

1. RACGP Elections Policy

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- 1.2 Category: Organisational
- 1.3 Approval date: March 2018
- 1.4 Revision date: March 2021
- 1.5 Unit responsible Office of the President and CEO

2. Policy declaration

The RACGP is a highly esteemed and respected institution, and the RACGP itself an organisation with a significant reputation for quality and collegiality.

To this extent, it is imperative all RACGP elections are conducted with the highest degree of integrity, fairness and transparency.

This policy is approved by Council and authorised by the CEO.

3. Background

3.1 Context and scope

This Policy consolidates the election policies, rules, regulations and procedures for all RACGP elections.

This Policy takes into account and must be read alongside the Constitution. In the event of inconsistency between in this Policy and the Constitution, the Constitution prevails.

3.2 Objectives

This Policy describes and defines the policy basis for the election of RACGP representatives to Council and to Faculty Boards.

3.3 Scope

This Policy applies to RACGP elections for elected Councillors and Faculty Board members.

3.4 Annexure

This Policy incorporates the following annexure, which contain the rules, regulations and procedures governing all RACGP elections:

- A. Election procedures;
- B. Supplemental procedures for Executive Candidate elections;
- C. Supplemental procedures for Faculty Board member elections;
- D. General campaigning rules; and
- E. Complaints and disciplinary action.

4. Definitions

In this Policy:

Ballot means a method of secret voting by means of printed, written or electronic medium and includes (without limitation, as the context permits) the medium in which a vote is cast;

THE ROYAL AUSTRALIAN COLLEGE OF GENERAL PRACTITIONERS

Candidate means a person who has submitted a Valid Nomination for any of the elected positions under this Policy;

Censor-in-Chief means the person holding office in accordance with Part 7.6 of the Constitution;

Constitution means the constitution of The Royal Australian College of General Practitioners;

Election Period means the period from Council's confirmation of the election dates up to the declaration of election results;

Eligible Voter means those members eligible to vote under clauses A2.2B, A2.3B, A2.4B or A3.3B (as appropriate);

Executive Candidates means Candidates for the roles of the President-elect, the Censor-in-Chief or the Registrar Representative;

Faculty Regulations means the RACGP's Faculty Regulations (CO-O-032.7);

Policy means this RACGP Elections Policy and includes the annexure;

President-Elect means the person holding office in accordance with Part 7.3 of the Constitution;

Returning Officer means a person or agency appointed pursuant to clause 6;

Rules means those election rules in Annexure 4: Campaign rules; and

Valid Nomination means those Candidate nominations satisfying clause A1.4.

All references preceded with an "A" are to the annexure to this Policy. All other references are to this Policy, unless otherwise indicated.

Other terms used in this Policy have the meaning given to them in Part 11.9 of the Constitution.

In the event of any inconsistency between this Policy and the Constitution, the Constitution prevails.

5. Policy considerations

The RACGP desires simple and transparent election processes, assisting Council and the Faculties to conduct elections and to minimise the resources expended.

The RACGP is committed to:

- A. inclusive elections at all levels;
- B. fair and even competition between Candidates;
- C. ensuring Candidates understand their rights, responsibilities and expectations before, during and after elections;
- D. providing and refining processes to ensure maximum member participation;
- E. maintaining the integrity, accuracy and transparency in all election processes;
- F. ensuring members have sufficient information to make informed choices; and
- G. conducting elections in a manner befitting a professional and public organisation.

6. Returning Officer

6.1 Appointment of Returning Officer

The RACGP must appoint a Returning Officer, who should be external to the RACGP.

6.2 **Duty and Responsibility of Returning Officer**

The Returning Officer is responsible for the administration of all Ballots and the preservation of their integrity. The Returning Officer must work with the RACGP to ensure the integrity, accuracy and transparency of election processes.

The RACGP is responsible for ensuring the Returning Officer's powers and duties are clear, understood and sufficient to administer all relevant aspects of the elections.

Other than as specified in this Policy, the Returning Officer and the RACGP must work together to allocate the Policy's responsibilities between them.

7. **Election Rules**

The RACGP may make rules, regulations and procedures to govern its elections as it sees fit. Any such rules, regulations and procedures are binding on members as if they were included in this Policy.

All rules, regulations and procedures should be annexed to this Policy.

8. **Disciplinary action**

Candidates are expected to follow the letter and the spirit of this Policy. A failure to do so may be met with disciplinary action.

Council may determine rules to cover complaints and disciplinary action relating to elections. Any such rules are binding on members as if they were included in this Policy, and will apply alongside and not derogate from any related workplace health and safety policies.

All rules, regulations and procedures should be annexed to this Policy.

9. **Related policies, documents and legislation**

This Policy must be read alongside the following:

The Royal Australian College of General Practitioners Constitution, available at <http://www.racgp.org.au/yourracgp/organisation/management/constitution/>

RACGP's Faculty Regulations (CO-O-032.7)

10. **Administration of this Policy**

10.1 **Access to published Policy**

This Policy will be available on the RACGP website.

10.2 **Promulgation of published policy**

Relevant staff members will be provided communications explaining the function and role of this Policy and will be involved in the development and maintenance of any accompanying procedures and rules.

10.3 **Review of this Policy**

This Policy will have a review cycle of three years.

Annexure 1 Election procedures

A1.1 Interpretation

- A In this Procedure:
- Ballot materials** has the meaning given to that term in clause A1.4;
 - Procedure** means this Annexure 1: Election procedures, and other words and phrases have the meaning given to them in the Policy.
- B This Procedure takes into account and must be read alongside the Policy and the Constitution.
- C References are to this Procedure unless otherwise indicated.

A1.2 Elections generally

- A Elections will be conducted by electronic (including web-based) means.
- B Promotion of RACGP elections should occur via electronic communication.
- C A call for nominations or Ballot Materials sent to members will be deemed validly given if:
- i. the Ballot Materials; or
 - ii. a link to the RACGP website (or any other website so nominated by the RACGP for the purpose) accessing the Ballot Materials,
- is forwarded to the member's last known email address as held by the RACGP (regardless of whether the same is received by them or not).
- D Service of notices must comply with the time frames in clause 102 of the Constitution.
- E The non-receipt by any Eligible Voter of the Ballot Materials, any error in any register of Eligible Voters, the failure of either an Eligible Voter or the Returning Officer to comply strictly with any of the requirements of the Constitution or any regulations made under it or any procedural irregularity will, to the extent legally permitted, not invalidate any election.

A1.3 Nominations

- A Calls for nomination may be provided to all Eligible Voters by whatever means the Chief Executive Officer may determine.
- B Information on the nomination procedure for each election should be added to the RACGP website on or before the commencement of each nomination period.
- C Candidates may forward nominations by mail, as attachments by email or facsimile or by hand to the Returning Officer.
- D The Returning Officer must reject all nominations that are not Valid Nominations. However, the Returning Officer should within the nomination period make reasonable effort to contact those nominees who have supplied nominations that are not Valid Nominations, with the aim of correcting any defects.
- E The nomination period expires at 4.00pm:
- i. for Executive positions, on the date 28 days; and
 - ii. for Faculty Board positions, on the date 14 days,
- after the date on which the call for nominations was dispatched, after which no further nominations will be accepted.

- F At the expiry of the nomination period, nominations will be publicised in appropriate RACGP communications to members such as in e-blasts, newsletters or general practice media.

A1.4 **Valid Nominations**

To be a Valid Nomination:

- A nominations must be on the prescribed form and lodged with the RACGP or its Returning Officer as directed;
- B must detail the following:
 - i. the Candidate's full (and preferred) Ballot names;
 - ii. the Candidate's contact details;
 - iii. the office for which the Candidate is nominating;
 - iv. the Candidate's consent to the nomination;
 - v. the Candidate's consent to comply with the Rules during the Election Period; and
 - vi. the signatures of two nominators;
- C for an Executive Candidate:
 - i. the nominators must satisfy the Constitutional requirements; and
 - ii. the Candidate must provide a signed consent to act as a director of the RACGP (to be conditional until successful election);
- D for a Faculty Board Candidate, the Candidate and the nominators must each be:
 - i. Faculty members and Eligible Voters;
 - ii. predominantly working or ordinarily residing in the relevant electorate; and
 - iii. in the case of the National Rural Faculty, predominantly working or ordinarily residing in an area considered rural or remote;
- E must detail any further information required by the Returning Officer; and
- F must be received prior to the expiry of the relevant nomination period.

A1.5 **Ballot procedures**

- A With the exception of election results, all involved parties must treat all Ballot information as confidential, and no party may either directly or indirectly, divulge or communicate any such information.
- B The RACGP must determine:
 - i. the dates and times for the opening and closing of Ballots, provided the period between the opening and closing of the Ballot:
 - where practicable, does not coincide with any State school holidays or major festivities/public holidays; and
 - extends for no less than 10 days; and
 - ii. the method of voting in the Ballot.
- C The Returning Officer must arrange for service upon Eligible Voters:
 - i. a Ballot form or access to a Ballot form listing the Candidates' names in randomly determined order (to be determined by the Returning Officer), allowing for Candidates to be marked in the voter's order of preference (see A1.9 below);

- ii. instructions for completing and returning the completed Ballot forms, including the Ballot's closing date;
 - iii. a method of authentication for completion by the Eligible Voter confirming the Ballot was cast by that member;
 - iv. any relevant Candidate statements provided under clause A4.5; and
 - v. if any Ballots are distributed by post for whatever reason, a "reply paid" envelope addressed to the Returning Officer,
- (collectively **Ballot Materials**).

- D Electronic Ballots must be conducted via a secure electronic mechanism capable of ensuring the admissibility of Ballots, to the satisfaction of the Chief Executive Officer.
- E For those members unable or unwilling to participate in an electronic Ballot, or whose Ballot materials have proven to be undeliverable by email, the Chief Executive Officer may require the Returning Officer to send the Ballot Materials instead or additionally by post.
- F If required, those members eligible to vote but who have not voted may be sent a communication reminding them to vote.

A1.6 **Validation and counting of votes**

- A The validation and counting of Ballot forms may be undertaken manually, electronically or by a combination of such methods.
- B The Returning Officer must after the closing date of the Ballot, declare inadmissible any Ballot form that, in the reasonable opinion of the Returning Officer:
 - i. is not personally completed by the Eligible Voter or cannot be authenticated;
 - ii. is not completed appropriately with numbered preferences for all Candidates, has no vote recorded on it, or does not clearly indicate the Eligible Voter's voting intention;
 - iii. is cast by a member who is not an Eligible Voter;
 - iv. identifies the voting member;
 - v. is received from a member who has previously voted in that Ballot; or
 - vi. is received after the Ballot's closing date.
- C Despite A1.6B, where an Eligible Voter has not strictly complied with the Ballot requirements the Returning Officer may, if satisfied as to the identity and validity of the Eligible Voter, accept the Ballot form of such Member.

A1.7 **Proxies**

Proxies may be not used for any election under this Policy.

A1.8 **Withdrawal of Candidates**

- A Candidates may withdraw their nomination within 3 days of the closing of the nomination period.
- B If during the Election Period, a Candidate:
 - i. withdraws;
 - ii. becomes ineligible to hold the position they are Campaigning for; or
 - iii. is withdrawn through disciplinary proceedings,their Candidacy is voided and, if occurring after the service of Ballot materials, the Returning Officer must disregard that Candidates first preference votes but will apply subsequent preferences for other Candidates remaining in the Ballot.

A1.9 Preferential voting

- A All Ballots are to be determined on a standard preferential voting basis.
- B No preferential voting calculations are necessary for Executive Candidates if one person in each of those Ballots has an absolute majority of total votes cast, who are to be declared elected.
- C No preferential voting calculations are necessary for Faculty Board Candidates if the number of Candidates is less than or equal to the number of elected Faculty Board positions to be filled, who are to be declared elected.
- D For elections for only one Candidate, if no Candidate has an absolute majority of total votes cast in their Ballot:
 - i. the Candidate who has received the fewest votes is excluded, and each Ballot attributed to that Candidate is assigned to the Candidate next in the order of that Ballot form's preference; and
 - ii. clause A1.9Di is repeated (including any previously distributed preference votes) until one Candidate has the absolute majority of votes.
at which point the Candidate is elected.
- E For elections of more than one Candidate, standard preferential voting is applied until the requisite number of Candidates are determined, at which point those Candidates are elected.
- F If at any round of exclusion, the indicated preference is for a previously excluded Candidate, that preference is disregarded and the vote distributed to the next available preference.
- G In the case of two or more Candidates receiving an equal number of votes, the Candidate who had the higher standing in the previous round of the voting count will prevail, but if the equality exists in the previous round the Returning Officer may decide by random lot which Candidate prevails. Despite this, if in the final round for a Faculty Board election, two Candidates are tied for one available position, the Chief Executive Officer may instead decide to award each of the tied Candidates with a Faculty Board position.

A1.10 Determination of election outcome

- A Upon determining the admissible Ballots and counting the Ballots in accordance with this Procedure, the Returning Officer must record:
 - i. the total number of Ballots issued;
 - ii. the total number of Ballot forms received, allocated between those admissible and those inadmissible; and
 - iii. the total number of first preference votes cast for each Candidate and details of the actual distribution of preferences (if required),and a copy of the record must be provided to the Chief Executive Officer promptly upon completion, and in any event no later than 5 business days after the Ballot closing date.
- B The result of the election shall be declared on confirmation of the result.
- C The total number of primary preference votes received and the order of election of Candidates must be made public for all elections.
- D The Returning Officer must keep all Ballot material for six months after the declaration of the Ballot, whereupon it must be destroyed save in the case of any pending or anticipated dispute, in which event the time period for destruction, is extended until determined by Council.

A1.11 Timing of elections

Despite anything to the contrary in this Procedure, the processes leading to the election of the Candidates (and in the case of Faculty Board members, the subsequent election of their Chair where relevant) must be complete and the successful Candidates notified to Council at least one month before the RACGP's Annual General Meeting.

Annexure 2 Supplemental procedures for Executive Candidate elections

A2.1 Interpretation

A In this Procedure:

Board of Assessment means the committee established by Council and governed by the Board of Assessment – Terms of Reference policy;

Board of Censors means the committee established by Council and governed by the Board of Censors – Terms of Reference policy;

Procedure means this Annexure 2: Supplemental procedures for Executive Candidate elections;

Recent Fellow has the meaning given in clause 67(b) of the Constitution; and other words and phrases have the meaning given to them in the Policy.

B This Procedure takes into account and must be read alongside the Policy and the Constitution.

C References are to this Procedure unless otherwise indicated.

A2.2 President-Elect

A Only Fellows are entitled to stand for election as President-Elect.

B For President-elect elections, those Eligible Voters are:

- i. Fellows;
- ii. Members; and
- iii. Registrar Associates.

C The President-elect will be elected in accordance with Annexure 1.

A2.3 Censor-in-Chief

A Only Fellows are entitled to stand for election as Censor-in-Chief.

B For Censor-in-Chief elections, those Eligible Voters are:

- i. Board of Censors members; and
- ii. Board of Assessment members.

C The Censor-in-Chief will be elected in accordance with Annexure 1.

A2.4 Registrar Representative

A Only Registrar Associates and Recent Fellows are entitled to stand for election as a Registrar Representative.

B For Registrar Representative elections, only Registrar Associates are Eligible Voters.

C The Registrar Representative will be elected in accordance with Annexure 1.

Annexure 3 Supplemental procedures for Faculty Board member elections

A3.1 Interpretation

A In this Procedure:

Faculty Member Meeting means a Faculty's annual meeting, held pursuant to the Faculty Regulations;

Faculty Wide Elections means the Ballot for those elected positions on the Faculty Board from the Faculty's entire membership, conducted in accordance with clause A3.6;

Procedure means this Annexure 3: Supplemental procedures for Faculty Board member elections;

Regional Faculties means the New South Wales and Australian Capital Territory Faculty; the Queensland Faculty, the South Australia and Northern Territory Faculty, the Tasmania Faculty, the Victoria Faculty and the Western Australia Faculty;

Regional Representation Elections means the Ballot for those elected positions on the Faculty Board from geographical areas based on defined electorate boundaries, conducted in accordance with clause A3.7; and

other words and phrases have the meaning given to them in the Policy.

B This Procedure takes into account and must be read alongside the Policy and the Constitution.

C References are to this Procedure unless otherwise indicated.

A3.2 National Faculty of Specific Interests

This Procedure does not apply to the National Faculty of Specific Interests, which must instead refer to the Faculty Regulations.

A3.3 Faculty Board elections generally

A Only Fellows and Members are entitled to stand for election as a Faculty Board member.

B For Faculty Board elections, those Eligible Voters are:

i. Fellows;

ii. Members; or

iii. Registrar Associates,

who are members of the electing Faculty.

C The durations for acceptance of both nominations for Faculty Boards and the Ballot itself must be no less than 10 business days from the date on which the relevant notices are dispatched to Faculty members.

D In addition to those Faculty Board member positions up for election under clauses A3.6A and A3.7B, Faculties may also hold at the same time a Ballot for any unfilled casual vacancies.

A3.4 Electoral system

A Unless Council notifies a Faculty pursuant to clause A3.4C, Faculty Board members are elected by Faculty Wide Elections.

B A Faculty Board may by resolution request Council to approve an amendment to that Faculty's determination of its electoral system to one of the following:

i. Faculty Wide Elections (in accordance with clause A3.6);

- ii. Regional Representation Elections (in accordance with clause A3.7); or
 - iii. a hybrid of i or ii above (in accordance with clause A3.8).
- C Council may resolve to approve a Faculty's request under clause A3.4B and if so must promptly notify the Faculty of its decision, at which point the Faculty's electoral system is deemed to have changed.
- D A Faculty may only amend their electoral system in accordance with this clause A3.4.

A3.5 Elected Faculty Board member numbers

- A Unless Council notifies a Faculty pursuant to clause A3.4C, there is no limit to the overall number of elected Faculty Board members under Faculty Wide Elections, and the number of elected Faculty Board members per regional electorate under Regional Representation Elections is one.
- B A Faculty Board may by resolution request Council to approve an amendment to the number of elected Faculty Board positions for that Faculty, which:
- i. for Faculty Wide Elections, will limit the overall number of elected Faculty Board members; or
 - ii. for Regional Representation Elections, will limit the number of elected Faculty Board members in specific regional electorates.
- C Council may resolve to approve a Faculty's request under clause A3.5B and if so must notify the Faculty of its decision, at which point the number of elected Faculty Board members is deemed to have changed.
- D A Faculty may only amend the number of elected Faculty Board members in accordance with this clause A3.5.

A3.6 Faculty Wide Elections

- A For Faculty Wide Elections, the relevant territories are:
- i. for Regional Faculties, the relevant Territory and/or State; and
 - ii. for the National Rural Faculty and the National Faculty of Aboriginal and Torres Strait Islander Health, Australia.
- B At each Faculty Member Meeting, approximately one half of the elected Faculty Board members must retire from office but subject to any limitations are eligible for re-election.
- C Those Faculty Board members to retire will be those longest in office since their election.
- D Subject to clause A3.6F, the Returning Officer must conduct a Ballot of all Eligible Voters within that regional electorate from among the Candidates.
- E Where there is no limit to the number of elected positions available on the Faculty Board, elections will be held on a first past the post basis and all Candidates receiving at least 10 votes will be elected.
- F If the number of Candidates is equal to or less than the number of elected Faculty Board positions to be filled, all Candidates are deemed elected, and no Ballot is necessary. Any remaining positions may be filled as casual vacancies pursuant to clause A3.3D.
- G Where there is a limit to the number of elected Faculty Board positions available and the number of Candidates exceeds the number of positions to be filled, the Returning Officer must conduct a Ballot of all Eligible Voters from among those Candidates. The successful Candidates must be determined in accordance with Annexure 1.

A3.7 Regional Representation Elections

- A The regional electorates for Regional Representation Elections for:
- i. Regional Faculties, are geographical areas based on Commonwealth electorate boundaries; or
 - ii. the National Rural Faculty and the National Faculty of Aboriginal and Torres Strait Islander Health, are the Regional Faculties' boundaries,
- or some other system of geographical electorates as approved by Council resolution.
- B At each Faculty Member Meeting, those Faculty Board members representing approximately one half of the regional electorates must retire from of office but subject to any limitations are eligible for re-election.
- C Those Faculty Board members to retire will be those longest in office since their election.
- D Subject to clause A3.7E, a Faculty Board must conduct a Ballot of all Eligible Voters in each relevant regional electorate up for election from among the Candidates for that electorate.
- E In each regional electorate, if the number of Candidates is equal to or less than the number of elected Faculty Board positions to be filled, all Candidates for that regional electorate are deemed elected, and no Ballot is necessary. Any remaining positions may be filled as casual vacancies in accordance with clause A3.3D.
- F In each regional electorate, if the number of Candidates exceeds the number of elected Faculty Board positions to be filled, the Returning Officer must conduct a Ballot of all Eligible Voters within that regional electorate from among those Candidates received. The successful Candidates must be determined in accordance with Annexure 1.

A3.8 Hybrid electoral systems

Where a Faculty adopts a hybrid of both Faculty Wide Elections and Regional Representation Elections:

- A Candidates must identify the elected Faculty Board member position they are nominating for (whether Faculty Wide or Regional Representation);
- B Candidates may not nominate for an elected Faculty Board member position on both a Faculty Wide Election or Regional Representation basis within the one Faculty; and
- C the election for each Faculty Board member position must be held in accordance with the relevant provisions for elections of its type (whether Faculty Wide or Regional Representation),

and clauses A3.6 and A3.7 will apply as appropriate.

Annexure 4 Campaign rules

A4.1 Interpretation

A In these Rules:

Campaigning means publically promoting one's candidacy for an elected position. It includes all publicity and campaigning (oral, written or electronic) material, whether printed, published, distributed or broadcast, either 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 (e.g. Facebook, Twitter, Instagram, LinkedIn);

Chair of Council means the person holding office in accordance with Part 7.5 of the Constitution;

Rules means this Annexure 4: Campaign rules; and
other words and phrases have the meaning given to them in the Policy.

B These Rules takes into account and must be read alongside the Policy and the Constitution.

A4.2 Context and scope

A These Rules apply to all Campaigning conducted during an Election Period.

B These Rules supplement the Policy and all other applicable RACGP policies. A breach of any of these Rules will be considered a breach of the Policy.

A4.3 General rules

A Candidates must maintain the letter and spirit of these Rules.

B Candidates are each responsible for their own campaigns, including controlling (where controllable) the materials written about them by third parties. It is the Candidates' responsibility to familiarise themselves with these Rules.

C Further to clause A4.3B, it may be a breach of these Rules if a Candidate solicits, entices or encourages, 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.

D Candidates should discuss with the Chair of Council and/or Chief Executive Officer prior to any Campaigning being undertaken, the parameters by which their Campaign activities may impact any current roles/positions held with the RACGP and the Candidate's expected behaviours during the Election Period.

E Candidates must not interfere with the RACGP's or the Returning Officer's administration of a Ballot.

F It is not the business of Council to endorse Candidates. Councillors may make individual decisions regarding their voting preference for Candidates, however must not publically endorse or support them.

G Unless expressly permitted under these Rules, Candidates, their supporters, and RACGP members shall not use any privileges, including but not limited to access to communications channels, attached to any RACGP office or position for any conduct during the Election Period.

H No communications may be sent on RACGP letterhead or from an RACGP email address, or through using RACGP databases or mailing lists, if the communication could be considered Campaigning in form or substance.

- I Candidates must step down from all roles or positions, other than that as a Councillor, after stating or evidencing an intention to run for an Executive Candidate position. Councillors are restricted to those activities they, as Councillors but not as Faculty Chairs, would have ordinarily performed during the Election Period.
- J Candidates must comply with all Australian laws, including those in the Privacy Act, Spam Act and Do Not Call Register Act when making any communication.
- K No Candidate may begin Campaigning before the commencement of the Election Period.
- L If a Candidate is unsure if a particular activity breaches these rules, they should contact the Chief Executive Officer at first instance for an interpretation. This interpretation is indicative only and non-binding on any party, and Candidate should seek their own advice for further assistance.

A4.4 Behaviour

Candidates must ensure they exhibit at all times professional behaviour in accordance with the RACGP's values. Candidates are expected to Campaign within responsible, sensible limits and to ensure a spirit of collegiality and essential fairness prevails.

In all written and oral communications candidates and their supporters, are expected to conduct and represent themselves in a manner commensurate with the dignity of office they aspire to hold, they are to respect competition and equity and they shall not use self-aggrandising remarks, derogatory comments concerning any other candidate in any communication, publicity or campaigning.

A4.5 Official Candidate statements

- A Candidates may, along with their nomination form, provide material in support of their Candidacy pursuant to the following:
 - i. for distribution with Ballot material:
 - a statement not exceeding 300 words; and
 - for Executive Candidates, a colour photograph of publication quality and in a format satisfactory to the RACGP; and
 - ii. for placement on the RACGP website:
 - a curriculum vitae of no more than 200 words; and
 - for Executive Candidates, a statement not exceeding 1500 words.
- B Executive Candidates may submit a short video and transcript (3 minutes in duration) to support their nomination. In the event a Ballot is required, these videos will be made available on the RACGP website.
- C Election material for publication will only be accepted from Candidates after receipt and acceptance of their Valid Nomination.
- D Candidate statements are subject to the following rules:
 - i. Words in excess of the word limit may be excised by the Returning Officer from the end of the material, where necessary without consultation.
 - ii. The Candidate's name, title and letters after their name to indicate qualifications, honours and memberships will not be counted in the word limit. Normally hyphenated words will count as one word.
 - iii. The word limit will be a computer generated count, however may be cross-referenced manually where necessary.

iv. Subject to this clause A4.5D, Candidate statements will be published unedited (without altering spelling, punctuation or grammar) along with a note to the effect that the information was provided by the Candidate.

E For Executive Candidates, the RACGP must:

- i. as soon as practicable following the close of the nomination period, include each Candidate's profile in the RACGP publication "Good Practice";
- ii. send up to 3 Candidate statements to Eligible Voters via official RACGP correspondence. For practicality purposes, the Chief Executive Officer may determine the word limit for any such statement, however should ensure the statement links to the relevant Candidate statement hosted on the RACGP website; and
- iii. provide all other support or access to official RACGP distribution channels as unanimously requested by Candidates and approved by the Chief Executive Officer, providing such support is provided equally and fairly to each Executive Candidate.

F Candidate statements and photographs will be presented in the same order as on the Ballots.

A4.6 **Communications**

A Candidates must make available to the Returning Officer the text and format of any election advertising, publicity or campaign material ideally before, but in any event promptly after, any such material is printed, published, distributed, emailed or broadcast.

B Candidate statements may only be published if the Candidate reasonably believes the information is accurate, is unlikely to mislead or deceive, and is not defamatory.

C Any broadcast, printed, website or electronic materials (including email or materials provided on social media platforms) must be identifiable as election related advertising, publicity or campaign commentary, including where practicable, a heading identifying such materials as an 'ADVERTISEMENT', in English with a font size of at least 10.

A4.7 **Campaign expenditure**

Candidates, supporters of Candidates, and members must not use or be provided with direct or indirect access to any RACGP or Faculty funds or other resources for Campaigning, election publicity or other campaign purposes.

Annexure 5 Complaints and disciplinary action procedure

A5.1 Interpretation

A In this procedure:

Aggrieved person means a person:

- i. who is adversely affected by a Candidate's actions or behaviour; or
 - ii. in the case of a decision by way of the making of a report or recommendation—to a person whose interests would be adversely affected if a decision were, or were not, made in accordance with the report or recommendation,
- and may include RACGP staff, members or other Candidates.

Procedure means this Annexure 5: Complaints and disciplinary action procedure, and other words and phrases have the meaning given to them in the Policy.

B This Procedure takes into account and must be read alongside the Policy and the Constitution.

A5.2 Complaints

A Any aggrieved person may lodge a complaint under this Procedure.

B Complaints or alleged breaches of this Procedure must be directed at first instance to the Returning Officer.

C The Returning Officer must promptly investigate any complaints which are *prima facie* substantiated, to determine the complaint's merit.

D If the Returning Officer determines a Candidate has breached any rules, procedures or regulations governing the relevant election, it must after consulting with the Chief Executive Officer send a summary report and recommendation (which may involve a formal censure under clause 27 of the Constitution) to the Chief Executive Officer for distribution to the Chair.

E The Chair must review the summary report and determine the appropriate sanction (if any).

F The burden of satisfying the Chair of the Candidate's compliance rests with the Candidate.

A5.3 Disciplinary Action

A Candidates who violate election rules undermine the integrity of and trust in the RACGP's election process.

B A Candidate found to have breached the election rules should be subject to disciplinary action. Such action should be determined in accordance with clause A5.5.

C Disciplinary action is deemed to have effect as of the Chair's determination. Any further activity required to implement a sanction must be performed as soon as practical.

D Notice of the disciplinary action must be provided to the breaching Candidate as soon as practical, and in any event no later than 2 business days of the Chair's determination.

E A summary notice of the outcome of the Chair's determination must be provided to the aggrieved person as soon as practical, and in any event no later than 5 business days of the Chair's determination.

A5.4 Appeals

There are no appeal rights from the Chair determination made under this Procedure unless otherwise provided under the Constitution.

A5.5 Sanction Guidelines

- A These guidelines are written as a guide and in no way restrict or limit the Chair's deliberations.
- B In general, the Chair should evaluate breaches of election rules against the following key criteria:
- i. does the breach violate the letter or the spirit of the election rules; and
 - ii. does the breach provide an unfair advantage to the breaching Candidate.
- C Sanctions must always be proportionate to the breach.
- D Past instances of sanctions applying to particular breaches may be considered by the Chair, but in no way constrain or restrict the immediate determination.
- E Before determining any sanction, the Chair should consider the degree of breach in accordance with the following:
- i. minor breaches: do not violate the spirit of the election; give the breaching Candidate little if any unfair advantage. Possible sanctions may include:
 - requiring the Candidate to apologise to the complainant;
 - an official warning; and/or
 - slight restrictions to the Candidate's Campaigning rights.
 - ii. moderate breaches: somewhat violate the spirit of the election; may give the breaching Candidate some unfair advantage. Possible sanctions may include:
 - requiring the Candidate to apologise to the complainant;
 - requiring the Candidate to make a public apology; and/or
 - revocation of those Campaigning rights relevant to the breach.
 - iii. severe breaches: repetitive or egregious breaches; blatant violation of the spirit of the election; gives the breaching Candidate a considerable unfair advantage. Possible sanctions may include:
 - requiring the Candidate to apologise to the complainant;
 - requiring the Candidate to make a public apology;
 - inclusion of the words 'VIOLATED ELECTION RULES' next to the Candidates name on the Ballot;
 - revocation of campaigning rights; and/or
 - removal of Candidate from the Ballot.
- F Despite the above, the Chair may determine any other sanction it deems appropriate, including the imposition of conditional sanctions.
- G Public censure or the removal of a Candidate from a Ballot should only be used as a last resort for those Candidates who cannot be effectively sanctioned by other means.