



Migration Institute
of Australia

Rules

Rules of the Migration Institute of Australia to accompany
the Constitution

Updated as approved by the Board on 9 May 2024

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1. Interpretation

1.1 Unless contrary to or inconsistent with the context, terms defined in clause 1.2 of the Constitution have the same meaning in these Rules, and:

- (a) "**Constitution**" means the Constitution of the Institute amended on 23 August 2010;
- (b) "**Joining Fee**" means the fee payable by an applicant for membership for commencing membership, as determined by the Board from time to time;
- (c) "**Membership Fee**" means the annual subscription payable by a Member or applicant of a particular class each year as determined by the Board from time to time.

2. Membership Qualifications

- 2.1 (a) An individual who is a Registered Migration Agent may be admitted as a Voting Member and may remain a Voting Member if that individual continues to be a Registered Migration Agent during the period of membership and complies with the ethical standards as set by the Board from time to time; or
- (b) An individual who was an Australian legal practitioner with an Australian practising certificate and a Registered Migration Agent at the time legal practitioners were removed from the Office of the Migration Agents Authority regulatory system as a result of the Migration Amendment (Regulation of Migration Agents) Act 2020 may be admitted as a Voting Member and may remain a Voting Member if that individual continues to hold an Australian legal practising certificate during the period of membership and complies with the ethical standards as set by the Board from time to time; or
- (c) At any time after the time legal practitioners were removed from the Office of the Migration Agents Authority regulatory scheme as a result of the Migration Amendment (Regulation of Migration Agents) Act 2020, an individual who is an Australian legal practitioner with an Australian practising certificate may be admitted as a Voting Member if that individual holds an Australian legal practising certificate and has completed any appropriate course approved by the Board and complies with the ethical standards as set by the Board from time to time.
- (d) Legal practitioners who are accredited specialists in immigration law or can demonstrate at least five years recent work experience in providing immigration advice and assistance as a major component of their practice are exempt from completing the course approved by the Board as specified in subclause 2.1(c)).
- (e) An Australian legal practitioner who was either banned or had their registration cancelled by the Office of the Migration Agents Registration Authority or their relevant law society cannot become members of the MIA.
- (f) Any Registered Migration Agent or Australian legal practitioner who has been sanctioned by the Office of the Migration Agents Registration Authority or their relevant law society will need to complete the conditions of their sanction before becoming a member of the MIA.

2.2 An individual may be admitted as an Associate Fellow if that individual:

- (a) has demonstrated by conduct and service a commitment to the aims of the Institute; and
- (b) either:
 - (i) has met the qualifying criteria as set by the Board; or
 - (ii) the Board resolves that the individual be admitted as a Fellow.

2.3 An individual may be admitted as a Fellow if that individual:

- (a) has demonstrated by conduct and service a commitment to the aims of the Institute; and
- (b) either:
 - (i) has met the qualifying criteria as set by the Board; or
 - (ii) the Board resolves that the individual be admitted as a Fellow.

2.4 An individual may be admitted as a Life Member if:

- (a) the Board resolves that the individual be recommended for membership as a Life Member;
- (b) the Board extends and the individual accepts the Board's invitation to be a Life Member; and
- (c) the recommendation is approved by a majority of Members present at a general meeting of the Institute of which notice (including notice of the recommendation) has been given.

2.5 The categories of Non-voting Members are:

- (a) Affiliate Member;
- (b) Honorary Member; and
- (c) Student Subscriber.

2.6 An individual may be admitted as an Affiliate Member if that individual meets the criteria as set down by the Board.

2.7 An individual may be admitted as an Honorary Member if the Board resolves by resolution that such individual be admitted as an Honorary Member.

2.8 An individual may be admitted as a Student Subscriber if that individual:

- (a) is currently enrolled in a course of study relating to the migration advice profession; and
- (b) is not otherwise eligible to be a Member of a different class.

3. Procedure for Admission of Members

3.1 To accept an invitation to become a Life Member, the person invited must advise the Secretary in writing on or before the date specified on that invitation.

3.2 To be eligible for consideration for membership (other than being a Life Member) of the Institute an applicant must:

- (a) submit through the online platform a complete membership application in the form approved by the Board or its nominee from time to time;
- (b) provide evidence of the applicant's eligibility for membership of the class of Member being applied for, in the manner specified on the Institute's website or on the application form, or otherwise specified by the Board; and
- (c) at the time of submitting their application, pay the Joining Fee and Membership Fee (if any) for the applicable class of membership.

3.3 After the receipt of any complete application for membership of the Institute, the application must be considered by either:

- (a) the Board; or
- (b) the Chief Executive Officer or Membership Manager of the Institute, who may either:
 - (i) approve the admission of the applicant; or
 - (ii) refer the application to the Board.

3.4(a) Any decision to refuse membership of the Institute may be made by the Board, the Chief Executive Officer or Membership Manager of the Institute who will not be required to give any reason for the rejection of any applicant.

(b) Where a prospective member is refused membership and appeals the decision it will be referred to the Board

3.5 All Applicants for membership will be notified through the online platform of the results of their application.

4. Joining Fees and Membership Fees

4.1 Life Members will not pay any Joining Fee or Membership Fee.

4.2 The Board will cause to be posted on the Institute's website, and have available at the National Office, current:

- (a) Joining Fees and Membership Fees (if any) for each category of membership; and
- (b) any discounts available under clause 4.3.

4.3 Joining Fees and Membership Fees may be discounted in cases where an applicant or Member is a full time student, retired, or in other extenuating circumstances the Board nominates from time to time. Applicants or Members wishing to receive a discounted rate must produce evidence to prove their eligibility to receive that discount. The discounted rate will revert to the full rate at the time of renewal of membership unless the Member has submitted a request for continuation of discount, with the appropriate evidence, at the time of renewal.

4.4 Any Joining Fee and Membership Fee payable by an applicant for membership will be refunded if the applicant is not admitted. The Institute may retain a portion of the Joining Fee to cover reasonable administration costs if that has been disclosed to applicants on the Institute's website or on the application form.

4.5 The Board may in cases of ill health, misfortune, advanced age or on other grounds which in its opinion sufficient, remit the Membership Fee and forgive arrears, if any, of any Member.

4.6 Membership Fees are due on or before 30 June each year or another date determined by the Board.

4.7 A Member who has not paid their Membership Fees in full by the due date must be sent a notice in the form of Annexure A, or another form approved by the Board, before being removed from the Register in accordance with clause 13.2 of the Constitution.

5. Post Nominals and Use of MIA Logo

5.1 The post nominals available for use by each of the following classes of Voting Members are:

- (a) Voting Member – MMIA;
- (b) Associate Fellow – AFMIA;
- (c) Fellow – FMIA; and
- (d) Life Member – LMMIA

5.2 Only a MIA Member may use the MIA Logo. The MIA logo must be used or permitted to be used in an appropriate way.

6. General Meetings

6.1 A person's attendance at a general meeting:

- (a) waives any objection that the person may have to a failure to give notice, or the giving of an effective notice, of the meeting; and
- (b) waives any objection that the person may have to the consideration of a particular matter at the meeting which is not within the business referred to in the notice of the meeting.

6.2 The Chair of a general meeting may refuse admission to, or require to leave and remain out of, the meeting, any person:

- (a) in possession of a video or sound recording device;
- (b) in possession of an article considered by the Chair to be dangerous, offensive or liable to cause disruption;
- (c) who refuses to produce or permit examination of any article, or the contents of any article, in the person's possession;
- (d) who behaves or threatens to behave in a dangerous, offensive or disruptive manner;
- (e) who disrupts the meeting or demands to be heard for a period beyond what the Chair reasonably considers to be a reasonable period; or
- (f) who is not a Member or a representative of a Member, or a proxy or attorney of a Voting Member, or an auditor of the Institute.

6.3 A request by Members for the Board to call and arrange to hold an extraordinary general meeting of the Institute, in accordance with clause 10.2(b) of the Constitution must:

- (a) be in writing; and
- (b) state any resolution to be proposed at the meeting; and
- (c) be signed by the Members making the request (separate copies of the document may be used for signing if the wording of the request is identical in each copy); and
- (d) be given to the Secretary.

6.4 The Board must call a validly requested meeting within 21 days after a request by Voting Members, under clause 10.2(b) of the Constitution, is given to the Institute in accordance with clause 6.1 of these Rules. The meeting is to be held not later than two months after the request is given to the Institute. Voting Members with more than 50 percent of the votes of all the Voting Members who make a request may call a general meeting if the Board does not do so within 21 days after the request is given to the Institute. Such a meeting must be called in the same way, so far as possible, in which extraordinary general meetings of the Institute may be called. The meeting must be held not later than three months after the request is given to the Institute.

6.5 If Members with at least 5 percent of the votes that may be cast at an extraordinary general meeting of the Institute call, and arrange to hold, an extraordinary general meeting in accordance with clause 10.2(c) of the Constitution:

- (a) the Members calling the meeting must pay the expenses of calling and holding the meeting; and
- (b) the meeting must be called in the same way, so far as possible, in which extraordinary general meetings of the Institute would be called.

6.6 The percentage of votes that Members have under clauses 6.13, 6.4 and 6.5 are to be worked out as at the midnight immediately before the general meeting is called.

7. Proxies

7.1 An instrument appointing a proxy must be in writing, signed by the Voting Member appointing the proxy and must be in the form set out in Annexure B, or another form approved by the Board which contains:

- (a) the Voting Member's name and address;
- (b) the Institute's name;
- (c) the proxy's name or the name of the office held by the proxy; and
- (d) the meetings at which the appointment may be used,

and may also provide for directions on how the proxy must vote on specific resolutions of which notice has been given.

7.2 An appointment of a proxy may be a standing one or an appointment for a designated period of time.

7.3 The instrument appointing a proxy (and power of attorney, if any, under which it is signed) must be deposited at the Office not less than 48 hours before the hour for holding the meeting or adjourned meeting at which the person named in such instrument proposes to vote.

7.4 An appointing Voting Member may revoke or transfer a proxy appointment by notice in writing given to the Office before the meeting to which the appointment relates. A vote given in accordance with an instrument of proxy or power of attorney will be valid if no notice in writing of the revocation or transfer has been received at the Office before the meeting.

7.5 A proxy or power of attorney is automatically revoked if the appointing Member or principal dies.

7A.1. The Board has adopted the Rules in this clause 7A relating to direct voting at a general meeting of Members in accordance with clause 12A of the Constitution.

7A.2. Voting by Members

Votes by Members on a resolution at a general meeting may be given:

- (a) personally at the physical meeting;
- (b) by proxy, representative or attorney; or
- (c) by a valid notice of the Member's voting intention (**direct vote**) where the Board has determined that Members are entitled to vote by direct vote on that resolution at the meeting.

7A.3 One vote

A Member may only vote by one of the permitted methods in Rule 7A.2.

If a Member casts a direct vote on a particular resolution they are taken to have revoked the authority of a previously authorised proxy to vote on their behalf on that resolution.

7A.4. Priority of votes

If a Member attempts to cast more than one vote on a particular resolution, only the last vote received by the Returning Officer is to be taken to have been cast, irrespective of whether the vote cast is by way of direct vote or proxy.

7A.5. Direct voting instrument

A direct vote includes any form of vote that the Board may prescribe or accept, including by any electronic means.

If sent by post, a direct vote must be signed by the Member.

If sent by electronic transmission, the direct vote is taken to have been signed if it has been signed or authorised by the Member in the manner approved by the Board or specified in the notice of meeting.

If the voting form is lodged online, the Member must follow any instructions for online lodgement to enable electronic authentication. This will include a method for identifying the Member.

7A.6 Voting forms

The following applies in respect of voting forms received by the Institute:

- (a) if a single voting form contains instructions for both direct voting and appointment of a proxy, the Member will be taken not to have appointed a proxy and the authority of any proxy will be revoked. The direct vote will be counted; and
- (b) if a single voting form is received and neither the direct voting box nor the appointment of proxy box is selected, the Member will be taken to have appointed the person named in the form as proxy, and if no person is named, the Chairman of the meeting as proxy.

7A.7 Delivery of voting instrument

The Board may prescribe the acceptance time for receipt of a direct vote by the Institute.

For a Member to cast a direct vote prior to the relevant meeting, at least 48 hours before the time for holding the relevant meeting, an adjourned meeting or a poll at which a Member proposes to vote, the Institute must receive at its Office:

- (a) notice of the Member's voting intention; and
- (b) any authority or power under which the direct vote was signed or a certified copy of that power or authority.

7A.8 Form of direct vote

A notice of voting intention is valid if it contains the following:

- (a) the Member's name; and
- (b) the Member's voting intention on any or all of the resolutions to be put before the meeting.

7A.9 Validity

A vote cast as a direct vote in accordance with this Rule 7A is valid even if before the commencement of the meeting to which the vote relates or during the meeting (as applicable), the Member:

- (a) died;
- (b) became of unsound mind;
- (c) wished to change or withdraw their vote; or
- (d) revoked the appointment of the attorney who cast the direct vote on behalf of the Member or the authority under which the appointment was made by a third party,

unless written notification of the relevant event is received at the Office before the meeting or adjourned meeting in respect of which the direct vote was cast.

7A.10 Chairman's decision

A decision by the Chairman of the meeting as to whether a direct vote is valid is conclusive.

A direct vote cast on a resolution that is subsequently amended is taken to be a direct vote on that resolution as amended, unless the Chairman of the meeting determines this is not appropriate.

7A.11 Attendance by Member who has cast a direct vote before the meeting

A Member who has cast a direct vote before the meeting is entitled to attend the meeting and/or participate in the meeting, but may not vote at the meeting.

7A.12 Counting of direct votes

If a direct vote is cast in respect of a resolution, the Chairman of the meeting must, either on a vote by show of hands or on a poll relating to that resolution, count each Member who has submitted a direct vote for or against the resolution in accordance with their direct vote.

7A.13 Direct votes abstained

Direct votes abstained will not be counted in calculating the required majority on a poll.

7A.14 Certificate of direct votes cast

The Chairman of a meeting must ensure that a certificate signed by a Returning Officer of direct votes cast is available at the meeting ahead of any vote being taken.

8. Discipline of Members

8.1 At least three Members of a Disciplinary Committee appointed by the Board must be present to constitute a quorum of that committee.

8.2 Where the Institute becomes aware that one of the following may have occurred with respect to a Member:

- (a) the Member has become bankrupt or insolvent or makes any arrangement or composition with his or her creditors generally;
- (b) the Member has become of unsound mind or a person who is, or whose estate is, liable to be dealt with in any way under the law relating to mental health;
- (c) the Member has been convicted under the law of any jurisdiction of an offence which may be discreditable to, or against the interests of, the Institute;
- (d) has been barred or suspended from practice as a Registered Migration Agent on disciplinary grounds;
- (e) the Member may:
 - (i) have engaged in conduct which breaches the Constitution or these Rules or the MIA Code of Ethics and Practice; or
 - (ii) have engaged in conduct which is discreditable to, against the interests of, or brings disrepute to the Institute; or
 - (iii) not be a fit and proper person to be a Member.

or

- (f) has been barred, suspended, or disqualified from practice by a professional body and / or pursuant to an Act such as the *Legal Profession Act (NSW)*.

The Chief Executive Officer or any Officer nominated by the Board for that purpose (“**Investigating Officer**”) may investigate the circumstances and determine on the evidence before them whether there is sufficient merit to warrant referring the matter to a Disciplinary Committee. The Investigating Officer may, but is not obliged to, seek comment from the Member concerned for this purpose.

In circumstances relating to clause 8.2(d) and (f) the Investigating Officer may refer the matter directly to the Board for determination where the Investigating Officer is satisfied that a thorough investigation has taken place and due process and procedural fairness has been adhered to.

8.3 If the Investigating Officer decides to refer the matter to a Disciplinary Committee, the Investigating Officer must advise the Complainant (if any) and the Member concerned in writing of the Investigating Officer’s decision.

8.4 Where the matter under investigation by the Investigating Officer relates to a Member who is also a Member of the Board or a Branch Committee Member and that a referral to the Disciplinary Committee or directly to the Board under sub-rule 2 of these Rules is merited, the Investigating Officer may also consider whether it would be appropriate to suspend that person pursuant to sub-clause 14.2 of the Constitution. In determining whether a suspension pending any consideration of the merits of the matter would be appropriate, the Investigating Officer must:

- (a) Consider all the information about the matter of which the Institute has become aware including any information provided by the Complainant (if any);
- (b) In the event that the Investigating Officer seeks comment from the Member concerned, consider all the information provided by that Member; and
- (c) Assess the likelihood that the matters alleged in relation to the Member would be, if ultimately determined to be accurate and amount to a breach of one or more of the criteria in sub-rule 8.2 of this Rule, sufficiently significant to immediately affect the Institute’s public reputation and credibility amongst the membership of the Institute and/or the community generally and that the consequent damage to the Institute’s reputation or operations would occur immediately during the period the merits of the matters were investigated and a determination concluded.
- (d) In the event the Investigating Officer reasonably considers that the likely effects assessed in paragraph (c) of this sub-rule are of sufficient significance, determine to suspend the Member from holding the position/s in and performing the role or roles. In the case of a Member who holds positions (including as a member of a Committee or sub-Committee) at the National and/or Branch levels, any such decision to suspend will operate in relation to all such positions.
- (e) In the written advice to the Member under sub-rule 8.3 of this Rule the Investigating Officer shall also notify the Member of the decision to suspend the Member from holding and performing the duties of the position or positions held by the Member in the Institute. That notification shall also advise the Member that the decision to suspend was made by the Investigating Officer under this sub-rule, that the decision was made without any consideration of the accuracy or otherwise of the matters alleged and entirely without prejudice to the Member’s rights in the investigation and ultimate conclusion of the matters, and that the Investigating Officer will not be further participating in that investigation and determination.

8.5 For the avoidance of doubt, sub-clauses (2), (3) and (4) of this Clause limit the consideration of a possible disciplinary matter and possible suspension pending consideration of a matter on the merits, to one Member only (‘the first Member’) being so considered on a referral from the Board, by an Investigating Officer, a Disciplinary Committee and the Board. It does not prevent the Board referring another matter for consideration and a possible disciplinary process in relation to another Member on a matter to a different appointed Investigating Officer and Disciplinary Committee, while the process in relation to the first Member is still underway.

- 8.6 If a complaint is referred to a Disciplinary Committee, the Disciplinary Committee must:
- (a) investigate the complaint within a reasonable time and in the case where a decision to suspend under sub-rule 4 of this Rule has been made, ensure that the investigation commences as soon as practicable;
 - (b) on the evidence before it and, by at least a majority of committee Members, whether any of the circumstances in clause 8.2 apply and whether, ~~having regard to all relevant circumstances affecting the seriousness of the matters, the Institute and the Member the subject of the referral, it is appropriate that~~ any resulting sanction as they see fit should be ~~considered by the Board~~ (subject to the Constitution and these Rules); and
 - (c) must promptly provide to the Board, a report containing all the materials provided to and considered by the Disciplinary Committee including the record of its deliberations, assessments and conclusions, for the assistance of the Board in their consideration and determination of sanction, if any.

8.7 The Disciplinary Committee must give any Member who has been referred to it:

- (a) written notice:
 - (i) of the circumstances under clause 8.2 which are believed to have occurred; and
 - (ii) that the Disciplinary Committee is considering whether these circumstances have occurred and if so what action it should recommend be taken; along with:
- (b) an invitation to:
 - (i) provide additional written information or comments of a reasonable length; and
 - (ii) (if the Disciplinary Committee decides in its discretion) appear before it either personally or by telephone or electronic means of communication to give evidence or present arguments; regarding matters under consideration.

The Disciplinary Committee must give such an invitation at least 14 days before the date they consider the disciplinary matter. If the Member fails to give written submissions at least 48 hours before the time specified of the Disciplinary Committee's deliberations, or does not take up an invitation to appear, the Disciplinary Committee may then complete its consideration and report to the Board without further reference to the Member.

- (c) In the case of a matter relating to circumstances specified in paragraphs 8.2(d) and (f) of this Rule referred directly to it by the Investigating Officer, the Board shall conduct its own consideration and determination of all relevant information and circumstances having due regard to the prior determinations against the Member, including providing the Member the opportunity to respond in writing in relation to the findings and any sanction imposed by the previous disciplinary bodies in their prior consideration of some or all of the matters under consideration by the Board. It shall then by a majority plus one of those Members of the Board voting determine whether the circumstances in paragraphs 8.2 have been met and the sanction appropriate in accordance with the Constitution and these Rules.
- (d) In all other matters, upon receipt of the report and all materials provided to it by the Disciplinary Committee after its deliberations upon a referral from the Investigating Officer, the Board shall consider and determine whether it the opinion of a majority plus one of Members of the Board voting, one or more of the matters in paragraphs 8.2 (a)-(c) and (e) of this Rule have occurred and the sanction appropriate to the circumstances. Prior to any determination it shall provide to the Member and opportunity to provide any written or oral additional information or evidence not already provided to the Disciplinary Committee.

8.8 The Board must deliberate upon and determine any question of discipline appealed from a Disciplinary Committee within a reasonable time. The Member, the subject of the alleged question of discipline, must be notified of the date and place of the Board Meeting at which the appeal matter will be considered. The Board must allow the Member concerned a reasonable opportunity to make written or oral submissions on the matter including submissions related to the evidence considered by the Disciplinary Committee before a final decision is made. The Board may determine an appealed matter in its discretion and must give notice of its decision (Final Decision) to the Complainant (if any)

and the Member concerned.

8.9 Where the Disciplinary Committee or Board has made a Final Decision on the discipline of a Member, neither the Member nor any other person has a right to further appeal. However, if additional facts relevant and significant to the matter subsequently emerge, the Investigating Officer may consider the facts and if thought fit refer the matter to the Board or a Disciplinary Committee for reconsideration.

8.10 Where the Board has suspended or expelled a Member or, ~~including~~ on advice from the Disciplinary Committee, has determined not to take any steps against a Member, the Board may in its absolute discretion, once additional facts relevant and significant to the matter subsequently emerge, revoke any such suspension or expulsion and reinstate or readmit the Member or refer the matter back to the Disciplinary Committee for further consideration to the extent it thinks fit.

8.11 If the Board ~~or a Disciplinary Committee~~ makes a final decision in favour of the Member the subject of the complaint, the Board may cause such publications of the outcome to be made as appropriate.

8.12 If the Board makes a Final Decision against the Member the subject of the complaint, the Board must:

- (a) cause the name of the Member, details of the final decision ~~making tribunal~~ of the Board and the sanction to be published in the Institute's official publication; and
- (b) notify any regulatory or government bodies of the outcome as appropriate.

8.13 Disciplinary Committees and the Board may regulate their own procedures as they think fit, subject to the Constitution and these Rules, including:

- (a) Making, or engaging a person to make, whatever enquiries are deemed necessary;
- (b) requiring the production for inspection of any books, documents or papers in the possession or under the control of any Member related to the investigation;
- (c) requiring any Member to attend before them or otherwise give a statement of evidence;
- (d) paying the expenses and travelling costs of persons requested to attend the hearing as a witness or as the subject of a complaint; and
- (e) proceeding with hearing a matter where a Member who has been given notice of the hearing has failed to attend.
- (f) ensuring by specific enquiry of all persons entitled to be present and considering the matters, that all those persons are able to bring a fair and open mind and will not have any invincible bias in relation to the matters being considered and/or determined by the relevant body and will assess the matter solely on the basis of the evidence before that body.

8.14 The Board may, upon passing a resolution specifying the reason for its action, determine that one or more of the following sanctions are appropriate to discipline a Member:

- (a) terminate the Member's membership of the Institute and remove the Member's name from the Register;
- (b) call for and, if tendered, accept the Member's resignation;
- (c) suspend all or any of the Member's rights of membership for a period of up to five years;
- (d) notify the Migration Agents Registration Authority of the adverse result;
- (e) demote the Member to a lower class of membership;
- (f) require that the Member attend a professional development course or courses; or
- (g) issue the Member with a warning or reprimand.

and may make those sanctions subject to whatever conditions are deemed fit.

8.15 Any disciplinary action taken against a Member pursuant to this clause 8 shall not prejudice the rights of the Institute to recover any arrears of subscription or any other moneys owing to the Institute from the Member.

9.A Elections – Voting Method

9A.1 The AEC Model Rules are used as the basis for the MIA election process unless there is any discrepancy in which case the MIA Rules prevail.

9A.2 A preferential voting method shall be used for all elections for:

- (a) the Committee Members of each Branch and
- (b) the State Presidents

This requires voters to indicate an order of preference among a list of candidates. To be elected under a preferential system a candidate must be preferred by a majority of voters ahead of all unsuccessful candidates.

Prior to the Election

9A.3 Before an election to be conducted electronically by a hosting company approved by the Board, the hosting company will meet with the MIA's representatives and/or Company Secretary to determine how the election will be conducted and for MIA approval of the process.

Vote Counting Method

9A.4 The standard preferential vote counting method will be used (in accordance with AEC Model Rules 29.2.2, 29.2.4 and 29.2.4(a)).

In this system, a candidate must poll an absolute majority, (that is, at least 50% plus one), of all formal votes to be elected.

9A.5 Where one candidate only is to be elected the Returning Officer shall determine the successful candidate by observing the procedure set out below:

- (a) If, after all first preference votes have been counted, no candidate has obtained an absolute majority of all formal votes, then the candidate with the fewest number of first preference votes is excluded. That excluded candidate's second preference votes are then distributed to the remaining candidates.

9A.6 At the conclusion of the vote count and scrutiny, the hosting company approved by the Board, will meet with the MIA representatives and/or Company Secretary to explain and submit the result for final sign off.

9.B. Branches

9B.1 The Branches of the Institute for the time being are:

- (a) New South Wales (includes the Australian Capital Territory);
- (b) Queensland (includes the Northern Territory);
- (c) South Australia;
- (d) Victoria (includes Tasmania); and
- (e) Western Australia.

9B.2 Each Branch must:

- (a) be active in recruitment of new Members to achieve membership growth;
- (b) be active in the identification and promotion of appropriate local professional development activities to enhance membership retention;

- (c) use local networks to facilitate the Institute's vision, objectives and offerings;
- (d) provide feedback to management and/or the Board on local concerns of relevance to the Institute;
- (e) represent and promote the Institute, as requested by the Board;
- (f) identify senior industry leaders and practitioners, and assist in reference checking of candidates for senior membership grades as required by the Board;
- (g) assist in early identification of local market trends and activity; and
- (h) provide local market advice on Registered Migration Agents, businesses and other groups with an interest in the migration field and membership numbers.

9B.3 Branches may be required to participate in or act as host for Institute functions in their region.

9B.4 Election of Committee Members of each Branch will take place, in accordance with Clause 27.8 of the Constitution, as follows:

- (a) The Board shall appoint a Returning Officer and an Assistant Returning Officer for the purpose of elections held in accordance with Clause 27.8 of the Constitution, and the Returning Officer shall call for nominations in accordance with Clause 9.4(b);
The Returning Officer may delegate to the Assistant Returning Officer such power as necessary for the conduct of the ballot.

The Returning Officer may:

- I) be an officer of the hosting company of the online voting portal, appointed by the Board, to ensure the professional independent management, security and anonymity of the voting; and
 - II) authorise independent scrutineers and observers from the hosting company to provide voter and candidate support and handle enquiries.
 - III) release the nominations by candidates after they have submitted and before the close of the nomination period at the direction of the Migration Institute of Australia Limited
- (b) Any two Members of a Branch may nominate another Member of that Branch to serve as a Member of the Branch Committee. Nominations must be submitted in the prescribed electronic format at least six weeks before the day fixed for the annual general meeting at which the desired appointment would take effect:
 - (c) A nomination should be accompanied by a photograph or one minute video in lieu of a photograph and a nominee may furnish up to 500 words to the Returning Officer, in such form as the Board may require¹, setting out the nominee's qualifications, experience and policy statements, contact details and a self-declaration that they do not have any outstanding disciplinary complaints against them with their regulatory authorities.

However, the Board may, in its absolute discretion, amend the statement to protect the Institute's interests, including the reputation of the Institute and its Directors.
 - (d) Any MIA member nominated for election to an MIA Branch position must not be the subject of a disciplinary complaint made to the OMARA, the relevant Law Society or any other regulatory authority.
 - (e) The Board reserves the right to request verification of any claims made in relation to a candidate's nomination. The provision of any false information in the candidate statement will be cause for the nomination to be excluded.
 - (f) After the nominations have closed, the Returning Officer is to prepare an electronic ballot form for the election. The following must be made available to all Voting Members in the relevant State at least 28 days before the annual general meeting at which the election will be announced:

- (i) A list of nominees' names in alphabetical order showing the respective proposer's and seconder's names and any information provided under Clause 9.4(c) of the MIA Rules; and
- (ii) If there are more nominees than positions available under clause 15.1(a) of the Constitution of the MIA, an electronic ballot form.

The online electronic ballot form is taken to have been received on the business day after email notification is sent.

- (g) The order of nominees' names on the electronic ballot form shall be by random draw conducted by the President, Chief Executive Officer, Secretary or another person approved by the Board.
- (h) Each Member will be entitled to as many votes as there are vacancies to be filled on the Branch Committee. A Member may vote for as many candidates, once per candidate, as the Member wishes, not exceeding the number of vacancies to be filled.
- (i) To be valid completed electronic ballot forms must be submitted through the online voting portal by a date specified that is not less than 14 days before the time appointed for the holding of the annual general meeting.
- (j) An electronic ballot form is informal if:
 - (i) it has no vote indicated on it; or
 - (ii) it does not clearly indicate the Member's preference for a candidate; or
 - (iii) it has more than the number of votes required.
- (i) An otherwise properly marked electronic ballot form containing less than the correct number of votes will have the votes marked on the ballot form distributed as valid votes.

9B.5 The electronic voting portal will record the votes and the hosting company will provide the Returning Officer after the close of the ballot and prior to the annual general meeting with the following:

- (a) the number of votes for each nominee per position
- (b) the number of electronic ballot forms submitted

9B.6 The Returning Officer must:

- (a) prepare and sign a declaration of:
 - (i) the number of electronic ballot forms submitted;
 - (ii) the number of votes cast for each nominee; and
 - (iii) the names of those persons elected.
- (b) provide the declaration to the Chair of the annual general meeting before the annual general meeting at which the results of the election will be announced.

9B.7 If an electronic ballot is conducted, a candidate for election to a Branch Committee shall have the right to meet with the independent hosting company of the online voting portal to receive an explanation of how the professional independent management system, security and service works.

9B.8 The Returning Officer must notify all nominees of the results prior to the results of the election being announced.

9B.9 The Returning Officer must preserve the electronic record for a period of at least three months after the declaration of the ballot.

9B.10 No election shall be voided on account of any error or omission of the Returning Officer, which did not affect the results of the election.

9B.11 In case of a shortfall in the number of candidates nominated to fill the Branch Committee

positions, office bearers of the Branch may appoint other Branch Members who are Voting Members to fill the remaining positions. The appointment will continue until the close of the Institute's next annual general meeting, unless there is no election of a Branch Committee under clause 26.7 of the Constitution before that annual general meeting and the Members of the Branch vote by ballot before that annual general meeting to extend the appointment to the close of the following annual general meeting.

9B.12 The role of co-opted members to Branch Committees is in accordance with the following:

- a) MIA Members may be co-opted to an MIA Branch Committee where all places on that committee are unfilled at the biennial election
- b) All co-opted members of State Branch Committees are general members of the Committee and cannot hold the executive position on the Committee of State President, Vice President or Secretary of that Committee
- c) Co-opted members, as unelected members of these Committees, must not hold a position on the Committee for which there was no elected member
- d) Members may only serve two terms (2 x 1 year) on the State Branch Committee as a co-opted member. Such members must nominate and be elected to the Committee if they wish to continue to be a member of the Committee in the next immediate term. All co-opted members must have a break of one election term before they can be co-opted again as a Committee Member.

9B.13 The Branch Secretary may convene meetings of the Branch Committee, or subgroups of it, as they see fit to support them in their role. The Branch Committee must meet a minimum of four times each year. Meetings of Branch Committees may also be convened at the request of the President or Chief Executive Officer of the Institute.

9B.14 The Branch Secretary will be responsible for keeping records of meetings of their Branch Committee.

9B.15 If there are in the Board's view insufficient Members of a Branch, it may be closed down with the approval of the Board. The last Member or Members of the Branch in possession or control of any accounts, records, documents, assets or funds of the Branch must immediately deliver them to the Office.

9B.16 The Board at its absolute discretion will decide to which Branch the current members of the closed Branch will be transferred.

9C Resolution of Disputes (Election Related)

9C.1 If an eligible voter disputes the validity of the conduct of an election, that person shall within 14 days of the closing date for voting:

- (i) Give notice in writing to the Board stating the grounds of their complaint
- (ii) Show evidence to demonstrate this would have a material impact on the result
- (iii) The Board will then determine if it will accept the complaint and notify its decision in writing
- (iv) If accepted, the Board may then either itself investigate the complaint, or may delegate to or appoint a committee for that purpose
- (v) If not accepted, the person may exercise their choice to seek legal action at their own cost.

10 Chapters

10.1 The Board at its discretion may establish a Chapter.

10.2 A Chapter will be led by a Chapter Secretary who reports to a nominee of the Board.

10.3 The Chapter Secretary will be appointed by the State President or National President as determined by the Board.

10.4 The Chapter Secretary will be an interested Member in good standing with the ability and time to manage the Chapter in conjunction with the Board or its nominee and supported by a local committee of at least three other Members.

11 Election of State Presidents

11.1 Elections of State Presidents under clause 15.1(a) of the Constitution must be dealt with in accordance with this clause 11.

11.2 The Board shall appoint a Returning Officer for the purpose of elections held in accordance with Clause 27.7 of the Constitution, and the Returning Officer shall call for nominations in accordance with Clause 11.3;

The Returning Officer may delegate to the Assistant Returning Officer such power as necessary for the conduct of the ballot.

The Returning Officer may:

- i) be an officer of the hosting company of the online voting portal, appointed by the Board, to ensure the professional independent management, security and anonymity of the voting; and
- ii) authorise independent scrutineers and observers from the hosting company to provide voter and candidate support and handle enquiries.
- iii) release the nominations by candidates after they have submitted and before the close of the nomination period at the direction of the Migration Institute of Australia Limited

11.3 Any two Members of a Branch may nominate another Member of that Branch to serve as President of the State Branch. Nominations must be submitted in the prescribed electronic form at least six weeks before the day fixed for the annual general meeting at which the desired appointment would take effect;

11.4 A nomination must be accompanied by a photograph or one minute video in lieu of a photograph and a nominee may furnish up to 500 words to the Returning Officer, in such form as the Board may require, setting out the nominee's qualifications, experience and policy statements, contact details and a self-declaration that they do not have any outstanding disciplinary complaints against them with their regulatory authorities.

However the Board may, in its absolute discretion, amend the statement to protect the Institute's interests, including the reputation of the Institute and its Directors.

11.5 Any MIA Member nominated for election to a State President position must not be the subject of a disciplinary complaint made to the OMARA, the relevant Law Society or any other regulatory authority.

11.6 The Board reserves the right to request verification of any claims made in relation to a candidate's nomination. The provision of any false information in the candidate statement will be cause for the nomination to be excluded.

11.7 After nominations have closed, the Returning Officer is to prepare an electronic ballot form for the election. The following must be sent to all Voting Members in the relevant State at least 28 days before the annual general meeting at which the election will be announced:

- (a) a list of nominees' names in alphabetical order showing the respective proposer's and seconder's names and any information provided under Clause 11.4(c) of MIA Rules; and
- (b) if there are more nominees than positions available under clause 15.1(a) of the Constitution of the MIA, an electronic ballot form.

The online electronic ballot form shall be taken to have been received on the business day after email notification is sent

- 11.8 The order of nominees' names on the electronic ballot form shall be by random draw conducted by the President, Chief Executive Officer, Secretary or another person or hosting company approved by the Board.
- 11.9 Each Member will be entitled to one vote.
- 11.10 To be valid, a completed electronic ballot form must be submitted through the online voting portal by a date specified that is not less than 14 days before the time appointed for the holding of the annual general meeting.
- 11.11 An electronic ballot form is informal if:
- (a) it has no vote indicated on it;
 - (b) it does not clearly indicate the Member's preference for a candidate; or
 - (c) it has more than the number of votes required.
- 11.12 An otherwise properly marked electronic ballot form containing less than the correct number of votes will have the votes marked on the electronic ballot form distributed as valid votes.
- 11.13 The electronic voting portal will record the votes and the hosting company will provide the Returning Officer after the close of the ballot and prior to the annual general meeting with the following:
- i) the number of votes cast for each nominee per position
 - ii) the number of electronic ballot forms submitted

11.14 The Returning Officer must:

- a) Prepare and sign a declaration of:
 - (i) the number of electronic ballot forms submitted
 - (ii) the number of votes cast for each nominee; and
 - (iii) the names of those persons elected
- (b) Provide the declaration to the Chair of the annual general meeting before the annual general meeting at which the results of the election will be announced.

11.15 If an electronic ballot is conducted, a candidate for election as a State President shall have the right to meet with the independent hosting company of the online voting portal to receive an explanation of how the professional independent management system, security and service works

11.16 The Returning Officer must notify all nominees of the results prior to the results of the election being announced.

11.17 The Returning Officer must preserve the electronic ballot forms for a period of at least three months after the declaration of the ballot.

11.18 No election shall be voided on account of any error or omission of the Returning Officer, which did not affect the results of the election.

12 MIA Committees Conflicts of Interest

This clause applies to Branch Committee members, Chapter Committee members, Board Committee and Subcommittee members.

12.1 The nature of a Committee member's interest in any contract, agreement or arrangement must be declared by that member at a Committee meeting as soon as practicable after the relevant facts have come to that Committee member's knowledge.

12.2 A Committee member who holds an office or possesses property, in relation to which duties or interests might be created directly or indirectly in conflict with their duties as a Committee member, must declare at a Committee meeting the nature, character and extent of the conflict.

12.3 A general notice that a Committee member is a member of any specified firm, partnership, entity or corporation and is to be regarded as interested in all transactions with that firm or corporation is a sufficient declaration by the committee member under this sub-clause.

12.4 The Committee Secretary must record in the minutes any declaration made or any general notice given by a Committee member pursuant to this clause.

12.5 A Committee member who has a material personal interest in a matter that is being considered at a Committee meeting:

- (a) Must not vote on the matter (or in relation to a proposed resolution under sub-clause 12.5(b) in relation to the matter, whether in relation to themselves or a different Committee member); and
- (b) Must not be present while the matter (or a proposed resolution of that kind) is being considered at the meeting, unless:
 - (i) The matter applies to an interest that the Committee member has as a Member in common with the other Members; or
 - (ii) The Committee members who do not have a material personal interest in the matter have passed a resolution that specifies the Committee member, the material personal interest and the matter, and states that Committee members voting for the resolution are satisfied that the interest should not disqualify the Committee member from considering or voting on the matter.

ANNEXURE A

Notice of Unpaid Fees

Dear (*Member's name*),

Take notice that in accordance with your recent renewal notice you were required to pay your membership fees to The Migration Institute of Australia Limited ACN 003 409 390 (Institute).

As at the date of this email notice your membership has not been renewed and your fees are unpaid. In accordance with the MIA Constitution, if your membership fee is not paid in full to the Institute within 28 days of the date of this email notice, then you will be removed from the register of members and will cease to be a member of the Institute effective on that date.

Please be aware that during the period in which your membership has not been renewed and your membership has not been renewed and your membership fee has not been paid, you will have no membership entitlements.

Signature

Name and office of signatory

Date

ANNEXURE B

APPOINTMENT OF PROXY FORM

THE MIGRATION INSTITUTE OF AUSTRALIA LIMITED ACN 003 409 390

I, (print Voting Member's name) _____

MARN _____

of (address of Member)

being a financial Member of The Migration Institute of Australia Limited ACN 003 409 390 hereby appoint (select one):

Name:	
Address:	

as my proxy to vote for me and on my behalf at the Annual General Meeting/Extraordinary General Meeting of the Migration Institute of Australia to be held on **(INSERT date)** and any adjournment of it.

Directions to the proxy on how the proxy must vote on specific resolutions are as follows:

Resolution No.	Ordinary Resolution	For	Against
(INSERT relevant resolution number(s))			

Signature of Appointing Member

Signature			
Dated this		day of	20XX

THIS FORM CONTINUES ONTO THE NEXT PAGE

Notes:

- You may appoint another person as your proxy but you are limited to the appointment of one proxy. Proxies can be only revoked by notice in writing to the Migration Institute of Australia delivered to its National Office prior to the meeting to which the appointment relates.
- Forms to appoint proxies must be lodged at the MIA National (INSERT address of MIA National Office) or by email to (INSERT relevant email address) by (INSERT date).
- If you return this form but do not nominate a representative, the Chair of the meeting will be your proxy. The manner in which the Chair exercises your proxy vote will be in the complete discretion of the Chair unless a direction has been provided in this Proxy Form.
- In the event that your nominated representative does not attend the meeting, your proxy will revert to the Chair of the meeting who will be your proxy. The manner in which the Chair exercises your proxy vote will be at the complete discretion of the Chair, unless a direction has been provided in this Proxy Form

ANNEXURE C

Notice of Appeal

TO: The Board
The Migration Institute of Australia Limited
Level 1, 75 King Street
SYDNEY NSW 2000

Take notice that (name of Member) _____, having had an adverse decision of the (cross out whichever is not applicable) Board made against me on (date of decision) _____ in the matter of (reference number of complaint) _____ apply to appeal such decision.

My reasons for appeal are:

(If an individual)

SIGNED by (name of Member)

Signature of appointing Member

Date

(If a company)

SIGNED by (name of Member)

ACN

Signature of Director/Secretary Signature of Director

Date

Dated 9 May 2024

Corporations Act 2001 (Cth)

Rules of the Migration Institute of

Australia Limited ACN 003 409 390

An unlisted public company limited by guarantee and not having a share capital