

AGREED PROTOCOLS FOR ACTING PRESIDENT DURING THE ELECTION PERIOD

Background

The Vice President, Ayman Shenouda, nominated as a Candidate in the forthcoming President's election prior to the passing of President Harry Nespolon.

Upon the President's death, the Vice President automatically became Acting President by operation of Clause 60(e) of the *RACGP Constitution*. There is no mechanism within the Constitution for appointing an alternative Acting President at this time. The Acting President's role ceases at the conclusion of the term of office which the President would otherwise have served. Clause 60(a) of the *RACGP Constitution* provides: 'The President holds office until the conclusion of the second Annual General Meeting after his or her appointment, and at the end of such meeting retires from office.'

There is no restriction in the *RACGP Constitution* on anyone (other than the reigning President) being elected President-Elect. As a result, the Acting President remains eligible as a Candidate in the forthcoming elections.

Under the *RACGP Elections Policy*, the Election Period runs from the close of nominations to the declaration of election results. The 2020 presidential Election Period runs from 30 July 2020 to the announcement of the election results on 2 September inclusive.

Campaigning is defined in the *RACGP Elections Policy* as publicly promoting one's candidacy for an elected position. It includes all publicity and campaigning (oral, written and electronic) material, whether printed, published, distributed or broadcast, online or printed, for the purposes of soliciting support, in which a person identifies himself or herself as a Candidate. This includes social media and electronic networking facilities (eg. Facebook, Twitter, Instagram, LinkedIn).

Appendix 4 of the *RACGP Elections Policy* provides that the Campaign rules apply to all Candidates. Rule 2.1 provides as follows:

2.1 Candidate Conduct

Candidates:

- (a) must comply with these Rules;
- (b) are each responsible for their own campaigns, including controlling (where possible) the materials written about them by third parties;
- (c) are responsible for familiarising themselves with these Rules;
- (d) must not solicit, entice or encourage, directly or indirectly, another member to campaign on their behalf in a way that would, had the Candidate performed the activity themselves, breach these Rules;

- (e) should discuss with the Chair of the RACGP Board and/or President prior to any Campaigning being undertaken, how their Campaign activities may impact any current roles/positions held with the RACGP and the Candidate's expected behaviours during the Election Period;
- (f) must not interfere with the RACGP's or the Returning Officer's administration of a Ballot;
- (g) must step down from all roles or positions, other than that as a Director, at the close of nominations to run as an Executive Candidate. Directors are restricted to those activities they, as Directors but not as Faculty Chairs, would have ordinarily performed during the Election Period;
- (h) must comply with all Australian laws, including the *Privacy Act 1988 (C'th)*, *Spam Act 2003 (C'th)* and the *Do Not Call Register Act 2006 (C'th)* when making any communication; and
- (i) and their supporters, in all written and oral communications, are expected to conduct and represent themselves in a manner commensurate with the dignity of office they aspire to hold, are to respect competition and equity and must not make derogatory comments concerning any other candidate in any communication, publicity or campaigning.

If Candidates are unsure if a particular activity breaches these rules, they should contact the Returning Officer at first instance for an interpretation. This interpretation is indicative only and non-binding on any party, and Candidates should seek their own advice for further assistance. Candidates may also ask a question under clause 3.3 of this Appendix.

Ayman Shenouda has stepped down from his position as Chair of the National Rural Faculty Council, in order to comply with the obligation set out in clause 2.1(g). Arrangements are currently being made for his replacement. Clause 2.1(g) permits Candidates to continue to act as directors, which extends to continuing to perform the ordinary duties of an Acting President.

The RACGP is currently in the middle of delicate and time sensitive negotiations with government and other stakeholders. Ayman Shenouda, as Vice President, was involved with these negotiations prior to the passing of President Harry Nespolon.

Conscious of the need to provide business continuity for the RACGP, Ayman Shenouda has affirmed his intention to work in the best interests of the RACGP as Acting President, and to abide by the *RACGP Elections Policy* and any recommendations or guidance given to him by the Chair or the Returning Officer in relation to any restrictions on his Campaigning as Candidate for President of the RACGP during the Election Period. These protocols have been agreed by the Board to ensure orderly continuity of business for the RACGP and transparency for RACGP's members during the Election Period. The implementation of these protocols should not be seen as the Board's endorsement of Ayman Shenouda's Candidacy.

All members of the Board who had nominated as a Candidate for the presidency as at 27 July 2020, including Ayman Shenouda, were absent during the discussion of these protocols and did not vote on them, as required by clause 76 of the *RACGP Constitution*.

Agreed Protocols

During the Election Period, the RACGP Board has agreed that the following protocols will apply:

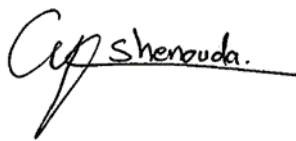
1. Acting President Ayman Shenouda is entitled to Campaign as a Candidate for President of the RACGP, subject to the rules set out in the *RACGP Elections Policy*.
2. As Acting President he will undertake the government and stakeholder relations work that the President would have ordinarily performed during the Election Period on behalf of the RACGP to ensure continuity of business for the RACGP.
3. Any and all media and member facing work done in the usual course of business by the President will not be carried out by the Acting President during the campaign period.
4. The Chair of the Board and the CEO will consult as to the selection of spokespersons for the College.
5. As expected under the *RACGP Elections Policy*, Ayman Shenouda will discuss with the Chair of the RACGP Board prior to any Campaigning being undertaken, how his Campaign activities may impact the roles or positions held by him with the RACGP and his expected behaviours during the Election Period.
6. Any other Candidates who must discuss similar matters under the *RACGP Elections Policy* must likewise discuss those matters with the Chair of the RACGP Board, rather than with Ayman Shenouda as Acting President.



04 August 2020

Christine Nixon, Chair of the Board

Date



04 August 2020

Ayman Shenouda, Acting President

Date