

Division:	Office of the CEO	Ref. No.	REL-PCS-035
Department:	President and Council Support		
Title:	Election and Co-option to Council		

1. PURPOSE AND SCOPE

This policy complements clauses 7, 8 and 9 of the Constitution of the Royal Australasian College of Surgeons (the College) in relation to the election and composition of the Council of the College.

2. KEYWORDS

Electronic, Constitution, specialty, nominated specialty, Specialty Elected Councillor, valid vote, candidates, vacancies, priority in election, retiring Councillor, Chair Court of Examiners, Trainee Coopted Councillor, casual vacancy, current Councillor, previous Councillor, Robson rotation, ballot, nominations, declarations, sanction, disciplinary action, hospital, practice

3. BODY OF POLICY

3.1. Conduct of elections to Council by electronic means

For the purposes of clause 8.3.2 of the Constitution balloting shall be conducted as follows. Ballot notification will be provided to Fellows via email and the website, and will indicate where a candidate is a current or previous Councillor standing for re-election and list candidates in alphabetical order. Electronic voting may use Robson rotation, that is, the order in which candidates are listed will change after each vote is registered.

3.2. Timing of elections to Council

Elections to Council will take place prior to the election of Office Bearers and Office Holders and will take place prior to the October Council meeting (clause 8.1.1(b) of the Constitution requires nominations to be received at least eighty five (85) days before the Annual General Meeting which must be held before the end of May in each year: clause 5.3.1).

3.3. Candidates' nominations

Candidates nominate themselves and must be supported in their nomination by two other Fellows. If the candidate is standing as a Specialty Elected Councillor then the candidate's supporters must belong to the same specialty as the candidate.

3.4. Candidates' declarations

Candidates and their supporters are required to declare they have no restrictions or conditions placed on their practice by the Medical Board of Australia or the New Zealand Medical Council or any other regulatory authority.

Candidates must also declare that their scope of practice has not been limited or credentialing restricted as a sanction or disciplinary action by any hospital where they practise or have practised within the last five years.

Candidates must not be subject to a current sanction under the College's Sanctions policy which includes any restriction on participation in College activities.

Candidates for election are required to declare that all information in their personal election statement is true and correct.

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3.5. Specialty and nominated specialty

1. "Specialty" means a surgical specialty recognised by the College through the award of the Diploma of Fellowship.
2. "Nominated specialty" means the main specialty for which a Fellow is recognised by the College, as nominated by the Fellow to the College, or in the absence of nomination, as otherwise determined by the College. A Fellow's nominated specialty is the one in which he/she may vote and stand as candidate for a Specialty Elected Councillor position.
3. A Specialty Elected Councillor is expected to establish an appropriate relationship with the societies, associations or groups relevant to the specialty for liaison and communication. .

3.6. Validity of votes

1. For their vote to be valid Fellows are required to vote for as many candidates as there are vacancies to be filled and no more and no fewer.
2. All votes must be received not later than 5.00pm Australian Eastern time on the date published as the closing date for receipt of votes. Any votes received thereafter will be invalid and will not be counted.

3.7. Priority in election where two or more candidates receive an equal number of votes

Clause 8 of the Constitution governs the nomination of candidates, the holding of separate elections for Fellowship Elected and Specialty Elected Councillors, the general ballot process and the declaration of the results. In the event of two or more candidates receiving an equal number of votes then priority in election between such candidates is determined as follows:

1. A current Councillor shall be deemed to have received more votes than a candidate who is not a current Councillor.
2. A current Councillor who has served on Council for a longer continuous period shall be deemed to have received more votes than another current Councillor.
3. A current Councillor who has been a Fellow of the College for a longer continuous period shall be deemed to have more votes than another current Councillor who has served the same continuous period on Council.
4. A Fellow of the College for a longer continuous period shall be deemed to have received more votes than another where neither is a current Councillor.
5. Should priority in election not be able to be determined using the provisions above it will be determined by lot.

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3.8. Co-option to Council

1. The Chair of the Court of Examiners shall be a Councillor who is or has been a member of the Court of Examiners. Should no Councillor be eligible, a member or former member of the Court shall be appointed Chair and shall be co-opted to Council for the term of office year. The Councillor may be eligible to continue as Chair of the Court by co-option so long as no eligible Councillor is elected.
2. The Royal Australasian College of Surgeons Trainees' Association (RACSTA) will make a recommendation to Council on the appointment of the Trainee Co-opted Councillor under clause 9.1.4 of the Constitution.
3. Further to the provisions of clause 7.5 of the Constitution, Council may fill a casual vacancy created by the death or resignation of a Fellowship Elected Councillor by offering the position in succession to the unsuccessful candidate with the most votes in the previous election. Council would seek a nomination from the relevant specialty to fill a casual Specialty Elected Councillor position.
4. Should the departure of a Councillor due to resignation, death or other reason result in a region not having its required representation under clause 9.1.1, of the Constitution and should there not have been an unsuccessful candidate from the region in the previous election, Council has the power to co-opt as a Councillor, on advice of the relevant Regional or National Committee, a Fellow resident and carrying on his or her professional practice in the region not represented. It is expected that the Regional or National Committee would call for nominations and conduct an election among the Fellows of that region prior to providing such advice.
5. Under clause 9.1.2 of the Constitution Council may appoint Co-opted Councillors to supplement the expertise of Council, and Council may request the assistance of the Nomination Committee to identify suitable External Co-opted Members.
6. Clause 9.1.5 of the Constitution grants Co-opted Councillors the same rights and privileges as Elected Councillors, including the right to vote, except for voting for, or being elected to, Office Bearer positions.

4. ASSOCIATED DOCUMENTS

Board Charter, Terms of Office and Council Election Process for Office Bearers and Other Key Positions Policy, Entitlements for Councillors in Key Positions policy, Nomination Committee Terms of Reference, Sanctions policy,

Code of Conduct

Approver CEO
Authoriser Council

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