently with the elected BOD. They can attend the BOD meetings on invitation by the BOD or to advice, enquire on any issues related to their responsibilities. They shall formally submit a written report to the AGM.

## ARTICLE 21 **EXTERNAL AUDITOR**

- 21.1 The AGM shall elect an External Auditor nominated by the BOD who is a recognized accountant registered with a body of accountants.
- 21.2 The External Auditor position shall be for period of one (1) year. The External Auditors shall have access to financial records, accounts, vouchers and any other information in performance of their duties.
- 21.3 The External Auditor may call on any member, BOD members or servants of the Institute to provide information or explanation as they think necessary in performance of their duties.

- 21.4 The External Auditor may independently advise members of the Institute at any material point of time on developments within the Institute which may need the attention of members including at AGM s of the Institute.
- 21.5 The External Auditor shall make a report in writing on the accounts examined on all Annual accounts during the tenure of office. Such report shall also include whether in their opinion the Annual account gives a true and fair view of the state of the Institutes financial affairs, income and expenditure at the end of the financial year.
- 21.6 If any vacancy arises during the term of their office the BOD shall fill such position.

## ARTICLE 22 **HONORARY LEGAL ADVISORS**

- 22.1 The AGM shall appoint not more than 3 Legal Advisors nominated by the BOD to the Institute.
- 22.2 The duration of such appointment shall be for period of one (1) year. If any vacancy arises the BOD shall fill such positions.
- 22.3 Any person or persons so appointed shall not be entitled to attend any meeting of the Institute except by invitation.

## ARTICLE 23 **BOVAEP REPRESENTATIVE**

- 23.1 The BOD shall open to all active Ordinary Members who are practicing Estate Agents to apply for positions as BOVAEP Representatives.
- 23.2 The BOD may set the necessary selection criteria from time to time and set a date and time to receive such applications.
- 23.3 The BOD shall vet and shortlist the necessary number of candidates and such names shall be forwarded to BOVAEP for their consideration and selection.
- 23.4 In the event there are insufficient applications or the BOD are unable to short list the necessary number of candidates, then the BOD shall nominate person or persons as candidates who they deem fit.
- 23.5 The President shall not be nominated or offer oneself for this position while serving as the President of the Institute to ensure that there is no conflict of interest between his position as the President and that of a BOVAEP Representative.
- 23.6 The MIEA BOVAEP representative shall automatically be considered as

elected BOD with voting rights and they shall serve as BOD during the tenure of their office as BOVAEP Representatives.

- 23.7 The MIEA nominated BOVAEP representative shall be deemed to have vacated their position on the BOD when their term as BOVAEP representative expires or when the seat is vacated
- 23.8 The BOVAEP representative shall serve BOVAEP at the pleasure of the Institute and the BOD shall review their position on a term by term basis.
- 23.9 During their term of office they shall always be considered as BOVAEP Representative representing MIEA and shall continue to ensure that the MIEA and Estate Agents agenda be of their utmost concern. They shall not act independently unless otherwise required but shall at all times represent the views of the BOD and membership at large and serve for the larger interest of the Institute and practitioners.

## ARTICLE 24 **POSITION VACANT**

- 24.1 If any elected positions become vacant, the BOD shall appoint such members to fill the vacant position(s) for the remainder term of office. However, they are subject to the same eligibility terms as stipulated in Articles 13.1 and 13.2.
- 24.2 In the event any position(s) falls vacant in any 'State Branch' after its AGM including that of its 'State Branch Chairman', the MIEA Board of Directors shall nominate a candidate from among the membership at large to be the 'Acting Chairman' until such time the position is filled and also appoint 'State branch committee' members to fill the vacancy.

## ARTICLE 25 **POWERS OF THE BOARD OF DIRECTORS**

- 25.1 The BOD shall be the supreme authority of the Institute from one Annual General Meeting to the other and is empowered as follows;
- 25.1.1 To best carry out the objectives of the Institute. To plan, introduce, implement activities and projects to best meet the needs of the Institute and the membership
- 25.1.2 To introduce Bye-Laws and policies to facilitate the proper functioning of the Institute.
- 25.1.3 To appoint the respective chairman of committees as stipulated under Article 15.
- 25.1.4 To set up any ad hoc committees from time to time to achieve the objectives of the Institute.
- 25.1.5 To interpret the constitution as may be required by members in the

event of any disputes where the constitution is silent or vague.

- 25.1.6 To set up, support state branches and to appoint the protem chairman and committee where necessary.
  - 25.1.7 To authorize any expenditure within the approved budget by the AGM which will further the aims and objects of the Institute.
  - 25.1.8 To study and act on any reports received from committees appointed by the BOD.
  - 25.1.9 To provide courses and / or to conduct examinations for Negotiators to advance the cause of the profession.
  - 25.1.10 To extend the beneficial influence of the Institute with other bodies and / or associations from within and abroad through exchange of ideas, bilateral relationship, reciprocal visits, endorsement arrangements etc.
  - 25.1.11 To produce magazines, books, articles, documents, forms and other materials from time to time to promote the cause of the profession.
  - 25.1.12 To organize events to bring together all members to discuss issues of common concern, to promote the profession and to provide opportunities for education and skill development.
  - 25.1.13 To take disciplinary action against members who are in breach of the Constitution or bringing disrepute to the Institute.
  - 25.1.14 To take action against any BOD who is in breach of the Constitution, meeting, procedures and/or conduct unbecoming of such a member.
  - 25.1.15 Such action shall be taken after an enquiry headed by a Past President appointed by the BOD is completed.
- 25.2 The Bye-Laws are created to provide clarity, micro understanding and provide a working structure to the Constitution and to facilitate a smoother running of the Institute. The Bye-Laws may be amended by the BOD from time-to-time.
- 25.3 The BOD shall introduce policies in the day to day running of the Institute and such policies shall be adhered to at all levels. Any additions and or deletions of any clauses in the Policy Handbook requires the approval of the BOD.
- 25.4 The BOD shall empower the Secretary General to appoint staff (employees) of the Institute and BOD to decide on payment of emoluments from time to time based on the recommendation of the Secretariat.

## ARTICLE 26 **DUTIES**

### 26.1 PRESIDENT

- 26.1.1 The President shall provide the leadership and direction to the BOD and the membership and to carry out broad plans to achieve the objectives and growth of the Institute.
- 26.1.2 The President shall preside at all BOD meetings. In his absence, the Vice President shall take precedence to chair the meetings followed by the Secretary General.
- 26.1.3 He shall chair all meetings including the Executive Board meetings, Annual General meetings, Extraordinary General meetings and all BOD meetings.
- 26.1.4 The President shall be an ex-officio of all standing committee of the Institute including the state Branch committee and entitled to attend all such meetings.
- 26.1.5 The President with the consent of the BOD shall appoint any person to fill any vacant positions that may arise.
- 26.1.6 The President shall be responsible to ensure that all monetary policies of the Institute are is strictly adhered to.
- 26.1.7 The President shall be one of the alternate signatory of the Institute Bank Accounts.

## 26.2 PRESIDENT ELECT

- 26.2.1 The President Elect shall be the President in waiting. He shall chair the State Branches Affairs committee
- 26.2.2 He shall be responsible for the development of all branches including forming new branches and promote branch activities.
- 26.2.3 The President Elect shall chair all meetings of the Institute including the Annual General Meeting, Extraordinary General meeting and all BOD meetings in the absence of the President, the Vice President and the Secretary General.

## 26.3 VICE PRESIDENT

- 26.3.1 The Vice President shall chair all meetings of the institute including the Annual General meetings, Extraordinary General meetings and all BOD meetings in the absence of the President.
- 26.3.2 The Vice President shall be the Acting President if the post of President falls vacant and he shall hold office until the expiry of the remaining term.

## 26.4 SECRETARY GENERAL

- 26.4.1 The Secretary General shall be responsible for the day to day running of the Institutes Secretariat.
- 26.4.2 The Secretary General shall maintain a Register for each category of membership of the Institute which shall be kept at the registered office of the Institute and shall be made available for inspection of members at any time during office hours
- 26.4.3 The Secretary General shall be responsible for maintaining and keeping of all records of the Institute including the seal, books, financial statements, movable or immovable properties, keys, certificates, documents, library, research materials, digital documents management system and all such other things that are considered as the property of the Institute.
- 26.4.4 The Secretary General is to keep backup of all important and sensitive documents, ensure its security and to archive all historical records
- 26.4.5 The Secretary General shall be an ex-officio of all committees including State Branches and entitled to attend all such meetings.
- 26.4.6 The Secretary General may with the consent of the BOD appoint such competent or qualified full time, part time or temporary staff to assist in carrying out the duties of the Secretary General and that of all committees. All staff shall report to the Secretary General.
- 26.4.7 The Secretary General shall be responsible to manage the Secretariat and MIEA premises.
- 26.4.8 The Secretary General shall provide necessary administrative back up to all standing committees and in implementing the committee plans.
- 26.4.9 The Secretary General shall record and keep minutes of the AGM, EGM and all BOD meetings.
- 26.4.10 The Secretary General shall be one of the alternate signatories of the Institute Bank Account(s).
- 26.4.11 The Secretary General shall chair all meetings of the Institute including the Annual General meetings, Extraordinary General meetings and all BOD meetings in the absence of the Vice President.

## 26.5 TREASURER

- 26.5.1 The Treasurer shall be responsible for the financial affairs of the Institute and shall prepare the budget for approval and manage the funds in accordance with the approved budget by the AGM.
- 26.5.2 The Treasurer shall keep all financial records and books of the

Institute.

- 26.5.3 The Treasurer shall present a true and honest opinion of the current financial position of the Institute at every BOD meeting.
- 26.5.4 The Treasurer shall be responsible to prepare an account to be audited for the AGM and to present such audited accounts at the AGM.
- 26.5.5 The Treasurer shall be the compulsory signatory with either the President or the Secretary General as one of the alternate signatories of the Institutes Bank Account.
- 26.5.6 The Treasurer shall maintain all bank accounts of the Institute including Fixed Deposit(s).
- 26.5.7 The financial Year of the Institute shall commence on 1st of January and end on the 31st of December of the current year.
- 26.5.8 The Treasurer may with the approval of the BOD, introduce various methods of receipts and payments, petty cash payment, reimbursement and such other accounting procedures.
- 26.5.9 To ensure adherence to the finance policy of the Institute as approved by the BOD.
- 26.5.10 The Treasurer with the consent of the BOD shall establish a finance committee comprising of not more than 5 experienced members of the Institute who shall be responsible to draw up the overall financial policies of the Institute for the consideration and approval of the BOD.
- 26.5.11 The Treasurer shall at the end of each project of the committees where money has been expended check and approve all income and expenditure accounts.

## 26.6 DIRECTORS

- 26.6.1 One of the BOVAEP Representatives shall be the Chairman of the Estate Agency Practice committee and shall hear all complaints and settle all disputes as provided for in the Constitution.
- 26.6.2 The Chairman of REN Network shall be responsible for all matters related to negotiators and any other roles as determined by the BOD from time to time.
- 26.6.3 BOD members are to ensure that they attend all BOD meetings.
- 26.6.4 BOD members shall provide written report for BOD meetings.
- 26.6.5 Any BOD who fails to attend three consecutive BOD meetings is

deemed to have vacated his/her seat as the member of the BOD unless otherwise excused by the BOD.

## 26.7 DUTIES

26.7.1 All Office Bearers of the Institute including State Committee Members shall strictly adhere to the BOD guidelines and to the Institute's Policies.

## ARTICLE 27 **CODE OF ETHICS AND STANDARDS OF PRACTICE**

27.1 All members shall comply with the Institute Code of Ethics and Standards of practice.

27.2 Any breach of the Code of Ethics and Standards of practice and or acts in a manner detrimental to the cause of the Institute or the profession shall render the member concerned liable to disciplinary action.

27.3 A breach of the Code of Ethics and Standards of practice may include any of the following :

27.3.1 In the opinion of the BOD, no longer fit and proper person to be a member.

27.3.2 Engages in or support or encourages another in conduct which may be detrimental or prejudicial to the reputation, image, interests or welfare of the Institute or its members, the real estate fraternity or the public.

27.3.3 Engages in creating disharmony or act against the objects of the Institute.

27.3.4 Fails otherwise to comply with the provision of this Constitution or the Bye-Laws.

27.4 In line with Article 10.1.5 any member who at the same time holding membership or position in another Real Estate Association whose objectives are in conflict with our Constitution or where their stand & their actions are in conflict with our objective or cause disharmony and/or working in detriment of the Institute, the MIEA Board of Directors shall review his/her membership status leading to cessation or termination of membership in MIEA without referring to any disciplinary hearing.

## ARTICLE 28 **DISCIPLINARY ADMINISTRATION**

28.1 The BOD shall appoint an Investigative Committee headed by a Past President and not more than 3 members to investigate on a member on a breach of the Constitution and/or the Bye-Laws and make the necessary recommendation to the BOD.



- 28.2 The Investigative Committee will attend to complaints on a conduct unbecoming of a member and submit their findings and recommendation to the BOD for their decision.
- 28.3 Based on the findings and recommendation of the Investigative Committee, the BOD shall deliberate the matter and shall be empowered to decide on the appropriate course of action, which shall be any of the following:
- 28.3.1 Reprimand such member in writing;
  - 28.3.2 Suspend such member for a period not exceeding one (1) year as it deems fit.
  - 28.3.3 Withdraw any or all of the Institute Award of Honours conferred on such member;
  - 28.3.4 Terminate such member from the Institute;
  - 28.3.5 Inform the Board of Valuers, Appraisers, Estate Agents and Property Managers on disciplinary administration taken against a member.
  - 28.3.6 To take such other course of action as the BOD deems appropriate.
- 28.4 Such suspension or termination shall take immediate effect or from a date to be determine by the BOD as the case may be.
- 28.5 The member has fourteen days to make an appeal against the decision of the BOD.

## ARTICLE 29 **MEDIATION BOARD**

- 29.1 A Mediation Board be set up for the purpose of dispute resolution among the members of the Institute and the Real Estate Practitioners including Real Estate Negotiators, Probationary Estate Agents and the Firms and all such rules shall be provided in the Bye Laws.

## ARTICLE 30 **DISPUTES**

- 30.1 In the event of any dispute arising amongst members, or amongst member and the public, or amongst member and client of member, they shall attempt to resolve the matter at a Mediation Board, a Disciplinary Board or an Appeals Board convened in accordance with the Constitution. If the matter is brought to the Mediations Board and the parties fail to resolve the matter, they may bring the matter at their own cost and expense to a Court of Law for settlement. If the matter is brought to the Disciplinary Board and the matter is not resolved, they may bring the matter at their own cost and expense to the Appeals Board.

The decision of the Appeals Board shall be final and binding on the parties concerned. In the case of disciplinary action if the decision of the Appeals Board is in favour of the aggrieved member the Institute shall reimburse the aggrieved member cost subject to the provisions of the Constitution. In the case of failed mediation effort the parties involved shall bear the full cost and expense.

## ARTICLE 31 **ANNUAL GENERAL MEETINGS**

- 31.1 The supreme authority of the Institute shall be the Annual General Meeting which shall be held once in each calendar year at a date not later than 15th of May of each year.
- 31.2 Notice of the Annual General Meeting is to be given to all members not later than Twenty Eight (28) days prior to the date of such meeting. All such notices and accompanying documents stated in Article 31.3 shall be sent by electronic mail and/or ordinary post to the latest address of members shown in the Institutes record at the time.
- 31.3 The notice of the meeting shall be accompanied by the following;
- 31.3.1 The agenda of the meeting and minutes of previous years' meeting.
  - 31.3.2 Consent Forms for nomination (election year).
  - 31.3.3 Notice for motions.
  - 31.3.4 Confirmation of attendance.
- 31.4 All nomination forms are to reach the secretariat of the Institute as stipulated in Article 19.5.
- 31.5 The Secretary General shall give members a minimum of fourteen (14) days' notice prior to the AGM by circulating the minutes of the previous AGM, list of nominations, approved motions, proposals, audited accounts of the accounting year and the annual report of the President, Secretary General and all other Member of BOD including Branch Chairmen.
- 31.6 The Quorum of any Annual General meeting shall be at least one half of the total number of active ordinary members or twice the number of the BOD, whichever is the lesser. Once the quorum of the meeting is established, it shall be used as quorum throughout the meeting.
- 31.7 All decisions at the AGM shall be decided by a simple majority.
- 31.8 All decisions shall be by secret ballot unless otherwise decided by the house at the AGM.

- 31.9 If half an hour after the time appointed for an Annual General Meeting a quorum is not achieved the chairman shall postpone the AGM to a date not exceeding thirty (30) days. The venue will be determined by the BOD.
- 31.10 However, after half an hour of the reconvened AGM date and time there is still no quorum, the chairman shall convene the reconvened AGM and the members present shall have the power to proceed with the business of the day but shall not have the power to amend the Constitution.
- 31.11 The Chairman of the AGM may with the consent of the majority of the members present and voting adjourn the AGM from time to time or place to place provided always that no business shall be conducted at the recessed meeting other than the business remaining on the agenda at the time of the adjournment of the previous AGM.

## ARTICLE 32 **EXTRAORDINARY GENERAL MEETING**

- 32.1 An Extraordinary General Meeting shall be convened by the direction of the BOD or upon requisition by members who are Member in Benefits.
- 32.2 If the requisition is by members, then the requisition must be in writing and must be made by not less than 50 members who are Member in Benefits.
- 32.3 All members requisitioning the EGM must state their full name, NRIC number, membership number and affix their signatories.
- 32.4 The BOD shall convene the EGM within thirty (30) days from such requisition received by the secretariat and the Secretary General shall give at least fourteen (14) days' notice to members of the date, venue and time and the nature of business to be discussed.
- 32.5 (a) The quorum for any EGM called by the BOD shall be at least one half of the total number of voting members or twice the number of the BOD, whichever is lesser.
- (b) The quorum for an EGM shall not be less than fifty (50) voting members and shall include at least two third of the members who have requisitioned for the EGM, failing which the EGM shall be aborted.
- 32.6 If half an hour after the time appointed for the Extraordinary Annual General Meeting a quorum is not achieved the meeting will be deemed not to have convened and shall be cancelled and no Extra Ordinary meeting shall be requisitioned for the same purpose, style or intention.
- 32.7 All decisions at the EGM shall be made by a simple majority.
- 32.8 All decisions shall be by secret ballot unless otherwise decided by all members entitled to vote at the AGM.

## ARTICLE 33 **PROXY VOTE**

- 33.1 An instrument appointing a proxy shall be in a form prescribed by the Executive Board. A member shall only appoint, as his proxy, a member who is entitled by this Constitution to exercise a vote at a general meeting of the Institute.
- 33.2 The proxy shall be valid for use at one (1) general meeting only, or for any adjournment of that general meeting. Every member present shall have one (1) vote and one (1) proxy vote.
- 33.3 The instrument in proper form appointing a proxy must be deposited at the Institute Secretariat attention to the Returning Officer not less than forty eight (48) hours before the general meeting at which it is intended to be used.

## ARTICLE 34 **INTERPRETATION OF RULES**

- 34.1 Between Annual General Meetings, the BOD shall interpret the Rules of the Institute and, where necessary, determine any points on which the rules are silent.
- 34.2 Except where they are contrary to or inconsistent with any policy previously laid down by any Annual General Meeting of the Institute, the decisions of the BOD shall be binding on all members unless and until these decisions are rescinded by a subsequent Annual General Meeting.

## ARTICLE 35 **CHANGES TO THE CONSTITUTION**

- 35.1 This Constitution shall not be added to, altered or rescinded except by a resolution passed at an AGM/EGM by a two-thirds majority of the voting members present at the meeting.
- 35.2 Any such addition, alteration or rescission shall be conveyed to the Registrar of Societies within twenty eight (28) days and any such addition, alteration or rescission shall only take effect from the date of approval by the Registrar of Societies.

## ARTICLE 36 **MOTIONS**

- 36.1 Any Member in Benefits member shall submit motions to be discussed and approved at the AGM
- 36.2 All motions are to reach the secretariat as determined by the BOD **on or** not later than fourteen (14) days prior to the date set for the AGM.

- 36.3 All motions must be printed and legible and signed by a proposer and seconder who at the time of submission are voting members who are Member in Benefits.
- 36.4 All motions must be specific and shall be supported by a clearly defined rationale.
- 36.5 All motions shall be decided by a simple majority.
- 36.6 In the event of a tie the Chairman of the AGM shall have the casting vote.

## ARTICLE 37 **AWARD OF HONOURS**

### 37.1 HONORARY MEMBER

- 37.1.1 The award is given to honour a person(s) who has selflessly supported the Institute, contributed significantly to the fraternity and promoted the cause of the Estate Agency profession.
- 37.1.2 This award shall be given a non-member of the Institute.
- 37.1.3 Such names may be nominated by at least two voting members of the Institute or by the BOD but the nominations must be supported by evidence of their contributions and sacrifices.
- 37.1.4 The members of BOD shall discuss and review any such nominations and may decide by vote of not less than three fourths majority of the BOD present.
- 37.1.5 An Honorary Member so elected shall be invited and on acceptance enjoy any such privileges as accorded by the BOD but shall not have the right to vote at any meetings of the Institute or hold any office in the Institute.
- 37.1.6 An Honorary Member shall not be required to pay any subscription.
- 37.1.7 The Honorary Member is entitled to use the designation Hon. Member M.I.E.A after such member name.

### 37.2 FELLOW

- 37.2.1 The BOD may confer on any Ordinary Member the award designated as "Fellow". Such an award of Fellow may only be conferred on a member :
  - (a) Who has been an Ordinary Member of the Institute for at least ten (10) years immediately preceding such member nomination for the award of fellow.

- (b) Must have served the institute at the National or State level for a one full term during his period of membership.
- (c) The “Fellow” award is conferred to members of the Institute who have served and have significantly contributed to the objects of the Institute. He must be exemplary and has worked tirelessly to the cause of the membership and the Institute in particular and the profession in general.
- (d) Such names may be nominated by at least two voting members of the Institute or by the BOD but the nominations must be supported by evidence of their contributions and sacrifices.

37.2.2 The BOD shall discuss and review any such nominations and may decide by vote of not less than three fourths majority of the BOD present :

- (a) A Fellow so elected shall be invited and on acceptance and shall be recognized as a Fellow of the Institute.
- (b) A Fellow is entitled to use the designation Fellow of MIEA after such member name.
- (c) He shall enjoy all privileges accorded by the Institute.

37.2.3 Both the Honorary and Fellow recognition may be withdrawn by the BOD under the following circumstances :

- (a) If the conduct is unbecoming of a member, or
- (b) Brings the name of the Institute to disrepute, or
- (c) When he is no longer a Member in Benefits member of the Institute, or
- (d) For any reasons that he no longer enjoys the confidence of the BOD and or the membership at large.

## ARTICLE 38 **ACQUISITION AND DISPOSAL OF PROPERTY**

38.1 The Institute shall have full power by and in its name to acquire or dispose of any property(s) belonging to the Institute provided that such acquisition or disposal of such property shall be vested with the members of the Institute. The BOD or the trustees shall not have any power to sell or purchase any immovable property(s) without the prior approval of the general membership through an EGM or the AGM.

## ARTICLE 39 **BRANCHES**

39.1 The members of the BOD may form Branches in each or in combination of two or more of the following States/Territorial areas:

Johor	Penang	Sabah
Melaka	Perlis	Sarawak
Negeri Sembilan	Perak	Wilayah Persekutuan
Kedah	Pahang	Selangor
Kelantan	Terengganu	

## ARTICLE 40 **BRANCH FORMATION**

40.1 The BOD may from time to time encourage the formation and help establish MIEA state branches in any state in Malaysia or in combination of states.

40.2 The state committee shall be autonomous in the day to day running management of the branch and its activities but shall always be governed by the Constitution, the Bye-Laws and the General Policies of the Institute as laid out by the BOD from time to time. The branch committee shall act through the guidance and governance of the BOD who shall retain their authority with regards to matters of general policy.

## ARTICLE 41 **BRANCH MEMBERSHIP**

41.1 A Branch shall consist of at least 10 members of the Institute practicing within the State/Territorial area of the State, provided that they shall have a practicing address in the State/Territory areas and are not members of any other Branch.

## ARTICLE 42 **THE BRANCH COMMITTEE**

42.1 The Branch Committee shall be elected once every 2 years referred to as one term and their office shall run concurrently with the BOD.

42.2 The composition of the Branch committee shall be as follows:

42.2.1 Chairman

42.2.2 Secretary

42.2.3 Chairman Elect

42.2.4 Treasurer

42.2.5 Immediate Past Chairman

42.3.6 Committee members -

A minimum of two (2) and not more than eight (8) committee members

42.3 Any Ordinary Member who is Member in Benefits shall be eligible to be nominated for the Branch Executive committee positions as follows :

42.3.1 Chairman

42.3.2 Secretary

42.3.3 Chairman Elect

42.3.4 Treasurer

- 42.4 If any position becomes vacant the Chairman with the consent of the Branch Committee shall appoint such members to fill any vacant position(s) of the remainder term of office. Alternatively, a notice to be given to members before the AGM to call for nomination. In the event there is no nomination received, the vacant position shall be opened to the floor to nominate a voting member to fill the position. The nominee must be present at the AGM.
- 42.5 The ex-officio(s) of the Branch include the President and the Secretary.
- 42.6 All state committee members elected or appointed shall have the right to vote and shall form the quorum at meetings.

## ARTICLE 43 **DUTIES OF BRANCH COMMITTEE**

- 43.1 The Chairman shall during his term of office preside at all general and committee meetings and shall be responsible for their proper conduct. He shall have a casting vote and shall sign the minutes of each meeting at the time they are approved. The Chairman shall be one of the alternate signatory of the Branch Bank Accounts.
- 43.2 The duties of the Branch Committee shall be to manage the affairs of the Branch in accordance with the Constitution, Rules and Bye-Laws of the Institute. It shall abide and adhere to the decisions of the AGM and the BOD.
- 43.3 The branch committee shall meet at least once every two months and 51% of the committee members shall form the quorum for the meeting.
- 43.4 The Secretary shall assist the Chairman to carry out his duties, shall chair all general and committee meetings of the branch in the absence of the Chairman, shall be the Acting Chairman if any vacancy for the post of Chairman falls vacant due to any reasons and he shall hold office until the expiry of the balance term.
- 43.5 The State Branch Secretary shall act in consonant with the role of a Secretary and conduct the business of the branch in accordance with the rules of the Institute, and shall carry out the instructions of the general meetings and of the state branch committee. He shall be responsible for the branch secretariat, all correspondences, keeping all records and books of the branch. He shall attend all branch committee meetings, and record the proceedings of its meetings. He shall send a copy of all correspondence and minutes of all state committee meetings to the National Secretary for record purposes.
- 43.6 The Treasurer shall be responsible for the finances of the Branch. He shall keep accounts of all its financial transactions and shall be responsible for their accuracy on behalf of the Branch.



- 43.7 The Treasurer shall be the compulsory signatory. The Chairman or the Secretary as alternate signatories of the Branch Bank Account(s).
- 43.8 The Ordinary Committee Members shall carry out such duties as directed by the Branch Committee.
- 43.9 The Branch Committee shall follow Policy Handbook set by the Board of Directors.

#### ARTICLE 44 **ACCOUNTS AT BRANCH LEVEL**

- 44.1 For all intent and purpose it must be established that all funds managed by the branches are at all times the funds of the Institute as the funds are consolidated.
- 44.2 The state branch Treasurer shall be responsible to the finance and the management of the funds.
- 44.3 It shall be the duty of each branch committee to facilitate in the collection and processing of such dues and levies payable by its members to the HQ through the branch
- 44.4 All branches shall maintain an account for its own finance management and shall submit its accounts on a monthly basis after each State Branch committee meetings and its Annual Audited Accounts to the BOD for consolidation of the accounts of the Institute
- 44.5 The maintenance of the account shall be on the HQ – accounting system and the state treasurer shall ensure that the administrative staff at the state secretariat to update all transactions into the system on a daily basis
- 44.6 Any monies that is to be expended by the state branch for any one project whether in whole or in parts of any activity exceeding RM10,000 shall require the approval of the BOD.
- 44.7 A Branch Committee may, with the approval of the BOD, impose and collect funds for its own special purposes and to use such funds only for the purpose it was intended for.

#### ARTICLE 45 **TERM OF OFFICE**

- 45.1 The term of office of the state branch committee(s) shall run concurrently with the BOD.

#### ARTICLE 46 **SUB COMMITTEES**

- 46.1 The Chairman with the consent of the committee members shall establish

such committees and shall appoint committee members to chair such committees as in the Bye-Laws.

## ARTICLE 47 **BRANCH AGM**

- 47.1 The State Branch AGM should be held not later than 15th of March of the Fiscal Year. The procedures and process to hold an AGM/EGM and election shall be similar to that as enshrined in the Constitution and Bye-Laws of the Institute.
- 47.2 The National secretariat must be notified and all notices must be sent to the Secretary General of the Institute.
- 47.3 The elected office bearers of the respective State branches will be ratified at the AGM of the Institute and the results of the elections of the respective branches will be announced at the AGM
- 47.4 The AGM shall be facilitated by a member of the Institute who has been appointed by the BOD.
- 47.5 The Branch Secretary shall forward a copy of the Minutes of each meeting to the Honorary Secretary General not later than 14 days after the State AGM.
- 47.6 The Branch Chairman shall during his term of office preside at all general and committee meetings and shall be responsible for their proper conduct. The Branch Chairman shall have the casting vote
- 47.7 The Branch Chairman or the Secretary shall be alternate signatories of the Branch Bank Account(s).
- 47.8 The Branch Secretary shall conduct the business of the Branch in accordance with the rules of the Institute, and shall carry out the instructions of the general meeting and of the Committee. He shall be responsible for conducting all correspondence and keeping all books, documents and paper except the accounts and financial records. He shall attend all meetings, and record the proceedings.
- 47.9 The Branch Treasurer shall be responsible for the finances of the Branch. He shall keep accounts of all its financial transactions and shall be responsible for their correctness on behalf of the Branch.
- 47.10 The Ordinary Committee Members shall carry out such duties as directed by the Branch Committee.
- 47.11 In the event the Branch fails to hold an AGM or elect the Branch Committee within the stipulated date than the newly elected BOD shall appoint the Chairman and the State Branch Committee.
- 47.12 The procedure for the nominations and elections for the State Branch

Committee shall be the same as the procedure for the ballot for the election of the members of the BOD, except that officers of the Branch Committee shall be elected directly by all members of the State Branch.

## ARTICLE 48 **QUORUM**

48.1 The quorum for any Branch Annual General Meeting shall be at least thirty percent (30%) the total number of voting members of the State Branch or twice the number of the members of the State Branch Committee, whichever is the lesser.

## ARTICLE 49 **REPRESENTATION IN BOD**

49.1 The Chairman of the State Branch Committee shall automatically be a full member of the BOD with voting rights. The Chairman may appoint a Representative to attend.

## ARTICLE 50 **REGISTER OF MEMBERS**

50.1 The State Branch Committee shall maintain a list for each category of membership of the Branch and such list shall be regularly updated to HQ and kept at the Branch Office and shall be made available for inspection of members at any time during office hours.

## ARTICLE 51 **FUNDS**

51.1 All funds received by way of membership fees and subscriptions shall be forwarded to the BOD. The BOD, at its discretion, shall allocate such sum(s) of money as may be appropriate as a fee, grant or loan to meet part of the administration expenses of the Branch. Any expenses for the Branch shall be approved by the BOD.

51.2 The money shall be used to cover administrative costs of running the branch or for any specific purpose it was intended for.

## ARTICLE 52 **DISSOLUTION OF BRANCH**

52.1 The BOD may dissolve a state branch in any of the following circumstances :

52.1.1 By a resolution at a state EGM with not less than four fifths of the ordinary members who are Member in Benefits or

52.1.2 If it fails to maintain a minimum of 10 members in its register or

- 52.1.3 If it refuses or fails to abide by the constitution, bye-laws, rules, decision of the members of the BOD or the AGM or
  - 52.1.4 If it has acted in a manner detrimental to the Institute or
  - 52.1.5 If it has misused funds.
- 52.2 The branch shall not operate from the date of such decision to dissolve the branch.
- 52.3. Upon the dissolution of the Branch, all monies and assets belonging to the branch shall be transferred to the Institute.

## ARTICLE 53 **DISSOLUTION OF THE INSTITUTE**

- 53.1 The Institute shall continue until a resolution shall be passed by four-fifths of the total membership of the Institute voting in favour of its dissolution at a General Meeting duly convened for that purpose.
- 53.2 In any such event the General Meeting shall direct the Trustees to dispose of all of the immovable property of the Institute and use any proceeds from such disposal to settle any debts and liabilities legally incurred by the Institute and disburse any funds remaining in such manner as may be decided upon by the General Meeting.
- 53.3 The notice of dissolution shall be to the Registrar of Societies within fourteen (14) days of such decision being passed.

## ARTICLE 54 **INSTITUTE SEAL**

- 54.1 The seal of the Institute shall at all times be in the custody of the Secretary General and shall not be affixed to any deed or writing except at a meeting of the BOD or by their authority.

## ARTICLE 55 **TRUSTEES**

- 55.1 The AGM shall appoint three (3) member(s) out of which two shall be Past Presidents of the Institute and one of whom shall be elected as Chairman of the Trustees at the AGM.
- 55.2 They shall be governed by the terms of reference and shall be responsible to maintain all policies as decided at the AGM/EGM and shall report to the AGM.
- 55.3 The Trustees shall be appointed at an AGM and may hold office at the pleasure of the Institute.

## ARTICLE 56 **PROHIBITIONS**

56.1 Bringing of non-permissible drugs or undesirable persons on the Institute premises or branch premises is prohibited.

## ARTICLE 57 **GENERAL PROVISION**

57.1 The current Council of Management shall within three (3) months from the date of approval of the amended Constitution by the Registrar of Societies convene an Annual General Meeting to comply with the requirements of the new office bearers.

# **BYE-LAWS**

## **BL1 BYE-LAWS**

BL 1.1 Notwithstanding the above any such amendment cannot contradict, undermine or take precedence over the Constitution.

## **BL 2 MIEA LOGO**



BL 2.1 The Logo is of a rectangular shape.

The backdrop of Twin Towers, KL Tower is a reflection of the development of the property sector in Malaysia and that as members need to keep pace with its progress.

BL 2.2 Three blocks comprising a commercial, industrial and residential buildings reflecting the multitude of properties Estate Agents are engaged in marketing.

BL 2.3 An Arc shaped moon indicates unity of the membership and progressive actions.

BL 2.4 Navy Blue Colour  
Portrays MIEA as an Institute that upholds professionalism, integrity and values.

BL 2.5 The red MIEA wordings  
Shows vibrant, forward looking and enthusiastic membership.

BL 2.6 The MIEA name  
Being at the base reflects the strong foundation and strength provided by the Institute to the Profession supported by the objects of the Institute.

BL 2.7 Yellow Box  
The richness of the profession in helping the public acquire wealth.

BL 2.8 Any member shall be entitled to use the MIEA logo with the membership number at the bottom of the logo.

## **BL 3 SUBSCRIPTION**

BL 3.1	Ordinary Members (OM)	
	Processing and Registration Fee	RM 50.00
	Annual Subscription	RM200.00
BL 3.2	Probationary Estate Agent Members (PEA)	
	Processing and Registration Fee	RM 50.00
	Annual Subscription	RM150.00
BL 3.3	Real Estate Negotiator Members (REN)	
	Processing and Registration Fee	RM 50.00
	Annual Subscription	RM 50.00
BL 3.4	Associate Members (AM)	
	Processing and Registration Fee	RM 50.00
	Annual Subscription	RM100.00
BL 3.5	Student Members (SM)	
	Processing Fee	RM 20.00
	Registration Fee	Gratis
	Annual Subscription	Gratis
BL 3.6	Senior Ordinary Members (SOM)	
	One time payment	RM1,000.00
BL 3.7	Life Members (LM)	
	Processing and Registration Fee	RM 50.00
	One time payment	RM3,000.00

#### **BL 4 RECORDS AND MINUTES OF MEETING**

- BL 4.1 Minutes of the BOD are classified and shall not be distributed to members. However, to provide transparency any member in good standing shall write to the Secretary General to inspect the minutes at the secretariat of the Institute. The Secretary General shall consent and arrange for the minutes to be inspected by that member. The member may take notes from such minutes but no photocopy of such minutes shall be made or given.

#### **BL 5 BOARD OF DIRECTORS MEETINGS**

- BL 5.1 The BOD shall meet not less than once a month at a time and venue as decided by the BOD.
- BL 5.2 The BOD shall follow the Roberts rule of order in conducting all meetings of the Institute.
- BL 5.3 All decisions made at BOD meetings shall be decided by a simple majority



and shall vote by show of hands.

- BL 5.4 Minutes are to be circulated to all members of the BOD not later than two (2) weeks from the date of the BOD meetings.
- BL 5.5 All BOD members are required to submit written reports for discussion at the monthly BOD meetings not less than 5 days before the scheduled BOD meeting.
- BL 5.6 The quorum for the BOD meetings shall be 51% of the number of BOD.
- BL 5.7 If a quorum is not achieved to convene the BOD meeting than the Chairman may cancel the meeting and fix another date and time to convene the adjourned meeting and the quorum shall remain as 51%.

## **BL 6 PORTFOLIOS OF THE BOARD OF DIRECTORS**

- BL 6.1 The President shall appoint the Chairman from among the BOD for any standing and adhoc committee positions as he deems fit from time to time.
  - (a) Membership
  - (b) Sponsorship
  - (c) Malaysian Annual Real Estate Convention (MAREC).
  - (d) Malaysian Secondary Property Exhibition (MASPEX).
  - (e) Negotiators Affairs shall be headed by REN Network Chairman elected by the members of the Real Estate Negotiators Network and co-opted by the BOD to the Board.
  - (f) ICT / MLS
  - (g) Youth wing shall be formed to provide platform for young members who are 40 years and below to meet, interact and network while enabling them to conduct activities that are attractive to them. The Youth Chairman shall be co-opted by the BOD to the Board.
  - (h) Public Relations and Community Development
  - (i) Research and Resource
- BL 6.2 Directors shall appoint members of the institute to serve in their committees.
- BL 6.3 There should be at least a minimum of two (2) other ordinary members of the Institute in the committee to ensure the workings of the committee.

BL 6.4 The committees shall meet not less than once a month before the BOD meeting.

## **BL 7 ESTATE AGENCY PRACTICE COMMITTEE**

BL 7.1 The Estate Agency Practice Committee shall:-

- (a) Encourage and ensure good practices.
- (b) Ensure members adhere to the Code of Ethics and Conduct.
- (c) To follow Rules.
- (d) This is done to ensure that every member holds his practice in high esteem/good standing.
- (e) They will attend to complaints on members by the public and on members by members.
- (f) All complaints must be in writing.
- (g) The Estate Agency Practice Committee shall investigate, call witnesses and make the necessary recommendation on appropriate action that needs to be taken against complaint.

BL 7.2 The BOD shall then decide on the necessary action to be taken as stipulated under Article 28.

BL 7.3 The Estate Agency Practice Committee shall be headed by a BOVAEP Representative of the Institute and shall appoint not less than two (2) and not more than five (5) members of the BOD and/or Past Presidents.

## **BL 8 MEMBERSHIP COMMITTEE**

BL8.1 The Membership Committee shall meet once a month on a date which will be before the BOD meeting.

BL 8.2 That month BOD meeting shall consider such applications of membership received. Prior to the monthly meeting of this Committee, the Chairman or a person so appointed shall scrutinize all applications to ensure that all information is in order before the meeting.

BL 8.3 The Committee shall only consider applications that have complied strictly with every requirement.

BL 8.4 The list of applicants recommended for acceptance as members is to be

submitted to the BOD next scheduled meeting for approval.

- BL 8.5 All applicants for membership shall have been deemed to have been admitted to membership of the Institute on date of approval by the BOD.
- BL 8.6 All applications for membership shall be acknowledged, in writing immediately on receipt indicating time required to consider the application and shall be considered by the Committee within one (1) month of the date of receipt, other than in extenuating circumstances in which case reason for such delay is to be conveyed to applicant.

## **BL 9 THE REN NETWORK**

- BL 9.1 The Objectives of the REN Network are as follows:
  - 9.1.1 To promote Networking among RENs
  - 9.1.2 To Build unity through comradely & fellowship
  - 9.1.3 To develop synergies for the RENs personal Growth & Teamwork
  - 9.1.4 To imbue professionalism in their Daily work
  - 9.1.5 To help & support RENs
- BL 9.2 The REN Network chairman shall be part of the National Board with voting rights
  - 9.2.1 The committee shall meet once a month.
  - 9.2.2 The MIEA National President & Secretary shall be an Ex officio of the committee.
  - 9.2.3 A member of the BOD shall be appointed to Act as an advisor of the REN Network committee
- BL9.3 The REN Network Committee (RNC) shall comprise of
  - 9.3.2 National Chairman
  - 9.3.3 Vice Chairman
  - 9.3.4 Secretary
  - 9.3.5 Treasurer
  - 9.3.6 Not more than 5 Sub Committee Members
  - 9.3.7 State REN Chairman
- BL9.4 REN Network Committee both at National and State Level shall follow procedures set by the BOD.
- BL9.5 The State REN Chairman shall be part of the State Committee
- BL9.6 The role and functions of the REN Network Sub Committees:
  - 9.6.1 Networking & REN support committee
    - 9.6.1.1 To create Networking opportunities to enhance co agency, sales, cooperation & recruitment of RENs into MIEA.
    - 9.6.1.2 To support RENs in all areas especially moral support and when in need
  - 9.6.2 Sports, Recreation & Fellowship Committee
    - 9.6.2.1 To organize activities to build friendship comradery and

- fellowship.
- 9.6.3 Personal Development committee
    - 9.6.3.1 To assist RENs in self-improvement in all areas of their career.
    - 9.6.3.2 To help RENs in participating in Educational, Technology & Personal Development programs with MIEA.
  - 9.6.4 The REN Network Professional committee
    - 9.6.4.1 To assist & work with the MIEA EAPC committee to uphold professionalism in their daily practice.
    - 9.6.4.2 To find ways to promote & elevate the MIEA Code of Ethics & Practice Standards.

## **BL 10 SUB COMMITTEE MEETINGS**

- BL10.1 The respective BOD members shall chair their committee meetings.
- BL10.2 The President and Secretary General must be informed of such meetings as they are ex-officio and they shall be part of the quorum.
- BL10.3 There must be a minimum of at least two other members of the Institute who shall sit in the committee and the quorum of such meetings shall be not less than three members of the committee including the Chairman.

## **BL 11 MONEY IN CURRENT ACCOUNT**

- BL11.1 The Treasurer is to ensure that any surplus funds equivalent to above 6 months operating expenditure shall be maintained at any one time in a current account. Any such amounts in excess shall be deposited into fixed deposits to accrue interest.

## **BL 12 ROLES OF INTERNAL AUDITOR**

- BL12.1 Internal Auditors duties is to add value and improve the operations of the Institute by bringing a systematic and disciplined approach to the effectiveness of risk management, control and governance processes. Internal Auditors should possess a working knowledge of accounting procedures and a sound judgment.

## **BL 13 HONORARY MEMBER AND FELLOW**

- BL13.1 Both the Honorary member and Fellow conferment shall be made either at the MIEA Annual Dinner and/or the National Real Estate Awards Night.

## **BL 14 REIMBURSEMENTS**

BL14.1 All BOD members shall be entitled to make claims as per the Institute “Finance Policy”.

## **BL 15 BRANCHES**

BL15.1 MIEA also recognize the existence of branches in the following states:  
Sarawak, Sabah, Johore, Perak and Penang

## **BL 16 BRANCH DISTRIBUTION**

BL16.1 The BOD may from time to time distribute branch set up based on the number of members in each state. For this purpose the current branch set up will be as follows;  
Penang, Kedah, Perak and Perlis  
Selangor/Negeri Sembilan  
Wilayah Persekutuan  
Malacca/Johore  
Kelantan/Pahang/Terengganu  
Sabah  
Sarawak

## **BL 17 BRANCH SUB-COMMITTEE**

BL17.1 The following committees shall be established in all state Branches;

- (a) Professional Practice
- (b) Education & Training
- (c) Membership Affairs
- (d) Negotiators Affairs
- (e) REN Network

BL17.2 SOP for REN Network Committee

- (a) The State RNC chairman shall be co-opted into of the MIEA State Branch Committee with voting rights and shall be a member of the National REN Network Committee.
- (b) The finances of the committee shall be kept under the accounts of the state branch.
- (c) The committee shall meet once a month.
- (d) The State MIEA Chairman & Secretary shall be ex officio of the committee.
- (e) A State Branch committee member shall act as an advisor of the REN Network committee.

## **BL18. PERMANENT STAFF**

The BOD may appoint such staff as may be necessary for conducting the affairs of the Institute. The duties, salaries and remuneration of such staff of the Institute shall be determined by the BOD from time to time.

## **BL19. PROFESSIONAL INDEMNITY INSURANCE FOR BOD**

The Executive Board may at its discretion acquire Professional Indemnity Insurance for BOD.

## **BL20. MEDIATION BOARD**

- BL20.1 There shall be a Mediation Board elected at each alternative Annual General Meeting who shall mediate differences, disputes, disagreements and the like (hereinafter referred to as “the disputes”) between and amongst member and/or members and public or client of the member.
- BL20.2 The Mediation Board shall consist of five (5) members from the existing council duly appointed by the council members by a simple Majority Vote.
- BL20.3 In event any member of Malaysian Institute of Estate Agents or the public or the member’s client wishes to refer to the Mediation Board to mediate in any disputes between and amongst member and/or members and public or client of the member, a written application of the same shall be forwarded to the Chairman of the Mediation Board
- BL20.4 The Chairman of the Mediation Board shall the meet with the other members of the Mediation Board within fourteen (14) days of receipt of such application to decide whether to form a Mediation Council to mediate the matter.
- BL20.5 All decisions made by the Mediation Board and the Mediation Council shall be reported to the President of Malaysian Institute of Estate Agents and it’s council members.
- BL20.6 If the Mediation Board decides to form the Mediation Council, they shall appoint its member within fourteen (14) days thereof.
- BL20.7 The Mediation Council members shall consists of five (5) members whose constitution comprises of three (3) licensed estate agents of at least ten (10) years standing and a legal advisor together with any other person from any other reputable professional body.
- BL20.8 In the event the Mediation Board is unable to form a five (5) member Mediation Council within the stipulated time period, with the authorization from the Mediation Board, the Mediation Council can be formed with three (3) members only whereby it’s constitution shall comprise of two (2) licensed agents of at least ten (10) years standing and one legal advisor or any one person from any other reputable professional body.
- BL20.9 The Chairman of the Mediation Council shall be appointed by the Mediation Board.
- BL20.10 The Mediation Council so appointed shall try to resolve the disputes to the best of

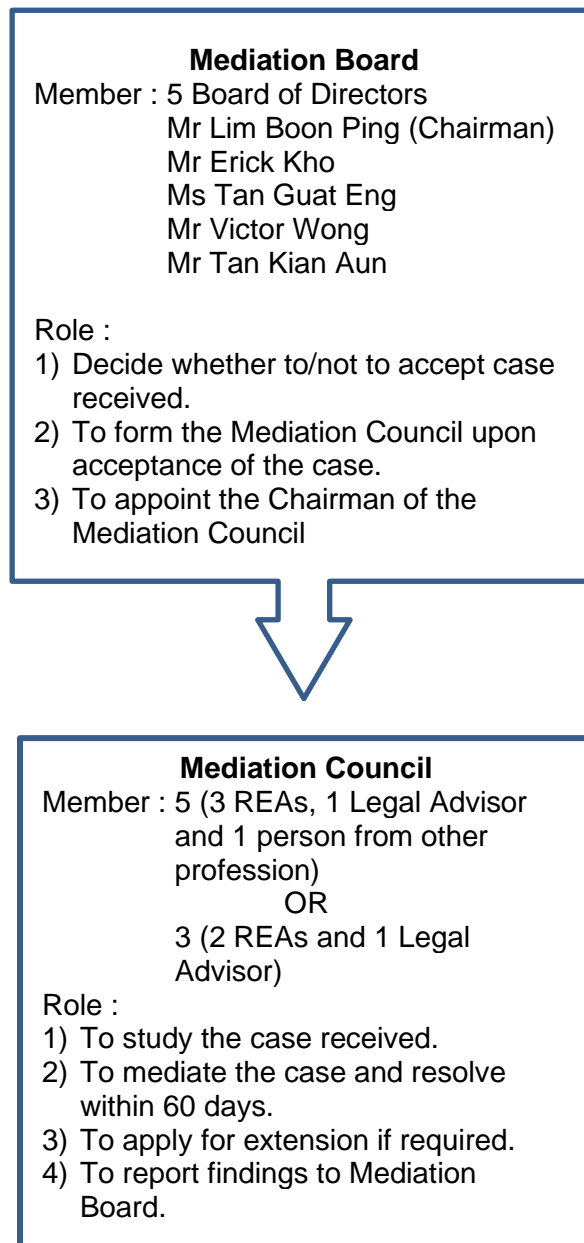
their abilities.

- BL20.11 The Mediation Council shall not be liable for any decision made in any manner whatsoever.
- BL20.12 No Member of the Mediation Council shall mediate in the dispute if he or she has an interest, directly or indirectly in the dispute concerned in any manner whatsoever.
- BL20.13 In that event happening as stated in clause BL20.12 the said Member shall discharge himself or herself from the Mediation Council and another shall be appointed by the Mediation Board to replace the same.
- BL20.14 The member(s), public and/or client or parties involved shall:-
- a) have the option to either forward their explanations or arguments in written form to the Mediation Council; or
  - b) in the alternative request for a mediation hearing between the parties involved and the Mediation Council in person.
- BL20.15 The member(s), public and /or client or parties involved shall :-
- a) if he/she/they decide to exercise the option in clause BL20.14 (a) he/she/they shall forward their written explanation or arguments within fourteen (14) days of the written notice given by the Mediation Council; or
  - b) if he/she/they decide to exercise the option in clause BL20.14 (b) he/she/they shall appear before the Mediation Council at the date, time and place set for the hearing personally.
- BL20.16 The Mediation Council shall try to resolve the disputes within sixty (60) days of it's formation.
- BL20.17 If Mediation Council is unable to resolve the dispute within the stipulated time period the Mediation Council may apply in writing to the Mediation Board to extend the time period accordingly which is subject to the Mediation Board's discretion.
- BL20.18 In the event the Mediation Council is unable to resolve the said dispute(s) within the stipulated time period, the parties concerned may bring the matter to the Courts to resolve the same and the Mediation Council shall then be dissolved after the report of its findings is forwarded to the Mediation Board for its reference who shall then also extend a copy of the same to the President of Malaysian Institute of Estate Agents and the existing council members.
- BL20.19 The parties who requested for the mediation shall be liable for the costs of such Mediation Council as per the fees set out by the Mediation Board who shall from time to time decide on its scale of fees and disbursements allowable.
- BL20.20 The members of the Mediation Council shall be remunerated in accordance to the scale of fees and disbursements allowed or set out by the Mediation Board.
- BL20.21 At the date of the following Annual General Meeting, if the member of the Mediation Council is/are in the process of Mediation he/she/they is/are empowered to continue with the mediation notwithstanding that a new Mediation Board is elected for the following term until it run its course.

- BL20.22 The objective of the Mediation Council is to resolve disputes between the relevant parties amicably.
- BL20.23 Its decision is not binding unless from the onset the parties agree in writing to the Mediation Board and Mediation Council that he/she/they are willing to be bound by the decision of the Mediation Council and thereafter its decision shall be final and binding upon the parties.
- BL20.24 The Mediation Board members and/or the Mediation Council members shall not be liable for any decision decided pertaining to the said matters in the course of their duties in any manner whatsoever. The parties referring the said disputes to the Mediation Board and/or the Mediation Council shall indemnify the Mediation Board members and/or the Mediation Council members for any loss and/or damages and/or suits arising thereof against them in any manner whatsoever. .



## Flow chart



Propose fee :

Application fee to open file - RM100.00 (GST inclusive). If complainee doesn't agree to proceed with mediation, complainant shall be refunded RM50.00 from the payment of RM100.00 made earlier. If complainee accepts the mediation procedures, s/he shall pay RM100.00.

Mediator fee - RM300.00 (GST inclusive) per session per mediator. Maximum 3 sessions. Estimated fee – from RM2,700.00.

## GLOSSARY

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